



## Notice of meeting of

### **West & City Centre Area Planning Sub-Committee**

- To:** Councillors B Watson (Chair), Sue Galloway (Vice-Chair), Horton, Galvin, Reid, Gillies, Gunnell, Jamieson-Ball and Sunderland
- Date:** Thursday, 16 August 2007
- Time:** 3.00 pm
- Venue:** The Guildhall, York

### **AGENDA**

**Site visits for this meeting will commence at 11.00 am on Wednesday 15<sup>th</sup> August at Memorial Gardens.**

#### **1. Declarations of Interest**

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

#### **2. Minutes (Pages 5 - 20)**

To approve and sign the minutes of the meetings of the West & City Centre Area Planning Sub-Committee held on 19<sup>th</sup> July 2007 and 31<sup>st</sup> 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) Lendal Tower; Museum Street (07/00306/LBC) (Pages 21 - 30)**

Conversion of Lendal Hill house and Whistler House to form three apartments including alterations to Lendal Tower to form 1 dwelling, internal and external alterations. *[Guildhall Road]*

**b) Lendal Tower; Museum Street (07/00307/FUL) (Pages 31 - 42)**

Conversion of Lendal House and Whistler House to form three apartments and conversion of Lendal Tower to form 1 dwelling including external alterations *[Guildhall Ward]*

**c) 27 Tanner Row (07/01222/FULM) (Pages 43 - 52)**

Use of ground and first floor of Unit 5 as offices (Use class A2 and B1) *[Micklegate Ward]*

**d) Tockwith Training Service, Shirbutt Lane, Hessay (Pages 53 - 60)**

Erection of single storey storage building following demolition of existing (Re-submission) *[Rural West York Ward]*

**e) Groves Working Men's Club; Penleys Grove Street (07/01279/FULM) (Pages 61 - 74)**

Erection of 4 three storey townhouses and 8 apartments in a three storey block and associated garages and car parking following demolition of existing buildings. *[Guildhall Ward]*

**f) 9 Fellbrook Avenue (07/01656/FUL) (Pages 75 - 82)**

Two storey side extension and one and two storey rear extension (amendment to approved scheme 07/00452/FUL) *[Acomb Ward]*

- g) 6 Ovington Terrace (07/01601/FUL) (Pages 83 - 90)**  
Conversion of dwelling into 2 flats [*Micklegate 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](mailto:tracy.wallis@york.gov.uk)

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

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

Contact details are set out above.

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**WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE****SITE VISITS****Wednesday 15 August 2007****The bus for Members of the Sub-committee will depart from  
Memorial Gardens at 11.00am**

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
11.15	Tockwith Training Services, Shirbutt Lane, Hessay	d
11.50	Groves Working Mens Club, Penleys Grove Street	e
12.20	Lendal Tower, Museum Street	a & b

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### Would you like to speak at this meeting?

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.

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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

### **Who Gets Agenda and Reports for our Meetings?**

- 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	19 JULY 2007
PRESENT	COUNCILLORS B WATSON (CHAIR), SUE GALLOWAY (VICE-CHAIR), HORTON, GALVIN, REID, GILLIES, GUNNELL, JAMIESON- BALL AND SUNDERLAND

**11. INSPECTION OF SITES**

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
Lidgett Grove School	Cllrs B Watson, Gunnell, Horton, Reid and Gillies.	As the application is recommended for approval and objections have been received
The Bay Horse, Marygate	Cllrs B Watson, Gunnell, Horton, Reid and Gillies	As the application is recommended for approval and objections have been received

**12. 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. None were declared.

**13. EXCLUSION OF PRESS AND PUBLIC**

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

**14. 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.

**15. 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.

**15a 22 Bewlay Street (07/01252/FUL)**

Members considered a full application submitted by Mr D Wills for a pitched roof dormer to the rear of 22 Bewlay Street following demolition of the existing unauthorised dormer.

Officers updated that an additional objection had been received from a resident of Richardson Street. Their objection was on the grounds of privacy and they felt that the design would not be in keeping with the character of the Victorian houses in Richardson Street and Bewlay Street.

Representations were received in objection from a local resident who said that this application for a dormer was higher than the previous application and one of the grounds on which this was turned down originally was due to the height of the proposed structure. She said that the dormer would overlook her bedroom, study and dining room and would be very intrusive. She also commented that the Planning Inspector had remarked upon the retention of integrity of design and appearance in terraced streets.

Representations were received from the Applicant who said that the Planning Officer had recommended approval and the Planning Inspector had said that privacy was not an issue in this case. He said that he was reducing the width of the dormer by more than 50%.

RESOLVED: That the application be approved subject to the conditions outlined 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 the character of the area or residential amenity. As such the proposal complies with Policy H7 of the City of York Local Plan Deposit Draft.

**15b The Bay Horse, Marygate (07/00910/FUL)**

Members considered a full application submitted by Wolverhampton and Dudley Breweries Plc for the conversion of the existing public house into 4 offices at ground floor level and 4 apartments to the first floor.

Officers updated that a letter had been received from a previous licensee of the Bay Horse which raised the following points:

- A lot of offices in the centre of York have been empty for years
- The building would be better used as a quality hotel with first floor restaurant overlooking the museum gardens
- The magnificent function room ceiling would then be on view for all to enjoy
- In previous years the public house made a good profit and could once again become a thriving business

Members asked the Applicant, who was in attendance to answer questions, whether the ceiling on the first floor would remain intact and she responded yes. The partitions in that particular apartment were really screens that did not actually touch the ceiling but were high enough to afford ample privacy.

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

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

- Loss of public house/function room
- Acceptability of proposed uses
- Impact on listed building and character and appearance of conservation area
- Flood risk
- Highway and parking issues
- Residential amenity

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

**15c The Bay Horse Marygate (07/001053/LBC)**

Members considered a Listed Building Consent application submitted by Wolverhampton and Dudley Breweries Plc for internal and external alterations in connection with conversion of existing public houses into 4 offices at ground level and 4 apartments to the first floor.

Members asked that the carved wooden sign above the main door be retained.

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

- Notwithstanding the submitted drawings, the existing "Bay Horse" sign mounted above the front door of the premises shall be retained in its present location on the building.

Reason: In order to protect the historic character and identity of the listed building

REASON: The proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the special architectural and historic interest of the building. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policy HE4 of the City of York Local Plan Deposit Draft.

**15d Lidgett Grove School - Residential Development (07/01120/FULM)**

Members considered a Major Reserved Matters Application submitted by CALA Management Limited for the approval of reserved matters for the erection of 16no. two storey dwellings, including associated detached garages and 3no. three storey dwellings with integral garages.

Officers updated that two revised plans had been received which switched the living room to the front elevation of the 3 storey house and amended the footpath at the rear of plot 19. Comments had been received from the Police Architectural Liaison Officer and these were as follows:

- Would not normally favour the 'snicket'
- Two security gates would be required rather than the one proposed
- There are other unsecured access points on the site

The following comments had been received from Highway Network Management:

- Parking provision was short by one visitor space
- Additional conditions were required (cycle parking, use of garage for parking of cars be agreed)

An e-mail had been received from Councillor Simpson-Laing and was circulated at the meeting. The main points in this document were:

- The design layout means that the site is very visible when walking down Ouseburn Avenue and Lidgett Grove
- The original outline application was for 14 to 18 dwellings, which equates to a density of between 30 & 40 dwellings per hectare. This application has increased to 19 units with a number of properties now being 3 Storey (Farlington House Type). This raised concerns over loss of privacy in nearby gardens.

- Condition 5 of the outline application restricted the building height to 8.8m.
- The design goes against 4.2 Policy GP1 'Design of the City of York Local Plan Deposit Draft' due to 'density, layout, scale, mass and design not being compatible with neighbouring buildings and spaces.'
- There is not enough parking provided

Members asked that a lighting condition be included and Officers said that they would make an amendment to one of the Highways conditions to incorporate this. It was noted that as the road was unadopted it would be the Management Company for the development that would be responsible for lighting.

Representations, in objection, were received from a local resident who spoke on behalf of herself and other residents. She said that they were broadly in support of residential development but very opposed to any 3 storey dwellings being built on this site. In the Committee Report dated 21 April 2005 the Acomb Planning Panel had commented that 'development must not be higher than 2 storeys to merge with the existing residential area.' There is no precedent for 3 storey houses in the Beckfield Lane area. She felt that the density of the site was excessive and this would damage the existing amenities of all properties surrounding it. If the 3 storey dwellings were built then there would be a problem with 12 overlooking windows. There would also be an increase in traffic from the single access road. She suggested that if the 3 storey dwellings were built then they should be moved to plots 2, 3 and 4 of the proposed development.

Representations were received from the Applicants who said that they had changed the layout of some of the plots to appease some of the residents' concerns regarding overlooking.

Members discussed the application and felt that the 3 storey dwellings were too imposing in the situation that the Applicants proposed. They felt that there was a possibility to move them to plots 2, 3 and 4 on the site. Some Members felt that it had been made clear in the outline application that the height restriction was 8.8m and thus they would prefer to see the proposed 3 storey dwellings removed altogether.

Members were happy with the proposed arrangements for security gating.

RESOLVED: That the application be deferred.

REASON: To seek the removal or relocation of the proposed 3 storey dwellings.

## 16. ENFORCEMENT CASES UPDATE

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

RESOLVED: That the reports be noted.

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

COUNCILLOR B WATSON  
CHAIR

The meeting started at 3.00 pm and finished at 4.50 pm.

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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	31 JULY 2007
PRESENT	COUNCILLORS B WATSON (not for 4d & 4e) (CHAIR), Sue Galloway (Chair for 4d & 4e), Horton, Galvin, Gillies, Sunderland, STEVE GALLOWAY (SUBSTITUTE), Moore (not for 4e & 4d) (Substitute) and Bowgett (Substitute)
APOLOGIES	COUNCILLORS REID, GUNNELL AND JAMIESON-BALL

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## 17. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
31 Bootham	Councillors B Watson, Horton, Sue Galloway and Gillies.	As the application was recommended for approval and objections had been received.
54 Beckfield Lane	Councillors B Watson, Horton, Sue Galloway and Gillies.	As the application was recommended for approval and objections had been received.
92 Micklegate	Councillors B Watson, Horton, Sue Galloway and Gillies.	As the application was recommended for approval and objections had been received.

## 18. DECLARATIONS OF INTEREST

Councillor Horton declared a personal non-prejudicial interest in Plans Items 4f and 4g (31 Bootham) as he knew the Applicant and also in Plans Item 4c (Rear of 54 Beckfield Lane) as he knew one of the speakers.

Councillor Moore declared a personal and prejudicial interest in Plans Items 4d and 4e as he had sat on the panel of a Licensing Hearing connected with this matter. He took no part in the debate.

Councillor Watson declared a personal and prejudicial interest in Plans Items 4d and 4e as he had sat on the panel of a Licensing Hearing connected with this matter. He took no part in the debate.

**19. MINUTES**

RESOLVED: That the minutes of the meetings held on 21<sup>st</sup> June 2007 and 3<sup>rd</sup> July 2007 be approved and signed by the Chair as correct records.

**20. 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.

**21. PLANS LIST**

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

**21a 10 Clifford Street (07/00871/FUL)**

It was reported that this application had been withdrawn prior to the meeting.

**21b 10 Clifford Street (07/00873/LBC)**

It was reported that this application had been withdrawn prior to the meeting.

**21c Rear of 54 Beckfield Lane (07/01467/FUL)**

Members considered a full application submitted by Leeper Hare Developments Limited for the erection of 8 two storey dwellings with associated parking and garaging.

Officers updated that 7 highway conditions had been added since the report had been written along with an informative regarding dropped kerbs. A height condition had also been added in and it was confirmed that the maximum height of the buildings would be 7.9m. Conditions had been added regarding landscaping, retention of trees and protection of hedges. Condition 2 in the report had been amended and H34.90.02 Revision A had been amended to read Revision B. All additional and amended conditions are listed in the resolution below.

Members asked Officers to clarify the size of the site and they confirmed that it was 0.27 hectares.

Representations, in objection, were received from the Chair of Acomb Planning Panel. The Planning Panel welcomed development of the site but felt that the application was for too high a density of housing and of a design that was not compatible with existing properties in the area. There



were also concerns regarding the potential increase in traffic and overlooking of existing properties.

Representations were also received from a local resident who spoke on behalf of himself and other local people. He said that local residents felt that the density of the development was too high and would be out of character with the properties in the surrounding area. He also expressed concerns regarding a potential increase in traffic, development within the blue line boundary, damage to established hedges, loss of light, loss of property value and size of the proposed dwellings.

Members discussed the following:

- A sustainability statement had not yet been received from the Applicant
- Members welcomed the fact that the proposed development was for houses and gardens
- The fact that the Applicant owned a nearby site as well; it was noted that the Applicant may be required to provide affordable housing as part of any future proposals
- A condition should be added regarding construction traffic management

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

1. 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 B – 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.

2. 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.

3. Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interest of the amenity of neighbours.

4. 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.

5. Prior to the development commencing full detailed drawings showing the design and materials for roads, footways and other highway areas (and which shall comply with the requirements set out in the NYCC Residential Design Guide and Specification – second edition) shall be submitted to and approved in writing by the Local Planning Authority. Such roads, footways and other highway areas shall be constructed in accordance with such approved plans prior to the occupation of any dwelling which requires access from or along that highway.

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

6. 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.

7. Prior to the occupation of any dwelling, all carriageways and footways fronting that dwelling and

along which access is required to that dwelling , shall be kerbed, lit and surfaced to at least base course level.

Reason: To provide a safe means of access.

8. Not later than three months after commencement of construction of the penultimate dwelling, or within two years after the laying of the base course, whichever is the sooner, the wearing course(s) of the carriageway and footway(s) along with the street lighting shall be laid out and provided in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the highway safety and local amenity.

9. Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 7.9 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.

10. No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of the proposed trees, shrubs and hedging. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

11. None of the existing hedges shall be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority. Any hedging removed without such consent or dying or being severely damaged or becoming seriously diseased before the end of that period shall be replaced with appropriate hedging of such size and species as may be agreed in writing with the Local Planning Authority.

Reason: The Local Planning Authority considers it important to safeguard these trees in a positive manner so as to secure their continued well being.

12. Prior to the commencement of the development hereby approved, detailed plans showing all provisions within the site to accommodate the storage of building machinery/materials and the movements of delivery/service vehicles shall be submitted for the written approval of the Local Planning Authority. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

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

INFORMATIVE:

Prior to starting on site, consent will be required from the Highway Authority for the works proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below)

Adoption of Highway – Section 38

REASON: 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 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.

**21d 92 Micklegate (07/01442/FUL)**

Members considered a full application submitted by Luminar Terrace Limited for the creation of a smoking terrace including the erection of 2.1

timber panels with galvanised steel frame, floor mounted umbrella and associated works to the rear of 92 Micklegate.

Officers updated that:

- Highway Network Management had no objections to the application
- Design, Conservation and Sustainable Development: The escape doors, to be finished in galvanised sheet, are plain and do not match the other doors which have applied mouldings. These doors should match the existing ones and their mouldings. The fire doors could be dressed to match.
- Objections had been received from the York Backpackers on the following:
  - The site is 35m from the nightclub which is open until 4am and there were concerns regarding noise from people using the shelter and from music in the building when the doors are opened.
  - Noise from persons – this would be in short sharp bursts opposed to a steady noise level and could have an adverse effect on people trying to sleep.
  - Noise escape when people go outside – people naturally talk louder when they have been exposed to loud music. The noise assessment does not take into consideration noise levels if both doors to the outside were left open.
  - They ask that noise levels are no more than 5decibels above ambient noise levels or 3decibels in summer when windows may be open. If permission were granted this should be a condition of approval.
  - They currently place younger guests at the rear, to prevent them being exposed to noise and disturbance (including bad language and acts of public disorder) associated with Micklegate. They were concerned there would have be a similar affect at the rear.
  - The proposed timber structure would harm the visual amenity of the area as it was in the conservation area.

Members felt that the occupancy level of the smoking terrace should be set to a maximum of 40 persons at any one time. They also felt that the doors facing onto Toft Green should match existing ones.

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

1. The escape doors onto Toft Green shall be finished / faced with panels to match the existing doors on the premises that face Toft Green.

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

2. No more than 40 persons at any one time shall use the smoking terrace.

Reason: To prevent noise nuisance.

**REASON:** The proposal, subject to the conditions listed above and those in the report, 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.

**21e 92 Micklegate (07/01441/LBC)**

Members considered an application for Listed Building Consent submitted by Luminar Leisure Limited for the creation of a 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.

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

**REASON:** The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the special 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.

**21f 31 Bootham (07/01160/FULM)**

Members considered a major full application submitted by Bootham Row Limited for the erection of four storey mixed use building comprising 12 apartments, B1 offices and ground floor retail after demolition of the existing building (resubmission).

Representations were received from the agent to the objector who said that her client felt that the site needed improvement and therefore

welcomed, in principal, development of this land. She raised the following points of concern:

- The plans were inaccurate and complete
- There had been little or no consultation with her client who ran a well established nearby business
- The adjacent workshop (owned by her client) was an integral part of the existing building at the rear of the site and no detail had been submitted of how this wall was to be treated after the building had been demolished
- She sought confirmation that her client's livelihood would be protected both during and after building works
- Mechanical ventilation was noisy and opening windows were environmentally unfriendly
- Fumes from a stove within her client's property and fumes from revving engines would be a source of potential nuisance

Representations were also received from the Applicant's agent who clarified that the Applicant would be willing to accept an additional condition regarding sustainability and BREAAAM guidance. He confirmed that the party wall (with the adjoining workshop) would remain in place and a new wall built adjacent to this. He also said that a Bat Survey would take place before any building work started and all potential noise issues would be addressed before work commenced.

Members discussed the application and raised the following points:

- The ATM should be protected by bollards
- The eaves height should be dropped in line with Bootham School
- The Bat Survey need to take place before building commenced
- The noise attenuation needed to be addressed
- Some Members felt that they would like to see the 'string course' retained on the Bootham elevation and on the curve of the building
- The disabled parking space was the furthest from the lift and this needed to be addressed
- The Applicant would need to stress to buyers of the properties that there was no contract parking in Bootham Row
- It would be nice if the Applicant could attach brackets and hanging baskets to the building
- The need to protect existing businesses in the area to avoid complaints about potential noise nuisance. It would be unfair if complaints were made against these premises

RESOLVED: That delegated authority be given to Officers to approve the application subject to the conditions listed in the report.

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

- 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.

**21g 31 Bootham (07/01161/CAC)**

Members considered a Conservation Area Consent application submitted by Bootham Row Limited for the demolition of a building in the Conservation Area (resubmission).

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

REASON: That, subject to the conditions in the report, the proposal 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.

COUNCILLOR B WATSON  
CHAIR

The meeting started at 12.05 pm and finished at 1.05 pm.



**COMMITTEE REPORT**

**Committee:** West/Centre Area                      **Ward:** Guildhall  
**Date:** 16 August 2007                              **Parish:** Guildhall Planning Panel

**Reference:** 07/00306/LBC  
**Application at:** Lendal Tower Museum Street York YO1 7DT  
**For:** Conversion of Lendal Hill House and Whistler House to form three apartments including alterations to Lendal Tower to form 1 no. dwelling, internal and external alterations  
**By:** Mr David Hattersley  
**Application Type:** Listed Building Consent  
**Target Date:** 21 May 2007

**1.0 PROPOSAL**

1.1 Lendal Tower and Lendal Hill House form part of a complex of buildings on the northwest side of Lendal Bridge adjacent to the River Ouse. Lendal Tower is a stone tower dating from the 13th Century and is one of York`s most historic landmark buildings. It was originally circular but a roughly rectangular extension was built in the seventeenth century. The three storey structure is a Grade I listed building and is also a Scheduled Ancient Monument. Lendal Hill House is a two storey building abutting the north east side of the Lendal Tower. It is built of dark red brick with a clay pantile roof and dates from the late eighteenth century, and is a Grade II listed building.

1.2 In May 2005, planning permission and listed building consent were granted separately for the conversion of Lendal Tower to form a single dwelling and for the conversion of Lendal Hill House to form two dwellings. Scheduled Monument Consent has subsequently been granted, by the Department for Culture Media and Sport (DCMS), for the conversion of Lendal Tower to a dwelling. The proposals involved very little alteration to the external appearance of the buildings, with the main alteration consisting of the insertion of three roof lights into the rear roof slopes of Lendal Hill House. The approved works, insofar as they relate to Lendal Hill House, have been carried out, hence the reference to Lendal Hill House and Whistler House in the application. Both Lendal Tower and Lendal Hill House have been vacant since 2000.

1.3 The application now submitted relates to alterations to the approved internal layout of the whole complex of buildings to form a single dwelling within Lendal Tower and three apartments formed within the recently converted Lendal Hill House/Whistler House. The ground floor of the dwelling within Lendal Tower (Unit 1) would be partially extended into Lendal Hill House with the accommodation consisting of entrance lobbies at the front and rear, a kitchen, bathroom and library/living room. The accommodation on the upper floors would be confined to the Tower itself, consisting of a bedroom and en-suite bathroom at first floor, a gallery bedroom formed on a new mezzanine floor and a large dining room/banquet hall on the upper storey.

1.4 Unit 2 of the development would be formed within the remaining ground floor area of Lendal Hill House, consisting of a living room and kitchen/dining room. Two en-suite bedrooms would be formed at first floor level. A self contained one bedroom apartment (Unit 3) would be formed on the remainder of the first floor, with a further two bedroom apartment (Unit 4) at second floor level. The proposed internal alterations would consist of the limited blocking up/formation of openings and the insertion of stud partition walls. The internal layout has been amended to take account of comments made by the Council's Conservation Architect. In particular, it has been possible to retain most of the existing door openings within the new layout. External changes to the appearance of the complex of buildings would be limited to external railings around the garden area, a flag pole and access turret on the Tower roof, and the replacement of concrete paving with Yorkstone flags. Access to the site is from the slip road that descends from the Museum Gardens entrance down to the river. In addition to relating to Grade I and Grade II listed buildings, the site is within the Central Historic Core conservation area and the applications have been appropriately advertised.

1.6 The whole area was inundated by the major floods of autumn 2000, and a Flood Risk Assessment has been submitted with the application detailing comprehensive flood protection measures for the whole site. These are essentially the same as those proposed for the previously approved scheme. The application is also accompanied by a Cultural Heritage Assessment Report, being an updated version of a similar report that accompanied the originally submitted applications. A parallel application for planning permission has also been submitted in respect of the proposals, and a variation to the existing Scheduled Monument Consent has been sought from the Department for Culture, Media and Sport and English Heritage. The application forms part of long term redevelopment proposals for the whole building complex, which includes the former Engine House to the west of Lendal Hill House. Planning permission and listed building consent have recently been granted for the conversion and extension of the Engine House to a restaurant and apartment, including the demolition of the adjacent public toilets. To the north and west of the complex of buildings are Museum Gardens, which are included on the Government's Register of Parks and Gardens of Special Historic Interest.

1.7 The application is brought to Committee at the request of Councillor B. Watson.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Listed Buildings Multiple (Spatial)

Scheduled Ancient Monuments SMR 30 City Walls Lendal Tower 0178

2.2 Policies:

CYHE4  
Listed Buildings

CYHE9  
Scheduled Ancient Monuments

**3.0 CONSULTATIONS**

3.1 INTERNAL

ENVIRONMENT, CONSERVATION AND SUSTAINABLE DEVELOPMENT -  
Comments on revised drawings as follows:

The revised submission addresses comments dated 9th May 2007 which were based on the proposals for further subdivision of Lendal Hill House. Proposals for Lendal Tower itself are being assessed separately by English Heritage through the application process for scheduled ancient monuments. The agent's covering letter provides further explanation for the reasons behind the loss of space from the houses in favour of the Tower, and it states the desirability to achieve a range of units with flexibility in the remaining accommodation. Please see below for comment on significant points mentioned previously:

- 1) the spiral staircase would be a foreign intervention within the building. It has arisen to address environment agency requirements within the new flexible organization. Revisions show it relocated away from the window and doors, allowing the doors to be retained and it has been made smaller. The impact of this intervention on the fabric has been minimized, and it would be possible to remove the staircase without having permanently harmed the special interest of the building
- 2) the layout has been simplified so that the through-passage in unit 2 can be retained and the hall of unit 4 will retain its current form. The remaining en-suite bathrooms do not appear to be as disruptive of the circulation pattern and it would be possible to interpret the inherited layout.
- 3) The first floor arched partition and the top floor framing will be retained
- 4) No original doors or doorways would be lost in the revised scheme.
- 5) The remaining fireplace on the first floor is shown as being retained.
- 6) The partition between the first floor front and back rooms of unit 3 has been redesigned and other new partitions removed in favour of retaining existing doors and being able to distinguish between new and existing fabric.
- 7) The dividing walls across the passage/hall on the ground and first floor of the house connecting with the Tower have been redesigned as screens with integral doors. Details have been provided showing how they would be able to operate as a lobby door or as a fixed screen. The screens would be removable and would

decrease the appearance of a permanent sub-division between the entrance hall and the staircase.

The revised scheme appears to allow for the flexibility required by the client whilst maintaining the special architectural and historic interest of the building.

### 3.2 EXTERNAL

GUILDHALL PLANNING PANEL - No objections

ENGLISH HERITAGE - We strongly suggest your Council checks the impact on the interiors of the listed building and that your officers ensure that the impact of the proposals on the interior of the listed buildings is acceptable, both in terms of the historic fabric and also the historic character. We would urge you to address the above issues, and recommend that this application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Revised drawings: same comments as above

YORK CIVIC TRUST - We feel that the scheme has been well thought out, the interventions kept to a minimum and the Trust is broadly content with the proposals. The use of a mezzanine floor in the round engine room tower is an acceptable solution and makes better use of this space.

Revised drawings: On the whole we feel that the revised drawings are an improvement on the previous scheme and the interventions are more appropriate for the status of these buildings.

ADJACENT OCCUPIERS - No replies or other third party representations have been received.

### 3.3 PUBLICITY

Site Notice posted 11/04/2007 - expires 02/05/2007

Press advert dated 04/04/2007 - expires 25/04/2007

Neighbours notified 29/03/2007 - expires 19/04/2007

## 4.0 APPRAISAL

### 4.1 Key Issues

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

4.2 The application relates to the conversion of Lendal Hill House and Whistler House, which form two separate dwellings, to three self contained apartments. The application also seeks amendments to the original planning and listed building consents in respect of Lendal Tower, a Scheduled Ancient Monument and Grade I listed building, forming a further dwelling within the complex. A separate application for planning permission has also been submitted. The principle of the use of this

complex of buildings for residential purposes has been established by virtue of the previous granting of planning permission and listed building consent, which have been partially implemented.

4.3 Central Government advice in relation to listed building control is contained within Planning Policy Guidance Note 15: "Planning and the Historic Environment". This states that while the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". PPG 15 also states that generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. For the great majority this must mean economically viable uses if they are to survive, and new, and even continuing, uses will often necessitate some degree of adaptation. The range and acceptability of possible uses must therefore be a major consideration when the future of listed buildings or buildings in conservation areas is in question. The guidance also states that many listed buildings can sustain some degree of sensitive alteration or extension to accommodate continuing or new uses.

4.4 Policy E4 of the Approved North Yorkshire Structure Plan states that buildings and areas of special townscape, architectural or historic interest (e.g. listed buildings) will be afforded the strictest protection. Policy HE4 of the City of York Draft Local Plan relates specifically to listed buildings, and states that consent will only be granted for internal and external alterations where there is no adverse effect on the character, appearance or setting of the building. Policy HE9 states that planning permission will not be granted for development which would adversely affect a scheduled ancient monument or its setting.

4.5 The external changes to the group of buildings and its setting are limited to external railings around the garden area, a flag pole and access turret on the tower roof, and the replacement of an area of concrete paving with Yorkstone flags to form a patio. The rooflights that formed part of the previous proposal have been omitted from the present application. It is not considered, therefore, that the proposal would have any significant impact on the historic character or appearance of the listed building.

4.6 The principal change from the previously approved scheme would be the conversion of the two dwellings formed within Lendal Hill House to three apartments (1 x one bedroom, 2 x two bedrooms). A single dwelling would be formed within Lendal Tower, as originally approved, with some reconfiguration of the internal floor space. Two of the apartments within Lendal Hill House would be sub-divided vertically on the ground and first floors, with the third apartment occupying the whole of the second floor. The applicant states that the proposed changes are designed to provide a wider range of accommodation size and type than the previously approved proposal in order to maximise the viability of the scheme and to ensure that the buildings are brought back into long term use. It is not considered that there are any fundamental objections to the proposal, bearing in mind the proximity of the site to Lendal Bridge which carries heavy flows of both vehicular and pedestrian traffic. For this reason, it is considered that the occupation of the units is more likely to be related to the tourist industry (i.e. short term holiday lets) than for permanent living

accommodation or family homes. The Council's Conservation Architect has no objections to the revised proposal, either in principle or detail.

## 5.0 CONCLUSION

5.1 The proposal would result in relatively minor changes to the external appearance of the group of buildings. So far as the internal arrangement is concerned, amendments have been made to the originally submitted application at the request of the Council's Conservation Architect, who raises no objections to the proposal. As such, the proposal is considered to be satisfactory and not in conflict with Central Government advice in Planning Policy Guidance Note 15, Policy E4 of the Approved North Yorkshire Structure Plan or Policies HE4 or HE9 of the Draft Local Plan. The proposals for Lendal Tower are being assessed separately by English Heritage through the application process for scheduled ancient monuments, and as such the application does not need to be referred to Government Office for prior consideration.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

- 1 TIMEL2 Devt to commence within 3 years
- 2 The development hereby permitted shall be carried out only in accordance with the following plans:-

LEN-H D 02 Rev C - Proposed ground floor plan received 26 June 2007  
LEN-H D 03 Rev C - Proposed first floor plan received 26 June 2007  
LEN-H D 04 Rev C - Proposed second floor plan received 26 June 2007  
LEN-H D 12 Rev A - Proposed roof plan received 26 June 2007  
LEN/H D 06 Rev B - Proposed elevations received 26 June 2007  
LEN-H D 07 - Proposed section  
LEN-H (D) 15 - Specialist joinery works received 26 June 2007  
LEN-H D 08 - Mezzanine detail  
LEN-H (D) 10 - Railing detail  
LENH D 01 - Proposed external works

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

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

- 3 All new partitions shall be scribed around existing details, and any making good shall match existing details in materials, finishes, colours and textures.

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

4 VISQ10 Details of external services to be approved

**7.0 INFORMATIVES:  
Notes to Applicant**

1. REASON FOR APPROVAL

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

- impact on the 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 Policies HE4 and HE9 of the City of York Local Plan Deposit Draft.

**Contact details:**

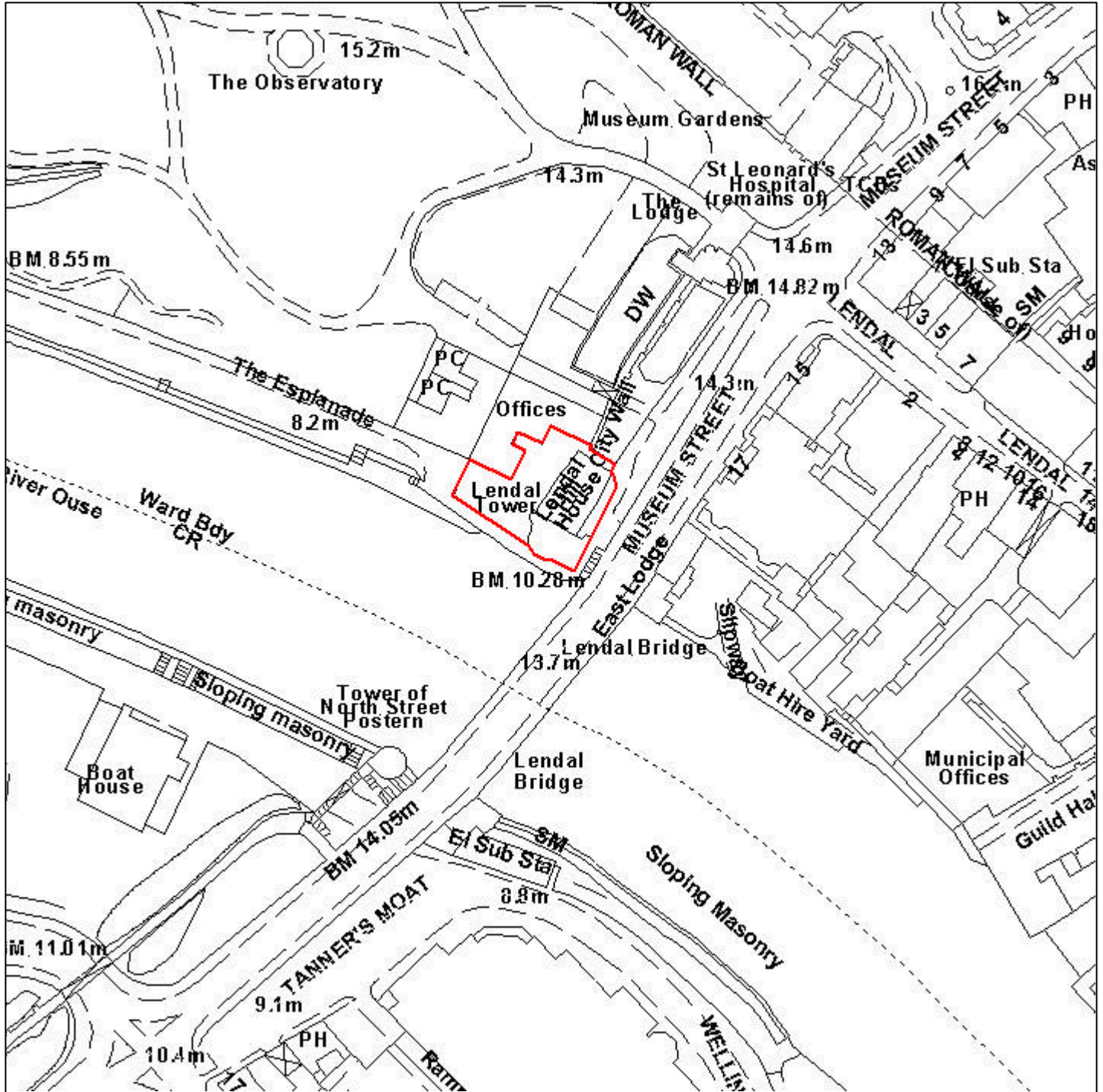
**Author:** Simon Glazier Area Team Leader  
**Tel No:** 01904 551642

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# Application at Lendal Tower

Ref 07/00306/LBC



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Development Control
<b>Comments</b>	Application Site
<b>Date</b>	03 August 2007
<b>SLA Number</b>	

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**COMMITTEE REPORT**

**Committee:** West/Centre Area                      **Ward:** Guildhall  
**Date:** 16 August 2007                              **Parish:** Guildhall Planning Panel

**Reference:** 07/00307/FUL  
**Application at:** Lendal Tower Museum Street York YO1 7DT  
**For:** Conversion of Lendal Hill House and Whistler House to form three apartments and conversion of Lendal Tower to form 1 no. dwelling including external alterations  
**By:** Mr David Hattersley  
**Application Type:** Full Application  
**Target Date:** 21 May 2007

**1.0 PROPOSAL**

1.1 The introductory comments in relation to application ref: 07/00306/LBC also apply to this parallel application for planning permission. The application is brought to Committee at the request of Councillor B. Watson.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Listed Buildings Multiple (Spatial)

Scheduled Ancient Monuments Multiple (Spatial)

2.2 Policies:

CYHE3  
 Conservation Areas

CYH4  
 Housing devp in existing settlements

CYT4  
 Cycle parking standards

### 3.0 CONSULTATIONS

#### 3.1 INTERNAL

HIGHWAYS (NETWORK MANAGEMENT) - There are no highway objections in principle to this application, however the following are noted:

1. There is no on-site car parking
2. There is no on-site cycle storage
3. Reference is made to the previous application (04/03924/FUL), which required cycle parking to be provided in accordance with the approved plans.

There are no objections to the lack of car parking due to the location of the site within the city centre, the proximity to city facilities and both local and national transport services. It is recommended, however, that cycle storage facilities are made available to promote the use of cycles as a form of personal transport, and an appropriate condition is recommended to address this issue.

#### DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

##### Conservation

The revised submission addresses comments dated 9th May 2007 which were based on the proposals for further subdivision of Lendal Hill House. Proposals for Lendal Tower itself are being assessed separately by English Heritage through the application process for scheduled ancient monuments. The agent's covering letter provides further explanation for the reasons behind the loss of space from the houses in favour of the Tower, and it states the desirability to achieve a range of units with flexibility in the remaining accommodation. Please see below for comment on significant points mentioned previously:

- 1) the spiral staircase would be a foreign intervention within the building. It has arisen to address environment agency requirements within the new flexible organization. Revisions show it relocated away from the window and doors, allowing the doors to be retained and it has been made smaller. The impact of this intervention on the fabric has been minimized, and it would be possible to remove the staircase without having permanently harmed the special interest of the building
- 2) the layout has been simplified so that the through-passage in unit 2 can be retained and the hall of unit 4 will retain its current form. The remaining en-suite bathrooms do not appear to be as disruptive of the circulation pattern and it would be possible to interpret the inherited layout.
- 3) The first floor arched partition and the top floor framing will be retained
- 4) No original doors or doorways would be lost in the revised scheme.
- 5) The remaining fireplace on the first floor is shown as being retained.
- 6) The partition between the first floor front and back rooms of unit 3 has been redesigned and other new partitions removed in favour of retaining existing doors and being able to distinguish between new and existing fabric.
- 7) The dividing walls across the passage/hall on the ground and first floor of the house connecting with the Tower have been redesigned as screens with integral doors. Details have been provided showing how they would be able to operate as a

lobby door or as a fixed screen. The screens would be removable and would decrease the appearance of a permanent sub-division between the entrance hall and the staircase.

The revised scheme appears to allow for the flexibility required by the client whilst maintaining the special architectural and historic interest of the building.

#### Archaeology

This site lies within outside the Area of Archaeological Importance and in an area which has produced significant Roman and medieval deposits. The Museum Gardens are a scheduled ancient monument (monument no NY12), a registered park and garden, and the building (the former pump engine house constructed in 1836) is a grade II listed building.

An archaeological evaluation of the site of the proposed extension has been carried out by the York Archaeological Trust in December 2006. This has demonstrated that the archaeological deposits preserved within 1m of the current ground surface consist of features and deposits relating to the late 18th and 19th century history of the site. These deposits do not, in my opinion, merit preservation in-situ, but should be recorded through an archaeological watching brief on any groundworks which take place on the site. The development proposal will have an effect on archaeological deposits which are preserved within the boundaries of the site. Therefore, an archaeological watching brief on all groundworks for the development will be necessary. This watching brief should be secured by means of the standard condition ARCH 2 on any planning consent which may be granted.

In addition, the following will be required:

1. A full drawn, photographic, and written record in accordance with a scheme of investigation approved by the planning authority (a) of the current state of building (b) of the building with modern interventions removed and (c) of the building once works have been completed
2. A full drawn, photographic, and written record in accordance with a scheme of investigation approved by the planning authority of the basements to Lendal Tower

ENVIRONMENTAL PROTECTION UNIT - The environmental protection unit have no objections to this application.

However as the site is adjacent to a busy arterial road, it is recommended that a condition should be attached requiring sound insulation works to be carried out to all bedroom and lounge windows that face the road on the southwest and southeast facades. Often where sound insulation works are requested, air conditioning may be installed which can cause noise nuisance, therefore a condition relating to plant and equipment is recommended.

LIFELONG LEARNING AND CULTURE - 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 Museum Gardens or the river frontage.

b) play space - which would be used to improve a local site such as Clarence Gardens

c) sports pitches - which would be used to improve a facility within the North Zone of the Sport and Active Leisure Strategy.

The necessary payment could be secured through a Section 106 Agreement.

EDUCATIONAL PLANNING OFFICER - No contribution required

STRUCTURES AND DRAINAGE - Recognise that as the previous scheme has planning approval, a recommendation of refusal on the revised proposal may not be appropriate. Have concerns that the flood risk assessment appears to have failed to assess the possible effect of reverse flow through the public sewers (passing under the newly installed flood barriers), to such an extent that the flood defences may be by-passed.

### 3.2 EXTERNAL

GUILDHALL PLANNING PANEL - No objections

ENVIRONMENT AGENCY - No objections, recommend two conditions relating to:

- (i) Development to proceed in accordance with the details contained within the flood risk assessment
- (ii) Demountable barriers to be located in the agreed location (upstream of the bridge arch) and to be in place prior to occupation.

ADJACENT OCCUPIERS - No replies received

## 4.0 APPRAISAL

### 4.1 Key Issues

- principle of the proposal for apartments
- impact on character and appearance of conservation area
- access and parking

4.2 The application relates to the conversion of this complex of historic buildings to four apartments. Planning permission and listed building consent have previously been granted to convert the buildings to three dwellings, and this scheme has been partially implemented. The site is within the Central Historic Core conservation area. When determining planning applications within conservation areas, the Council is under a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area. This duty is re-iterated in Central Government advice contained within Planning Policy Guidance Note 15 "Planning and the Historic Environment". Policy E4 of the Approved North Yorkshire Structure Plan states that buildings and areas of special townscape, architectural and historic interest will be

afforded the strictest protection. Policy HE3 of the City of York Draft Local Plan relates to development within conservation areas and states that proposals involving external alterations and changes of use will only be permitted where there is no adverse effect on the character and appearance of the area.

4.3 Policy H4a of the Draft Local Plan states that proposals for residential development on land not already allocated on the Proposals Map will be granted planning permission, where the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings, and the site has good accessibility to jobs, shops and services by non-car modes. In addition, Policy H4a also expects proposals to be of an appropriate scale and density to surrounding development, and not have a detrimental impact on existing landscape features. With regard to employment development. Policy T4 requires all new developments to provide cycle parking in accordance with standards set out in Appendix E of the Local Plan (1 covered space per 1/2 bedroom dwelling).

4.4 So far as the impact of the proposal on the character and appearance of the conservation area are concerned, the external changes to the group of buildings and its setting are limited to external railings around the garden area, a flag pole and access turret on the tower roof, and the replacement of an area of concrete paving with Yorkstone flags to form a patio. It is not considered, therefore, that the proposal would have any significant impact on the character or appearance of the conservation area as a whole.

4.5 The principal change from the previously approved scheme would be the conversion of the two dwellings formed within Lendal Hill House to three apartments (1 x one bedroom, 2 x two bedrooms). A single dwelling would be formed within Lendal Tower, as originally approved, with some reconfiguration of the internal floor space. Two of the apartments within Lendal Hill House would be sub-divided vertically on the ground and first floors, with the third apartment occupying the whole of the second floor. The applicant states that the proposed changes are designed to provide a wider range of accommodation size and type than the previously approved proposal in order to maximise the viability of the scheme and to ensure that the buildings are brought back into long term use. It is not considered that there are any fundamental objections to the proposal, bearing in mind the proximity of the site to Lendal Bridge which carries heavy flows of both vehicular and pedestrian traffic. For this reason, it is considered that the occupation of the units is more likely to be related to the tourist industry (i.e. short term holiday lets) than for permanent living accommodation or family homes. The Council's Conservation Architect has no objections to the revised proposal, either in principle or detail.

4.6 Cycle parking would need to be increased to reflect the increase in the total number of units from three to four. This could be addressed by an appropriate condition. The issue of flood risk was considered as part of the previous application. The Environment Agency raise no objections to the proposal subject to conditions, which include the implementation of measures incorporated within the submitted flood risk assessment. In particular, it is noted that the submitted drawings do not incorporate bedroom accommodation at ground floor level. The Council's Archaeologist has recommended that an archaeological watching brief condition be attached to any planning permission. The Environmental Protection Unit raise no

objections subject to a condition requiring sound insulation measures to be carried out to all bedroom and living room windows on the southeast and southwest facades of the building (i.e. facing the road).

4.7 The bat survey submitted with the previous application (the Countryside Officer has indicated that a further survey is not necessary) demonstrates the potential for bat roosting, although there is no evidence of a major bat roost at present. Policy NE6 of the Draft Local Plan requires developers to demonstrate measures of mitigation if there may be a significant impact on protected species, including bats. It is considered that a condition requiring the submission of a bat contingency plan, as was attached to the previous planning permission, would address this issue. A condition requiring public access to Lendal Tower for one weekend each year (to be agreed) was attached to the previous planning permission and this could be re-imposed. As this application is effectively a revision of a previously approved and partially implemented scheme, it would be unduly onerous to impose new conditions not imposed previously. For example, a condition requiring a financial contribution to be paid towards open space improvements was not imposed on the previous planning permission, and it would be unreasonable to impose such a condition in respect of this revised application.

## 5.0 CONCLUSION

5.1 The reconfiguration of the accommodation to form three apartments within Lendal Hill House and a single unit within Lendal Tower is considered to be satisfactory, and not in conflict with

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

- 1 TIME2 Devt to commence within 3 years
- 2 The development hereby permitted shall be carried out only in accordance with the following plans:-
  - LEN-H D 02 Rev C - Proposed ground floor plan received 26 June 2007
  - LEN-H D 03 Rev C - Proposed first floor plan received 26 June 2007
  - LEN-H D 04 Rev C - Proposed second floor plan received 26 June 2007
  - LEN-H D 12 Rev A - Proposed roof plan received 26 June 2007
  - LEN/H D 06 Rev B - Proposed elevations received 26 June 2007
  - LEN-H D 07 - Proposed section
  - LEN-H (D) 15 - Specialist joinery works received 26 June 2007
  - LEN-H D 08 - Mezzanine detail
  - LEN-H (D) 10 - Railing detail
  - LENH D 01 - Proposed external works



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

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

- 3 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting that Order, Development of the type described in Classes A, B, C, D, E, F, G or H of Schedule II Part I of that Order or Classes A, B or C of Schedule II Part II, shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of protecting the character and appearance of the conservation area, 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 Classes A, B, C, D, E, F, G or H of Schedule II Part I of the Town and Country Planning (General Permitted Development) Order 1995.

- 4 VISQ10 Details of external services to be approved

- 5 ARCH2 Watching brief required

- 6 Adequate sound insulation, including non-openable windows in all south-west and south-east facing elevations, shall be carried out to the satisfaction of the Local Planning Authority. Details of the measures to be taken shall be submitted for the written approval of the Local Planning authority and the approved scheme of insulation shall be fully implemented before the building is occupied for the use hereby approved.

Reason: To safeguard the amenity of future occupiers.

- 7 HWAY18 Cycle parking to be agreed

- 8 No work shall commence on site until the applicant has submitted a Protected Species (Bat) Contingency Plan, in accordance with a specification supplied by the Local Planning Authority. This plan shall be approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason: In the interests of nature conservation.

- 9 The development shall be carried out in accordance with the submitted Flood Risk Assessment and the following plans: Proposed Ground Floor Plan (No. 02 Rev C), Proposed First Floor Plan (No. 03 Rev C), Proposed Second Floor Plan (No. 04 Rev C), and shall incorporate the accepted mitigation measures into the development.

Reason: To minimise the impact of flooding

- 10 The demountable barriers to be constructed within the two bridge arches shall be sited on the upstream (closest to the development) side of the arch, and shall be in position prior to the occupation of the development hereby approved.

Reason: To alleviate the increased risk of flooding downstream

- 11 Provision shall be made for public access to Lendal Tower for one weekend each year, and the building shall not be occupied until all future dates and arrangements for such access have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To allow public access and appreciation of this building, which forms part of the heritage of York and is a nationally important Grade I listed building.

## **7.0 INFORMATIVES: Notes to Applicant**

### **1. REASON FOR APPROVAL**

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

- principle of the proposal for apartments
- impact on character and appearance of conservation area
- access and parking

As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies HE3, H4a and T4 of the City of York Local Plan Deposit Draft.

2. The developer's attention should 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.

**Contact details:**

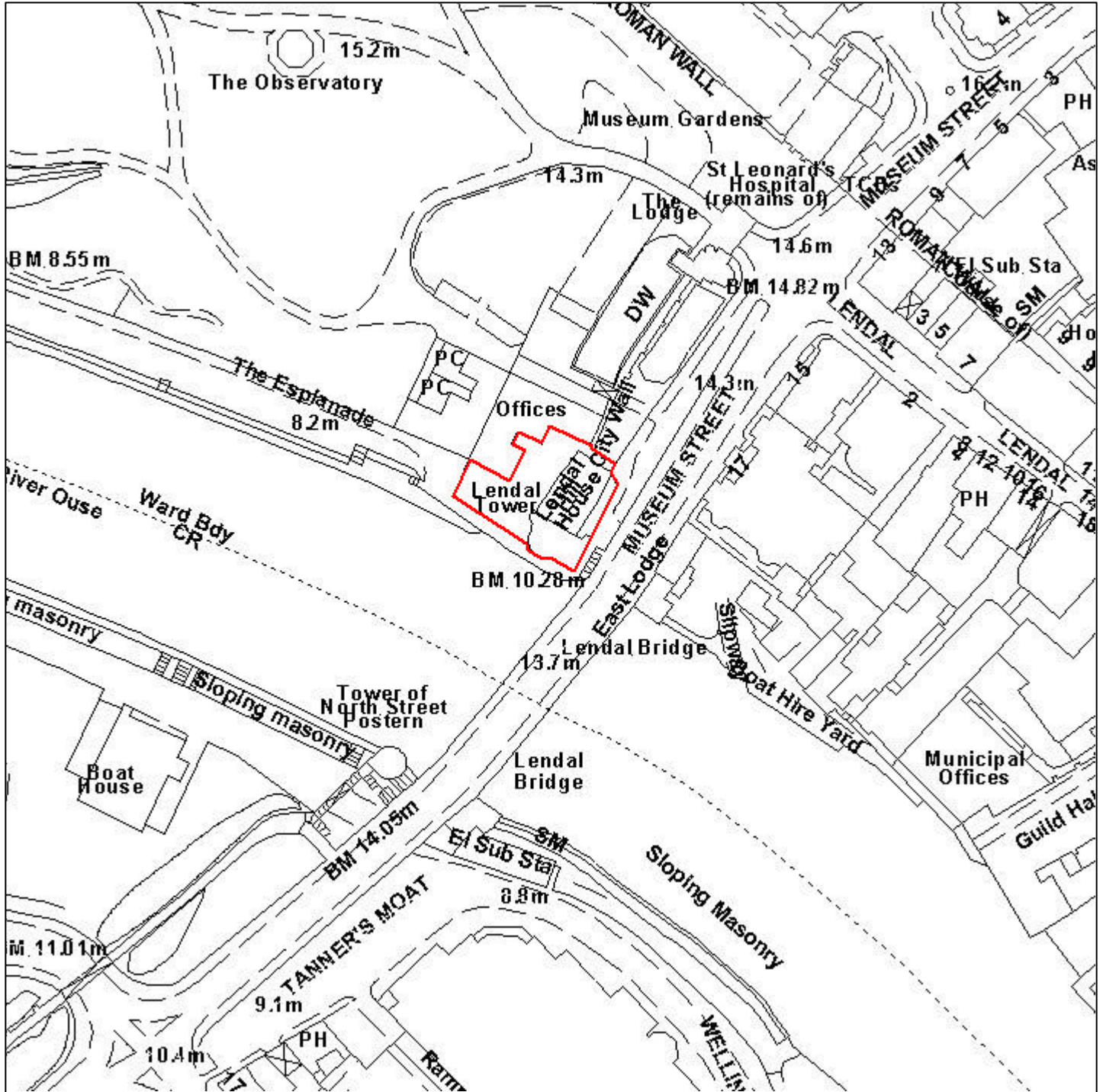
**Author:** Simon Glazier Area Team Leader

**Tel No:** 01904 551642

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# Application at Lendal Tower

Ref 07/00307/FULM



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Development Control
<b>Comments</b>	Application Site
<b>Date</b>	03 August 2007
<b>SLA Number</b>	

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**COMMITTEE REPORT**

**Committee:** West/Centre Area                      **Ward:** Micklegate  
**Date:** 16 August 2007                              **Parish:** Micklegate Planning Panel

**Reference:** 07/01222/FULM  
**Application at:** 27 Tanner Row York  
**For:** Use of ground and first floor of Unit 5 as offices (Use class A2 and B1)  
**By:** Oakgate (Newcastle) Ltd  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 11 September 2007

**1.0 PROPOSAL**

1.1 The application relates to the change of use of a recently refurbished retail unit (Class A1 of the Town and Country Planning (Use Classes) Order 1987) to offices (Class A2 and B1). The unit is located on two floors below the Tanner Row multi storey car park and has a frontage to Tanner Row. The refurbishment of the unit formed part of a larger scheme to form five retail units and 32 additional short stay parking spaces, together with the recladding of the multi storey car park, planning permission for which was granted in April 2005. Prior to that time the ground floor of the premises had been vacant for a considerable period of time, having been previously been in use as a supermarket. One of the retail units is now in use as an organic supermarket (Out Of This World), and planning permission has recently been granted for the change of use of the three remaining units on the George Hudson Street frontage to a restaurant. It is proposed that the offices would occupy Unit 5, amounting to approximately 900 sq. metres of floor space (net lettable). The site is within the Central Historic Core conservation area, and the application has been appropriately advertised. The adjacent property (25 Tanner Row - the former Burns Hotel) is a Grade II listed building.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

Floodzone 2 Flood Zone 2 CONF

Listed Buildings Grade 2; 25 Tanner Row York YO1 1JP 0109

2.2 Policies:

CYE4

Employment devt on unallocated land

CYE7  
B1 office devt in Existing Buildings

CYHE3  
Conservation Areas

### **3.0 CONSULTATIONS**

#### **3.1 INTERNAL**

**HIGHWAYS** - According to the application, the "potential" staffing levels are 60 persons; 50 is considered to be the trigger point for a "Travel Plan". The submission of one may be covered by condition.

31 car parking spaces at ground floor are referred to on the application form whereas the proposed ground floor plan shows "31 spaces short stay". Is it the intention to convert the short stay parking spaces exclusively to long stay staff parking to serve the office development. It is considered contrary to policy to provide staff parking to of this type within the city due to its effect on commuter traffic. This is considered particularly relevant for a site which is conveniently situated close to the railway station and numerous bus routes including four "park and ride" routes.

**DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT** - This property is situated in Central Historic Core Conservation Area no.1.

The existing modern building is located within the context of a number of historic buildings including Nexus, the former Burns Hotel at no. 25 Tanner Row which is a Grade II Listed Building and the English Heritage Regional Offices at no. 37 Tanner Row which is a Grade II Listed Building.

The change of use to offices at ground and first floor level will complement established office uses in the vicinity. The proposed change of use is unlikely to detract from the character of the conservation area and is generally acceptable.

#### **CITY DEVELOPMENT**

##### **Proposal and Site**

The unit forms part of retail allocation S1b in the Draft Local Plan, which proposes the site be used for comparison/convenience goods retail.

##### **Relevant Local Plan Polices/Government Guidance**

Planning Policy Statement 6 (Planning for Town Centres)

Draft City of York Local Plan 4th Set of Changes: S1, E4, GP4a



The site falls within the Central Historic Core Conservation Area and Area of Archaeological Importance.

## Comments

### Loss of retail use

The proposed site is identified as a preferred retail location (comparison/convenience goods) in Policy S1 of the 4th Set of Changes Draft Local Plan. However, it is recognised that the unit has been marketed for retail use without success for several years, and that the future demand for retail development in the City may well be satisfied on other sites such as Castle Piccadilly, York Central and Hungate.

### Proposed office use

The new Planning Policy Statement 6: "Planning for Town Centres" (PPS6) addresses new office accommodation as a main town centre use, to be directed to city centres in the first instance. In terms of addressing the requirements of PPS6:

- it is not necessary for the applicant to demonstrate need or assess impact as this is a City Centre site. The proposal also meets with the requirements of the sequential test in this respect.
- the scale of the development is comparative with other accommodation in the City Centre, offering around 900sqm net office floorspace.
- the site offers good public transport accessibility, having both easy access to frequent bus routes and to York's railway station.

In line with draft policy E4a of the local plan, the site can be considered as underused and the proposed new use would involve the redevelopment of existing buildings.

### Sustainability

Policy GP4a (Sustainability) states that all commercial developments should be accompanied by a sustainability statement, describing how the proposal fits with the criteria a-i listed in the policy. It may be appropriate in this case to add a condition to ensure the development addresses the issues of energy, water and materials consumption in particular.

### 4. Conclusion

In conclusion, we would not object to the proposed redevelopment of unit 5 as office accommodation, but would ask that if the application is approved a condition be attached to ensure proper consideration is given to the issue of resource efficiency during the design and use of the development.

## 3.2 EXTERNAL

MICKLEGATE PLANNING PANEL - No objections

ADJACENT OCCUPIERS - No replies

## 4.0 APPRAISAL

#### 4.1 Key Issues

- principle of the proposed change of use
- policy considerations
- impact on character and appearance of conservation area/listed buildings
- transport and travel implications
- impact on amenity of adjacent occupiers

4.2 Planning permission for the use of the application site as a retail unit was granted in April 2005, as part of larger scheme to refurbish the Tanner Row multi-storey car park to create five retail units, the units on the George Hudson Street frontage being wholly at ground floor level. The unit on the Tanner Row frontage, to which this application relates, is on two floors and consists of approximately 900 sq metres of net lettable floor space. It is proposed to change the approved retail use of this unit to office accommodation, either within use class A2 (Financial and Professional Services) or B1 (Business). The site is within the Central Historic Core conservation area. When determining applications within conservation areas, the Council is under a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area. The site is identified in Policy S1 in the City of York Council Draft Local Plan as appropriate for retail development (comparison/convenience goods).

4.3 Central Government advice in relation to town centres is contained within Planning Policy Statement 6: "Planning for Town Centres" (PPS6). The Government's key objective for town centres is to promote their vitality and viability by planning for the growth and development of existing centres, and promoting and enhancing existing centres, by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all. Members should refer to the comments of the City Development Officer in paragraph 3.1 above, which indicate that the proposal is not considered to be at odds with the advice in PPS6.

4.4 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.

4.3 Neither George Hudson Street nor Tanner Row are included within the list of protected primary shopping streets within the Draft Local Plan, where ground floor

retail uses are protected. Policy E4 of the Draft Local Plan 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. Policy E7 of the Draft Local plan states that planning permission will be granted for B1 (office) uses in or adjacent to York City Centre. Change of use to B1 use at ground floor level will only be permitted where it would not harm the vitality of existing centres. The written justification for this policy states that the vitality and viability of York City Centre is dependent on a wide range of uses being established in or adjacent to the City Centre. The Plan seeks to encourage both business and residential development on upper floors. Whilst the policy refers specifically to B1 use, A2 type office uses are not excluded. Any proposal for change of use from retail to B1 or A2 offices will be considered against policy E7.

4.4 Policy E4 of the Approved North Yorkshire Structure Plan states that buildings and areas of special townscape, architectural or historic interest will be afforded the strictest protection. Policy HE3 of the Draft Local Plan states that within conservation areas, proposals for development involving changes of use (which are likely to generate environmental or traffic problems) will only be permitted where there is no adverse effect on the character and appearance of the area.

4.5 Whilst the Draft Local Plan identifies the site as appropriate for retail use, only one of the units has been successfully disposed of as a retail unit, and that is for a specialist organic supermarket. The remainder of the site has been extensively marketed for retail purposes for a number of years without success, and even the recent refurbishment of the premises has failed to attract another retail operator to the site. Thus the majority of the former retail area has remained vacant for a number of years, making little or no contribution to the city centre economy of York. Neither George Hudson Street nor Tanner Row are considered to be a prime shopping streets, and indeed the area is generally characterised by non retail uses such as clubs, bars and restaurants which are more associated with the evening economy of the city. Whilst the site is identified for retail purposes in the Draft Local Plan, the lack of marketing success perhaps indicates that it is not a realistic objective. It is considered that an alternative use such as office accommodation would also be appropriate in this city centre location. Planning permission has recently been granted for the change of use of the three vacant units on the George Hudson Street frontage to a restaurant. Public car (and cycle) parking is readily available in the vicinity of the site, in addition to public transport facilities (both bus and train) and the proposal is thus considered to be in an accessible and "sustainable" location.

4.6 The number of new staff to be employed within the offices is not certain at this stage, but the application indicates that there is potential for up to 60 employees. The trigger point for the submission of a Company Travel Plan is 50 employees, and it is considered that the submission of such a Plan could be controlled by condition. When planning permission was granted for the refurbishment of the car park and the establishment of the new retail units, an additional 31 car parking spaces were created at ground floor level within the car park. A condition was attached to the planning permission restricting the use of the car park spaces to short/medium stay (up to 5 hours) only, in order to prevent their use as long stay commuter parking,

which would be in conflict with Draft Local Plan policy T14a and Central Government advice in Planning Policy Guidance Note 13 that seeks to promote more sustainable forms of travel. Two subsequent applications to relax this condition to allow long stay parking have been refused, and it remains the case that the ground floor parking spaces are only available for short/medium stay car parking. An informative could be attached to any planning permission reminding the applicant that the restriction is still in place.

4.7 Bearing in mind the location of the site away from the principal shopping area, it is not considered that the proposal would adversely affect the vitality or viability of the city centre as a whole. Nor is it considered that the amenity of adjacent occupiers would be adversely affected by the proposal, bearing in mind that offices are normally only active during the day (the application specifies opening hours of 8am to 6pm Mondays to Fridays, and 8am to 1pm on Saturdays). The site is within flood zone 2, but the proposal does not relate to a more 'flood risk sensitive' use and therefore the implications would be similar to the existing approved use.

4.8 The only alterations proposed are the insertion of an additional first floor window on the Tanner Row elevation, extending an existing horizontal line of windows, with two further windows in the elevation fronting the covered access to the car park. These would be discreetly located. No other alterations to the external appearance of the building are proposed, shop fronts having already been installed as part of the refurbishment process, and it is not considered that the proposal would have any adverse effect on the character or appearance of the conservation area or the setting of the adjacent listed building. Indeed, bringing the premises into active use would add vitality to what has become an otherwise "dead" frontage within the street. Future proposals for any alterations to the appearance of the building or for the display of signage could be dealt with through the submission of separate applications.

## 5.0 CONCLUSION

5.1 The proposed change of use to office accommodation is considered to be acceptable in this location and not in conflict with Policy E4 of the North Yorkshire Structure Plan or Policies E7 or HE3 of the Draft Local Plan.

## 6.0 RECOMMENDATION: Approve

- 1 TIME2 Dev't to commence within 3 years
- 2 All new windows shall match the existing in materials, colour and appearance.  
Reason: In the interests of visual amenity.
- 3 Within six months of the occupation of the site, and subject to the total number of employees at the site exceeding fifty, a full company travel plan developed and implemented with national guidance and guidance currently

published by the City of York Council, shall have been submitted and approved in writing by the Local Planning Authority.

Reason : To ensure the development complies with Central Government advice contained in PPG 13 - "Transport" and to ensure that adequate provision is made for the movement of vehicles, pedestrians, cyclists and other modes of transport to and from the site, together with provision of parking on the site for these users.

**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 proposed change of use
- policy considerations
- impact on character and appearance of conservation area/listed buildings
- transport and travel implications
- impact on amenity of adjacent occupiers

As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies E7 and HE3 of the City of York Local Plan Deposit Draft.

2. You are reminded that the 31 car parking spaces adjacent to the site are restricted to short stay use only (up to a maximum of five hours), as stated in condition 5 of planning permission 04/02949/FUL dated 8 April 2005.

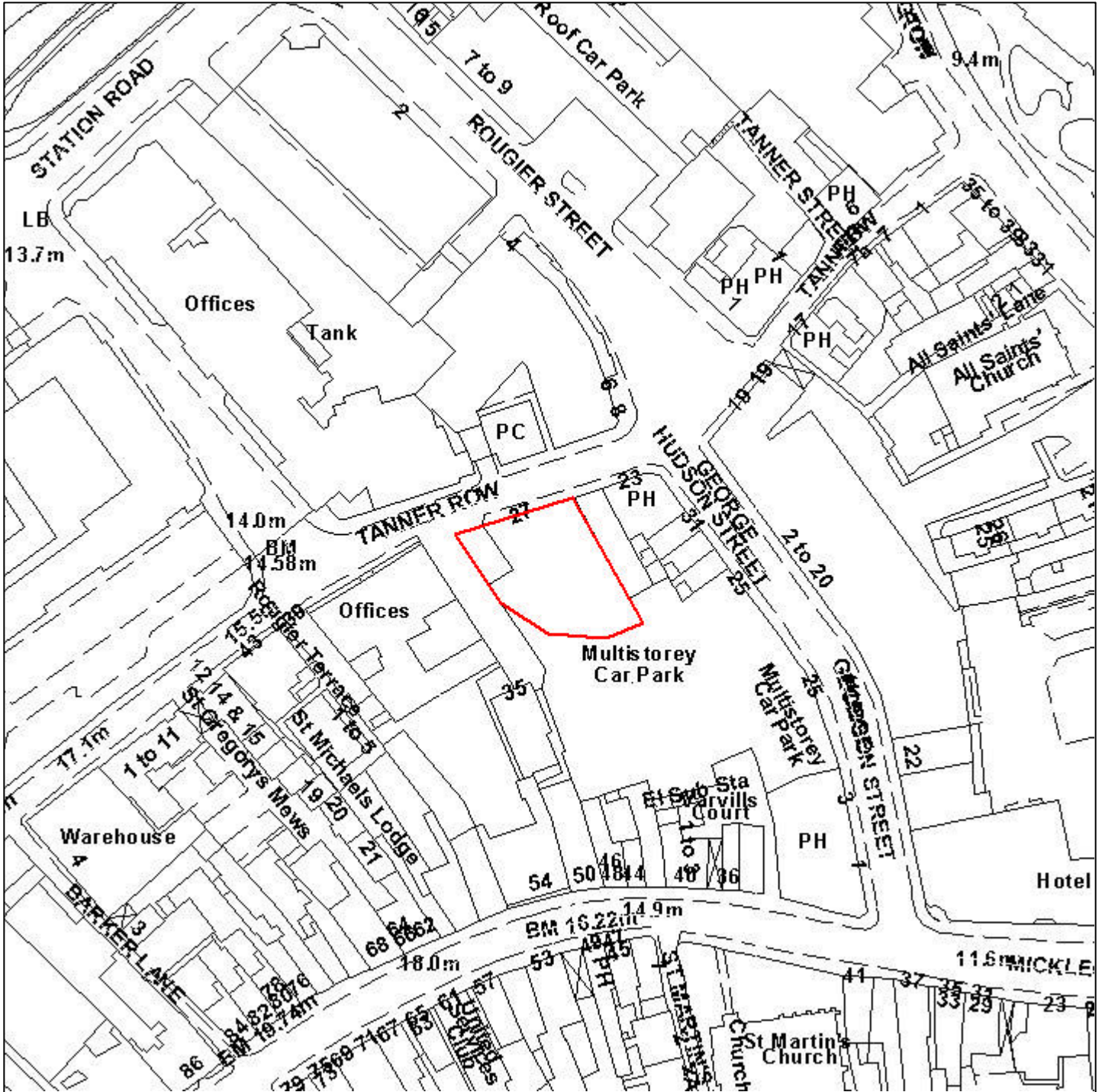
**Contact details:**

**Author:** Simon Glazier Area Team Leader  
**Tel No:** 01904 551642

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# Application at 27 Tanner Row

Ref 07/01222/FULM



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Development Control
<b>Comments</b>	Application Site
<b>Date</b>	03 August 2007
<b>SLA Number</b>	

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**COMMITTEE REPORT**

**Committee:** West/Centre Area                      **Ward:** Rural West York  
**Date:** 16 August 2007                              **Parish:** Hessay Parish Council

**Reference:** 07/01371/FUL  
**Application at:** Tockwith Training Services Shirbutt Lane Hessay York YO26  
8JT  
**For:** Erection of single storey storage building following demolition of  
existing (Re-submission)  
**By:** Tockwith Training Services  
**Application Type:** Full Application  
**Target Date:** 3 August 2007

**1.0 PROPOSAL**

1.1 This application seeks permission for the demolition of an existing storage building and erection of a new storage building at a HGV driver training depot, Shirbutt Lane, Hessay.

1.2 A similar application was refused at planning committee in June 2006 on the grounds that it would have an overdominant impact when viewed from the neighbouring property at Rose Lodge by reason of its height, size and proximity to the boundary. An informative was added to the refusal notice stating that if the building were to be re-sited it may be considered acceptable. This application differs from the existing building and previously refused in the following ways:

Existing building:      Height to eaves: 2.4m, Height to ridge: 4.3m, Distance from boundary 2.4m  
Previously refused: Height to eaves: 4.4m, Height to ridge: 5.2m, Distance from boundary 2.4m  
Current application: Height to eaves: 3.6m, Height to ridge: 4.8m, Distance from boundary 3.7m

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGB1

Development within the Green Belt

CYGB11

Employment devt outside settlement limits

### **3.0 CONSULTATIONS**

#### 3.1 Internal

Highway Network Management - No objections

#### 3.2 External

Hessay Parish Council - Object on the grounds that the building would have an overdominant impact when viewed from the rear of the adjacent property at Rose Lodge by reason of height, size and proximity to the boundary.

Neighbours - One letter of objection from Rose Lodge on the grounds that the shed is already an eyesore and extending it a further 2 metres would dominate their home effecting a loss of visual amenity.

Marston Moor Internal Drainage Board - No reply received at time of writing report

### **4.0 APPRAISAL**

#### 4.1 Key Issues

- Impact upon Green Belt
- Impact upon neighbours

4.2 The relevant City of York Council Draft Deposit Local Plan Policy are GB1 and GB11. It states that permission for development will only be granted where: the scale, location and design would not detract from the open character of the Green Belt; it would not conflict with the purposes of including land within the Green Belt; and it would not prejudice the setting and special character of the City, and is for a type of development listed as appropriate development. All other forms of development are considered to be inappropriate and very special circumstances would be required to justify where the presumption against development should not apply. Policy GB11 states that planning permission will be granted for new industrial and business development outside defined settlement limits in the Green Belt and open countryside where it involves the re-use or adaption of an existing building or is for a small scale extension to an existing building and; it provides a direct benefit to the rural economy and the local residential workforce. It goes on to state that where existing companies go on to propose small scale expansion of existing buildings or curtilages rather than relocate to a larger site the circumstances of the company concerned will be assessed against any relevant impact on the local environment and amenity.

4.3 The application site previously operated as a coal depot and is currently being used as a vehicle training depot. It is located along a short cul-de-sac off the A59 in

Hessay. The application seeks permission for the replacement of an existing building on the site with a new building. The existing building is constructed of breezeblock outer walls with corrugated iron roofing. It has an overall length of 29m and a depth of 8m and an eaves height of roughly 2.4m rising to a ridge height of 4.3m. It is set in from the shared boundary with Rose Lodge by 2.4m.

4.4 The proposed building would have a smaller footprint measuring 20.3m in length by 8.9m deep. However, the eaves would be slightly higher at 3.6m and the ridge would be at 4.8m. The building has not been designed with a central ridge but rather it lies towards the front elevation of the property and has a low pitch of 10 degrees in order to reduce the impact upon the neighbours at Rose Lodge. It would be constructed 3.7m from the shared boundary. The building would be constructed of green plastisol coated profile steel walls with a grey roof. It would incorporate two roller shutter doors to the front elevation and eight rooflights to the front and rear elevations to allow natural light into the building. The applicant has stated that the building will be used for the storage of folk lift trucks and trailers as well as associated equipment, such as cones, tyres and spare parts for the vehicles. The applicant states that the building is required as they are increasing the number of trailers on the site due to legislation stating that a licence is required to tow a trailer over 3/4 of a ton. The current building is inadequate to store the trailers and it is not safe to leave them outside during the evening due to potential theft.

This application differs from the existing and previously refused in the following ways:

Existing building: Height to eaves: 2.4m, Height to ridge: 4.3m, Distance from boundary 2.4m

Previously refused: Height to eaves: 4.4m, Height to ridge: 5.2m, Distance from boundary 2.4m

Current application: Height to eaves: 3.6m, Height to ridge: 4.8m, Distance from boundary 3.7m

4.5 Concerns have been raised by the Parish Council and immediate neighbour on the grounds of the impact caused as a result of the increase in height. The proposed building would side onto the neighbours existing flat roof garage, which has a height of 2.2m. As such the new building would project above the garage by 1.4m to eaves (at a distance of 3.7m away) before sloping away from the boundary to the ridge. The new building would lie directly to the north of the neighbour and as such would not result in any direct overshadowing. The building would be at a distance of, in the region of, 14m from the central point of the rear elevation of the neighbours property and as such it is considered that it would not be overdominant to the extent to warrant a refusal.

4.6 With regard to policy it is considered that the building is necessary for the continued operation of the business within this location. Although higher than the existing building it is considered that it would not have a materially greater impact upon the openness of the green belt due to the presence of surrounding buildings and natural screening to the site. In addition the building has a smaller footprint and as such reduces the amount of development within the site. Although not an extension to an existing building it follows the general principle of policy GB11 by

retaining existing business within the rural economy and does not conflict with the aims of the green belt.

## 5.0 CONCLUSION

5.1 It is considered that the concerns expressed by Members at committee have been alleviated. The building has been redesigned to incorporate lower eaves than previous and with a lower ridge set further from the shared boundary. The building has been moved 1.3m further away from the shared boundary reducing the impact further. Furthermore, the majority of the building would side onto the flat roofed garage and would be located to the north of the neighbour resulting in no direct loss of light. Whilst the building is located within the green belt it is considered that the relevant policies have been met. Officers recommend approval.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 TIME2 Devt to start within 3 years

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

Drawing Number 765.1 received 8th June 2007  
Drawing Number 765.2 received 8th June 2007  
Drawing Number 765.3 received 8th June 2007

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

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

3 NOISE7 Restricted hours of construction

4 As the discharge from the proposed development is to an existing controlled system it should be shown, to the satisfaction of the Local Planning Authority that the system can accept the additional discharge without increasing the resulting drainage rate to the receiving watercourse.

Reason: To ensure that surface water from the site is positively drained and that the downstream and upstream riparian owners are not adversely affected

5 The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 and to the satisfaction of the Local Planning Authority.

Reason: To ensure that surface water from the site is positively drained and that the downstream and upstream riparian owners are not adversely affected

- 6 If the suitability of soakaways is not proven under the provisions of condition 5 the development shall not begin until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

- 7 HT1 .....4.8m.....

## **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 purpose of including the land within the greenbelt, impact upon the character of the area and impact upon residential amenity. As such the proposal complies with Policy E2 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GB1 and GB11 of the City of York Local Plan Deposit Draft.

#### **Contact details:**

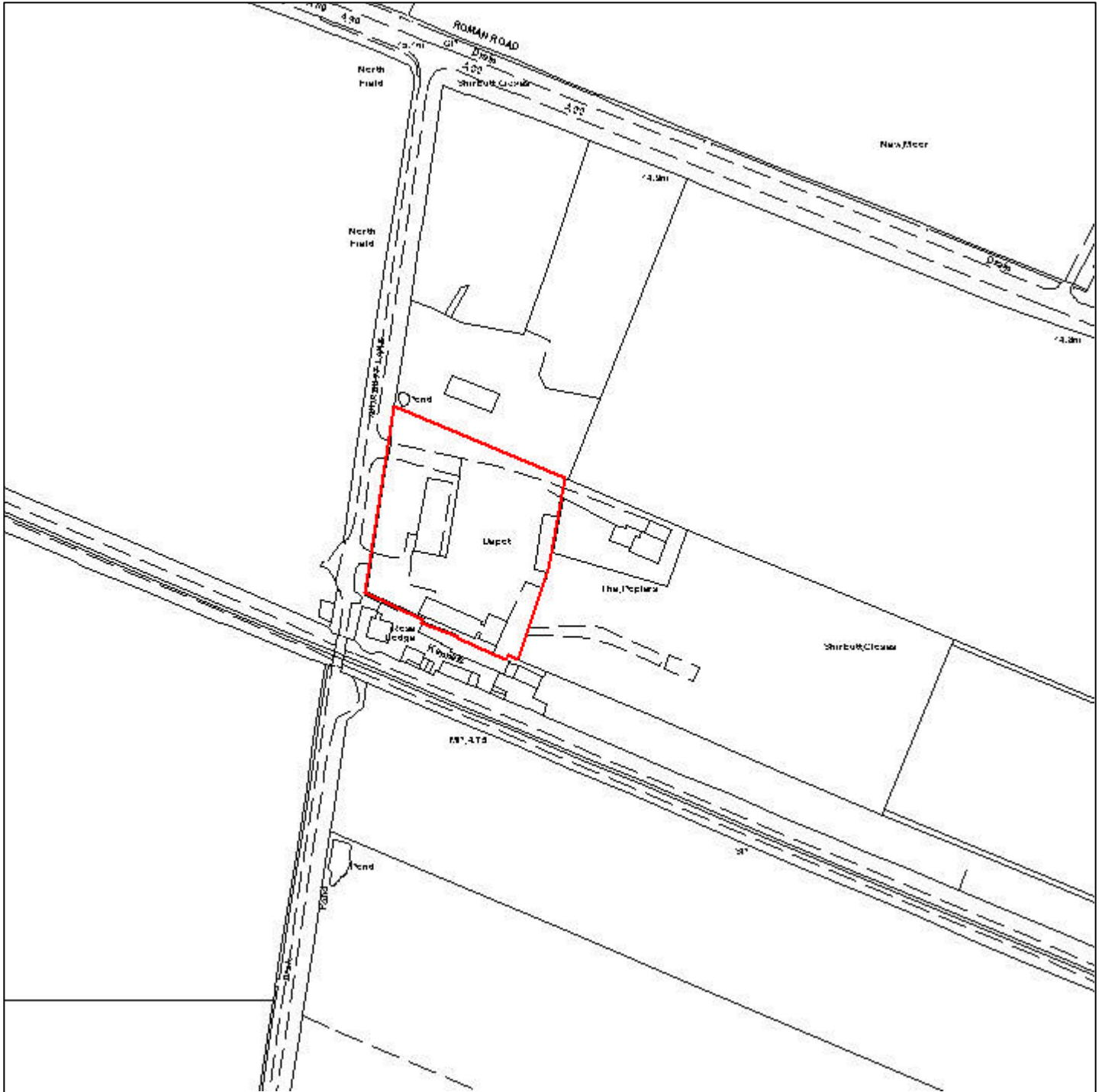
**Author:** Heather Fairy (Mon - Wed) Development Control Officer

**Tel No:** 01904 551668

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# Application at Tockwith Training Services

Ref 07/01371/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	Development Control
<b>Comments</b>	Application Site
<b>Date</b>	03 August 2007
<b>SLA Number</b>	

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**COMMITTEE REPORT**

**Committee:** West/Centre Area                      **Ward:** Guildhall  
**Date:** 16 August 2007                              **Parish:** Guildhall Planning Panel

**Reference:** 07/01279/FULM  
**Application at:** Groves Working Mens Club Penleys Grove Street York YO31  
7PN  
**For:** Erection of 4no. three storey townhouses, 8no. apartments in a  
three storey block and associated garages and car parking  
following demolition of existing buildings  
**By:** Mr Kevin Mohan  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 29 August 2007

**1.0 PROPOSAL**

## SITE

1.1 The application relates to the remaining part of the former Groves Working Mens Club (WMC) site. This comprises of the club buildings - the managers building (2 storey), the bar rooms (2/3 storey) and the function room (single storey flat roof) and the hardstanding to the front (facing Penley's Grove Street). The southeast site boundary is roughly along the side of the coachhouse toward Penley's Grove Street and around the chestnut tree, which is outside the application site. The land to the southeast of the site was sold by the club owners in 2000 and subsequent planning applications were submitted by G B Developments (see 1.3). Permission has been granted for a three-storey block of residential units and a covered way through, which leads to car parking and the Coachhouse (which has been converted into residential).

## PROPOSED DEVELOPMENT

1.2 The application proposes the demolition of the existing buildings. Against the northeast boundary of the site proposed is a 2/3 storey block to provide eight 1 and 2 bedroom units. Fronting Penley's Grove Street it is proposed to erect a linear block of four 4 bedroom houses (3 storey, second floor in roofspace) each with their own detached garage. The building line would be setback some 8.5 metres from the pavement, at the front there would be gardens and soft landscaping around the existing trees. Vehicle access would be from the north, at the corner of Jackson Street / Bowling Green Lane.

## 1.3 PLANNING HISTORY

- Block of 10 flats (3 storey) and access to rear approved 2000 - 00/02381/FUL
- Conversion of Coachhouse into 2 dwellings approved 2000 - 00/00952/FUL

- 12 flats (southeast portion of site) with car parking between the lime tree and club refused in 1999 - 99/02993/FUL - one of reasons was the impact on the lime tree.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Schools Multiple (Spatial)

### 2.2 Policies:

CYGP1 Design

CYGP4A Sustainability

CYH4A Housing Windfalls

CYH5A Residential Density

CYL1C Provision of New Open Space in Development

CYC3 Change of use of community facilities

CYC6 Dev contributions to community facilities

CYED4 Developer contributions towards Educational facilities

## **3.0 CONSULTATIONS**

### INTERNAL

Environmental Protection Unit

3.1 The environmental protection unit have no objections to this application. The application refers to demolition of all buildings on site, therefore recommend that informatives are attached regarding contaminated land and the control of pollution during development.

City Development

3.2 With regards to the principle of the development, i.e. the loss of the community facility, advise that it has been considered previously that WMC which have operated as private members clubs have not been considered as community facilities. However, if the facilities could have been used without membership, then policy C3 of the Local Plan would apply. In this case the applicant would need to demonstrate that the loss of the facility is justified, by demonstrating that the use is surplus to requirements or there are alternative facilities nearby. The relevant housing policies also apply - H3, H4, and H5.

#### Highway Network Management

3.3 No objection. Advise that the site would need to be removed from the res-park zone, this has been agreed to. Recommend the access be widened so it is 5.5 metres - this has been annotated on the revised site plan. Otherwise recommend conditions requiring - vehicle areas and hardstanding to be surfaced, details of junction between site and Jackson Street to be agreed, turning area to be provided within site and no mud shall be on the highway during works.

#### Lifelong Learning and Culture

3.4 Contributions toward open space are required. These would go toward improving local sites such as Monk Bridge, Clarence Gardens, and to improve sports pitches within the East Zone of the Sport and Active Leisure Strategy. This has been agreed to.

#### Education

3.5 Do not require a financial contribution as there would be enough spaces in nearby schools to accommodate the development.

#### Drainage

3.6 No response to date.

#### Design, Conservation and Sustainable Development

3.7 Countryside Officer has recommended a bat survey be carried out. This has been undertaken and no evidence of bats were found. However if bats were located should the development commence, the applicant would need to contact DEFRA. This could be an informative of the approval.

3.8 Landscape architect advises the following - the Lime tree has a route protection area (RPA) with a diameter of at least 8.5 metres (around 7.5m is proposed). Therefore the proposed property is a bit close. However this is somewhat ameliorated by the reintroduction of a porous surface via the shrub bed and lawns. All of the windows on the main elevation of the two middle properties would face directly into the crown of the lime tree, which would be only about 2m from the building face. Therefore the likelihood of conflict is high, due to concerns over shading, aphid sap, leave fall into gutters, safety concerns (old Limes produce a lot

of small deadwood) and potential subsidence claims. The possibility to set the terraced row further back should be seriously investigated.

3.9 Otherwise the layout manages to retain both trees, that are worthy of long term protection, by utilizing the existing levels by keeping the front wall (this would be a condition), and accessing the site from the rear, and by keeping development away from the Horse chestnut which has a good healthy crown with no signs of early defoliation.

3.10 The routes of any new service runs should be provided, to ensure that these are not within the RPA of the lime and chestnut. It is important that this is considered before a decision is made so as not to jeopardize the protection of the tree once planning consent for the building is given. The applicant has been asked to look into this but it could be a condition of approval.

3.11 The existing tarmac construction must be removed very carefully under the crown spread of the trees and in particular adjacent to the trunks - in fact the area touching the trunk would preferably be left intact to crumble away over time so that there is no risk of damaging the bark. Protective fencing should be placed around the trees before any works start on site and the hard surfacing removed as a last phase of the development, to help spread the load of construction operations and avoid unnecessary compaction of the new areas of soil. Recommends a condition for landscaping and one to protect existing trees, these shall be attached.

## EXTERNAL

3.12 Planning Panel - No objections.

3.13 Safer York Partnership / Police Architectural liaison Officer (ALO) - No objection. An informative can be used to advise the developer on the Secure By Design scheme.

## Publicity

3.14 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments was 11.7.07. One letter has been received, it is in support the application, but requests that there are no vehicle access points allowed into the site from Penley's Grove Street.

## 4.0 APPRAISAL

### 4.0 APPRAISAL

#### 4.1 Key issues

Principle of development

Design

Amenity

Sustainability  
Impact on trees  
Highways  
Financial contributions

#### 4.2 Relevant policy

##### National policy

- PPS1: Delivering Sustainable Development
- PPG3: Housing (and forthcoming PPS3)
- PPG13: Transport

Of the Draft Local Plan (incorporating the 4th set of changes)

- GP1 states that development proposals must, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with the surrounding area; avoid the loss of open spaces which contribute to the quality of the local environment; retain, 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

- GP4a states all proposals should have regard to the principles of sustainable development.

- H4a 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 housing on all sites.

- H5a states the scale and design of proposed residential developments should be compatible with the surrounding area and must not harm local amenity. It also recommends densities that development should achieve, 40 dwellings per hectare in urban areas.

- Policy C3 states permission will only be granted for the change of use of community facilities where; the proposal is of a scale and design appropriate to the character and appearance of the locality; it can be demonstrated that the existing facility is no longer needed; or where alternative sites can be provided.

- 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.

- ED4 states that in considering proposals for new residential development, any consequences for existing educational facilities will be assessed in accordance with the approved supplementary planning guidance. Where additional provision is necessary as a direct result of the proposal, developers shall be required to make a

financial contribution toward the provision of such facilities. Similar guidance is included in policy C6.

## PRINCIPLE

4.3 The previous use of the site was a working men's club (WMC), this was predominantly a licensed premises; similar to a public house. The club closed as a consequence of declining membership and rising debts. According to the applicant, part of the site was sold to finance the continued running of the club, but after continuing to make a loss the existing members decided to close the club in 2006. Since then the site has been vacant and is somewhat of an eyesore. The inability of the club to continue running indicates it is no longer sufficiently required or justified. The decline of WMC's has been evident in the amount of planning applications for the closure and change of use of clubs sites in predominantly residential areas (Promenade WMC in St Benedict's Street, City Arms in Fawcett Street and Fishergate WMC in Wenlock Terrace are examples).

4.4 In terms of alternative facilities there are still the Clarence Street WMC and the Conservative Club in Clarence Street within walking distance of the site. Overall it is considered the loss of the site as a community facility is justified.

4.5 The proposed residential use would be on a previously developed site in a predominantly residential area, close to the city centre. As a housing windfall site, the location is fully compliant with policy H4a.

## DESIGN

4.6 The application proposes a mixture of houses (4) with four bedrooms and one and two bedroom flats (8). It is considered there is an acceptable mix of house types and sizes proposed in accordance with policy H3c.

4.7 The site is 0.1340 hectares in size. 12 units are proposed overall so the density (around 90 units per hectare) is over the amount required by policy H5a. This is not overdevelopment of the site though as it is considered to be in keeping with the high density housing around.

4.8 The development is sympathetic to its surrounds. The houses to the front of the site are in keeping with the (mostly) terraced houses on Penley's Grove Street although the building line steps back so a soft landscaped area can be accommodated around the mature tree(s) at this site front. The flat block at the rear replaces an existing structure of similar massing. As such the buildings would not be overdominant over the terrace on Park Crescent. Although the new building would be higher behind 5 & 6 Park Crescent, this is offset overall by the removal of the corner block (where the access is proposed).

4.9 The cycle and storage space proposed would be secure and covered in accordance with policy GP1. The detailing of the buildings are also to an acceptable standard. Material samples can be conditioned, reclaimed brick is proposed to be

used on the flats and overall the proposed materials would be sympathetic with the locality.

4.10 Overall the design of the development is in accordance with the relevant housing policies.

#### RESIDENTIAL AMENITY

4.11 The occupants of the new houses would have adequate space and outlook. The houses do not raise any concerns regarding the amenity of surrounding occupants. The houses would be setback from Penley's Grove Street thus a reasonable distance from the buildings over that street, No.9, on the other side of the alley (Groves Lane) has a blank elevation into the application site, thus that dwelling would not suffer any loss of outlook, while overlooking / overshadowing would not be to an unacceptable level.

4.12 The main outlook from the proposed flats is over the parking court and northwest down Jackson Street. Outlook is acceptable and no overlooking would occur. As mentioned in 4.8 there would be no undue further overdominance or overbearing on the rear yards of the units on Park Crescent.

#### IMPACT ON TREES

4.13 The Council's landscape architect advises that ideally the houses would be a metre further from the Lime tree. This is being looked into by the applicants. Highway network management advise that 500mm could be taken from the access road, without compromising vehicle movements. If another 500mm can be found then a revised layout could be submitted that would ensure the Lime tree would be compatible with the development and not harm future residents amenity.

#### SUSTAINABILITY

4.14 The application has been submitted along with a sustainability statement. The main benefits of the development would be -

- Land use - the proposal involves the redevelopment of brownfield land and proposes more porous surfaces / soft landscaping.
- Location - the site is well located in terms of proximity to services and amenities. It also promotes walking and cycling.
- Construction and build - the development would comply with building regulations, it is stated that the intention is to exceed building regulations in terms of energy efficiency (for example solar panels are included in the scheme). The materials would be responsibly sourced - it is proposed to build the flat block using recycled brick from the surrounding buildings and timber from a renewable resource. The

remaining bricks onsite are also to be accommodated in the development, minimising waste.

- Ecologically sensitive - a bat survey has been carried out.
- Secure by design - could be an informative.
- Amenity is also part of a sustainable development. Amenity is acceptable for future residents.

## HIGHWAYS

4.15 Vehicle and cycle parking is proposed on site. There have been no objections from Highway Network Management, see 3.3.

## FINANCIAL CONTRIBUTIONS

4.16 In accordance with policy L1c of the Draft Local Plan, should the application be approved the applicant / developer would be required to make a contribution toward the provision of open space. Based upon the City of York Commuted Sum Payments document, the contribution for this development would be £16,668 which the applicant has agreed to.

4.17 There is currently adequate space in the schools within the catchment area of the site to accommodate the possible extra demand caused by this development. As such a contribution toward education facilities is not required.

## 5.0 CONCLUSION

5.1 A revised plan is awaited, which moves the proposed houses away from the lime tree, to ensure amenity for future occupants. Otherwise the proposal is considered to enhance the site and would be in accordance with the relevant planning policy.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

- 1 PLANS2 approved plans and other details
- 2 TIME2 time limit
- 3 A sample panel of the external brickwork to be used on the buildings shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of



wall of the approved development has been completed in accordance with the approved sample.

The roofs shall be finished in slate in accordance with the approved plans.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

- 4 The boundary wall fronting Penley's Grove Street shall not be altered without the prior written consent of the Local Planning Authority. No new walls or fences above 1 metre high from ground level shall be erected in the area between the front of the houses hereby approved Penley's Grove Street.

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

- 5 LAND1 landscape scheme req.

- 6 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 of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials, location of marketing cabin.

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

- 7 Any change in surface material and/or surface levels proposed within the canopy spread and likely root zone of any trees shall be submitted to and approved by the Local Planning Authority prior to works commencing.

(It is recommended that the area of hardstanding touching the trunk is actually left intact to crumble away over time so that there is no risk of damaging the bark. Protective fencing should also be placed around the trees before any works start on site and the hard surfacing should be removed as a last phase of the development, to help spread the load of construction operations and avoid unnecessary compaction of the new areas of soil).

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

- 8 Prior to development commencing the routes of any new service runs shall be provided and agreed to in writing by the Local Planning Authority, to ensure

that these are not within the root protection areas of the lime and chestnut trees. The development shall be carried out in accordance with the approved details.

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

- 9 HWAY10 vehicle areas to be surfaced / drained
- 10 HWAY14 access to be approved (details req)
- 11 HWAY19 car and cycle parking to be laid out
- 12 HWAY31 no mud on highway
- 13 S106OS contribution – open space
- 14 HT1 height 10.5m houses, 10.7m apartments

**7.0 INFORMATIVES:  
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual and residential amenity, highway safety and the provision of community facilities. 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, L1c, C3, C6, ED4 of the City of York Local Plan Deposit Draft.

INFORMATIVES

Contaminated Land

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.

Control of pollution

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, failure to do so could result in formal action being taken under the Control of Pollution Act 1974.

#### Secured by design

The applicant's attention is drawn to potential crime reduction by considering the Police 'Secured by Design' Award Scheme for this site. Full details and an application form for the scheme can be found on [www.securedbydesign.com](http://www.securedbydesign.com)

#### Bats

Should bats be located during building works, the work must stop and English Nature should be consulted for further information prior to work commencing.

2.

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

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

You are also reminded that this development is considered not to be eligible for inclusion in res park zone R7.

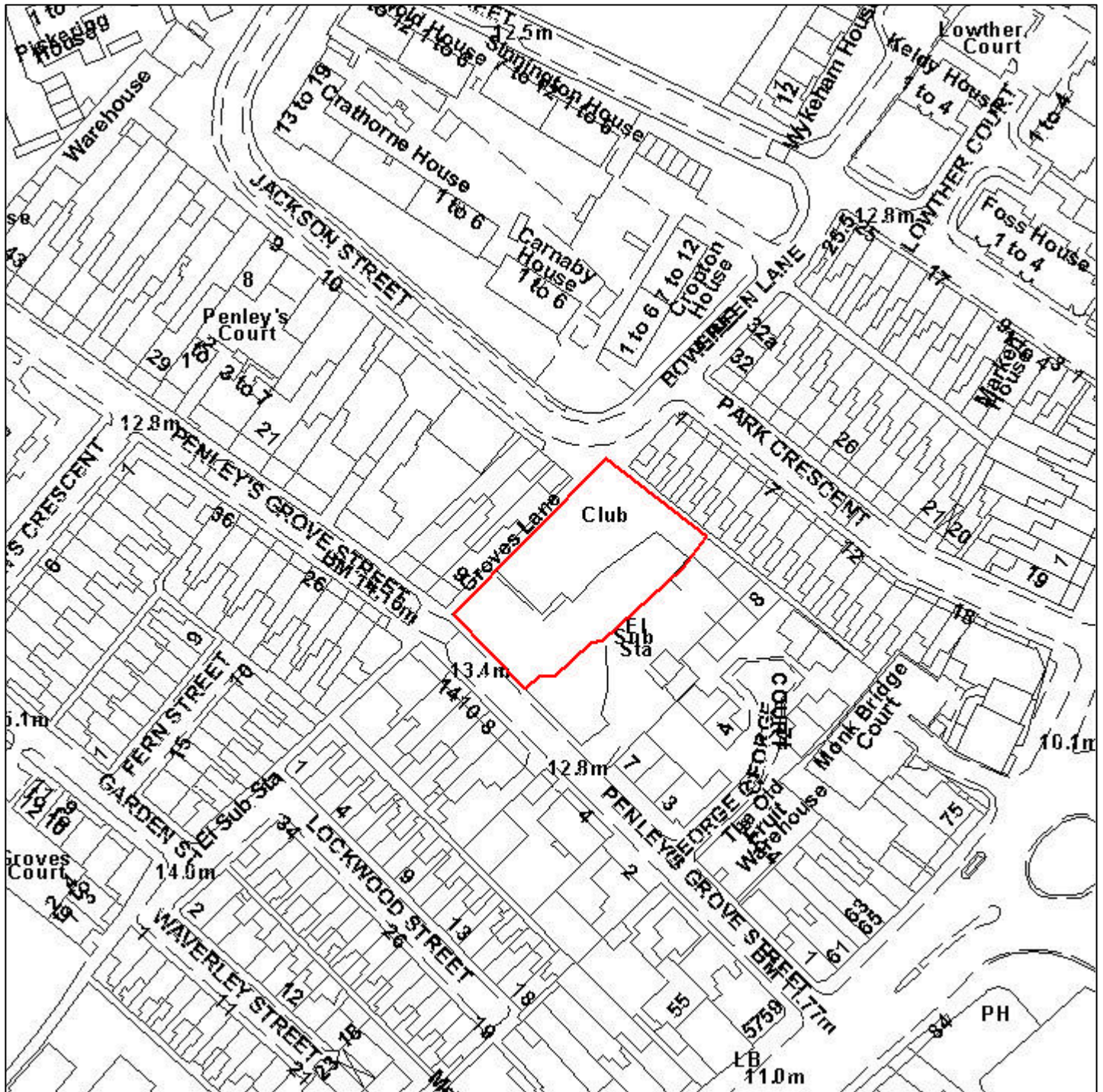
#### Contact details:

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

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# Application at The Groves WMC

Ref 07/01279/FULM



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<b>Organisation</b>	City of York Council
<b>Department</b>	Development Control
<b>Comments</b>	Application Site
<b>Date</b>	03 August 2007
<b>SLA Number</b>	

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**COMMITTEE REPORT**

**Committee:** West/Centre Area                      **Ward:** Acomb  
**Date:** 16 August 2007                              **Parish:** Acomb Planning Panel

**Reference:** 07/01656/FUL  
**Application at:** 9 Fellbrook Avenue York YO26 5PT  
**For:** Two storey side extension and one and two storey rear extension (amendment to approved scheme 07/00452/FUL)  
**By:** Mrs T J Hegarty  
**Application Type:** Full Application  
**Target Date:** 10 September 2007

**1.0 PROPOSAL**

1 The application is for a two storey side extension and a one and two storey rear extension.

1.2 The semi-detached dwelling is set within a large plot on a street which has a uniform character gained by the regular spacing of the dwellings. There is an existing large extension to the rear of the dwelling, and a flat roofed sectional garage.

1.3 The previous application for a two storey side extension and one and two storey rear extension was approved by West and Centre planning sub committee on 22 May 2007.

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

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1  
Design

CYH7  
Residential extensions

### **3.0 CONSULTATIONS**

#### **3.1 PUBLICITY DATES/PERIODS**

Neighbour Notification - Expires 07/08/2007

Site Notice - N/A

Press Advert - N/A

Internal/External Consultations - Expires 07/08/2007

8 WEEK TARGET DATE 10/09/2007

#### **3.2 INTERNAL CONSULTATIONS**

HIGHWAY NETWORK MANAGEMENT - No objections

#### **3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS**

ACOMB PLANNING PANEL - No response to date

NEIGHBOURS - No response to date

Consultation period does not end until 07/08/2007

### **4.0 APPRAISAL**

#### **4.1 RELEVANT SITE HISTORY**

07/00452/FUL - Two storey side extension and one and two storey rear extension - Approved

#### **4.2 ADDITIONAL PLANNING POLICY**

CYC Supplementary Design Guidance - A guide to extensions and alterations to private dwelling houses, 2001

#### **4.3 KEY ISSUES**

1. Visual impact on the dwelling and the area
2. Impact on neighbouring property

#### **4.4 ASSESSMENT**

##### **PLANNING POLICY**

4.4.1 Policy GP1 'Design' of the City of York Development Control Local Plan includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that



is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.4.2 Policy H7 'Residential Extensions' of the City of York Development Control Local Plan sets out a list of design criteria against which proposals for house extensions are considered. The list includes the need to ensure that the design and scale are appropriate in relation to the main building; that proposals respect the character of area and spaces between dwellings; and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy.

4.4.3 The City of York Council supplementary planning guidance - Guide to extensions and alterations to private dwelling houses (2001) states that the basic shape and size of the extension should be sympathetic to the design of the original dwelling. The scale of the new extension should not dominate the original building. Where a street has a well-defined building line it should be retained, It is suggested that side extensions should be set back at least 0.5 metres from the front of the building. Generally roofs that reflect the pitch and style of the existing roof are encouraged. Issues of privacy for neighbours and for users of the conservatory will be important and obscure glazing should be considered for windows that face neighbours property or gardens. Alternatively solid sides to the conservatory can be used. Side extensions should be sympathetically designed to appear subservient to the main dwelling. Their appearance will be improved if the extensions are set back from the main building. It is important that the design of the side extension takes into account the height of the new building in relation to the distance from the neighbouring properties. Extensions, which go up to the property boundary, may result in a 'terracing effect'. This tends to occur where a two storey side extension is added to a semi-detached house and than the neighbouring house carries out a similar extension. It is exacerbated when the ridgeline continues at the same level and there is a continuation along the building line. If the spaces between houses become filled by side extensions in this way it can alter the character of an area. The 'terracing' effect can be avoided by leaving sufficient space between the extension and the side boundary of about one metre. The extension should be set back from the original building line (by at least 0.5 metres) and have a lower ridge height thus providing a break in the street frontage

#### VISUAL IMPACT ON THE DWELLING AND THE AREA

4.4.4 The principle of the two storey side extension has been approved in the previous application. This application differs from the previous in that the roof to the single storey rear extension would have the one pitch, rather than the two differing pitches approved (one steep, one shallow). The roof would be tiled rather than half tiled and half glazed. Whilst the height of the proposed extension has not changed significantly the one pitch roof does create a more cohesive appearance. This roof would have 5 rooflights in the roof, permitted development rights for additional

windows to those shown in the plan had been removed in the previous planning permission. The rear elevation French doors in the proposed kitchen have been removed and replaced with a window. The footprint of the proposal remains the same as what has been approved previously.

4.4.5 Whilst the proposed extensions are large and to an extent overwhelm the original character of the dwelling when viewed from the rear, it is not considered to cause undue harm to the appearance and character of the street scene and the area.

#### IMPACT ON NEIGHBOURING PROPERTY

4.4.6 The single storey rear extension would protrude 6 metres from the rear elevation. This is significantly more than the recommended depth of 3 metres. The maximum height of the roof is 3.9 metres and slopes down away from the main dwelling until the eaves height is 2.5 metres. The rear extension to the rear of 11 Fellbrook is 3 metres in depth (including the bay window/door); this results in only the 3 metres of the proposed extension extending further than the neighbouring extension. The proposed rear extension is slightly higher at this part than what was previously approved however not to the extent that it is considered to cause a loss of outlook, (as there is an existing 1.8 metre high fence and mature planting marking the boundary and also creating screening), neither is it considered to cause any further loss of light or overshadowing.

### 5.0 CONCLUSION

5.1 The proposed alterations to the roof of the single storey rear extension are not considered to have a detrimental impact upon the character of the dwelling. Neither are they considered to cause undue harm to the residential amenity of the occupants of 7 Fellbrook Avenue or 11 Fellbrook Avenue. Approval is recommended.

### 6.0 RECOMMENDATION: Approve

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

Drawing Number HFA/1/02 received 16 July 2007  
Drawing Number HFA/1/04 received 16 July 2007  
Drawing Number HFA/1/05 received 16 July 2007  
Drawing Number HFA/1/06 received 16 July 2007 ;

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

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

- 2 TIME2 Development start within three years
- 3 VISQ1 Matching materials
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order) no additional windows other than those shown on the approved plans shall be constructed.

Reason: As the insertion of additional windows could have a serious impact on the privacy of neighbours and should therefore be controlled.

## **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 the residential amenity of the neighbours, and the visual amenity of the dwelling and the locality. As such, the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan (2005); national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development"; and supplementary design guidance contained in the City of York's "A guide to extensions and alterations to private dwelling houses".

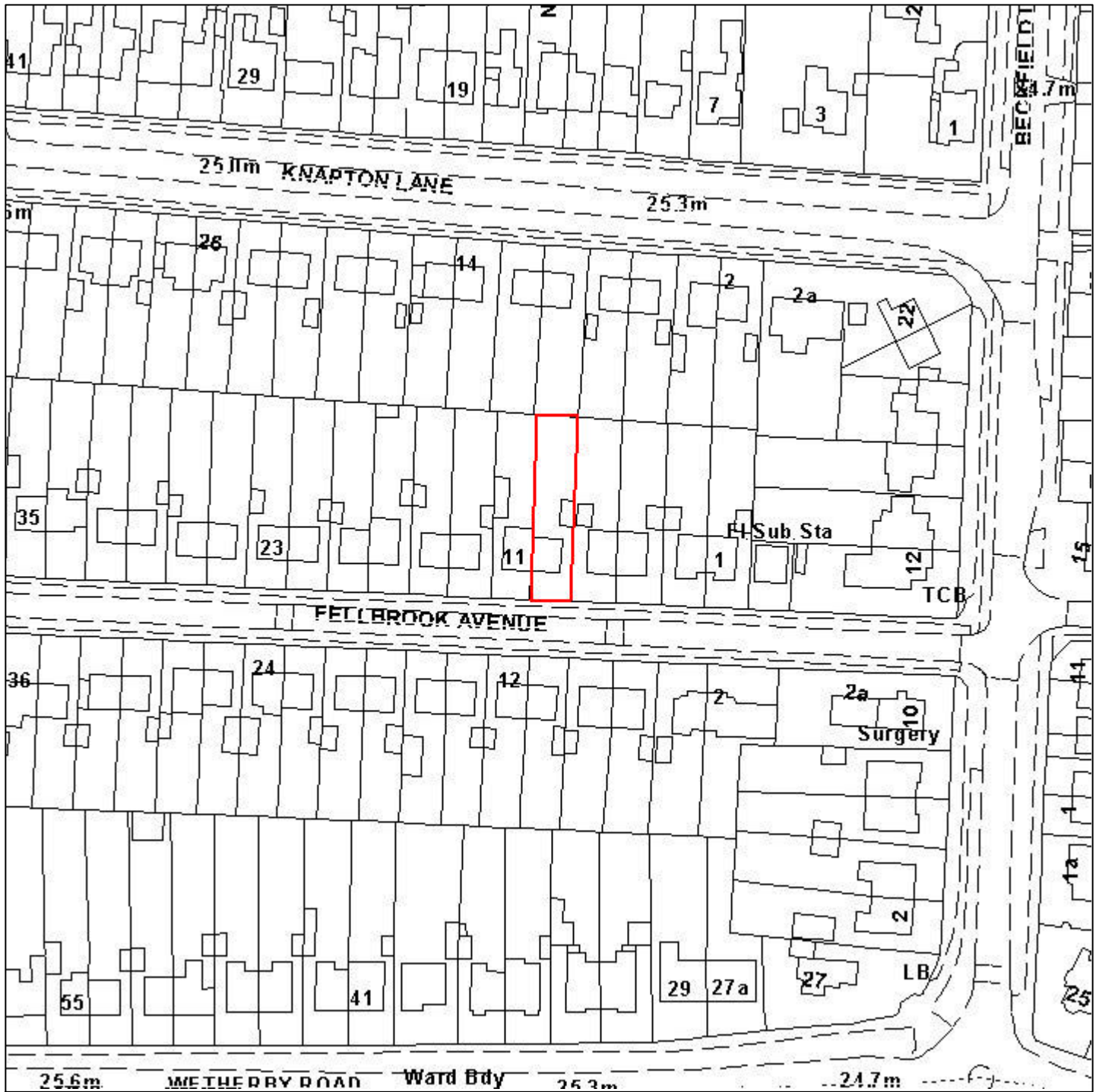
#### **Contact details:**

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

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# Application at 9 Fellbrook Avenue

Ref 07/01656/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	Development Control
<b>Comments</b>	Application Site
<b>Date</b>	03 August 2007
<b>SLA Number</b>	

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**COMMITTEE REPORT**

**Committee:** West/Centre Area                      **Ward:** Micklegate  
**Date:** 16 August 2007                              **Parish:** Micklegate Planning Panel

**Reference:** 07/01601/FUL  
**Application at:** 6 Ovington Terrace York YO23 1DJ  
**For:** Conversion of dwelling into 2no. flats  
**By:** M J Holmes  
**Application Type:** Full Application  
**Target Date:** 31 August 2007

**1.0 PROPOSAL**

1.1 The application seeks permission for the change of use of 6 Ovington Terrace to two one bedroomed flats. Planning permission was granted in May 2007 for the erection of a part two and part single storey rear extension to create a kitchen and bathroom to ground floor and a third bedroom to the first floor. It was also noted at the time that the applicant was to convert the attic under permitted development rights to create a fourth bedroom.

1.2 The property is a two storey end of terrace property, which lies at the junction on Ovington Terrace and Windsor Street. The ground floor flat would be accessed through the rear yard and would comprise of a bedroom facing onto Windsor Street and a livingroom with kitchen and separate bathroom to the rear. The first floor flat would be accessed through the existing main door fronting onto Ovington Terrace and would have a similar layout to the ground floor flat. No rooms are now proposed within the roof. Cycle parking for the flats would be provided to the rear yard along with bin storage and a small amount of amenity space. There would be no parking on site for vehicles.

1.3 This application is referred to the West/ Centre Planning Sub-Committee at the request of Councillor Tracey Simpson-Laing as the proposal would result in the sub division of an existing dwelling.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

2.2 Policies:

CYGP4A  
Sustainability

CYT4  
Cycle parking standards

CYH4  
Housing devp in existing settlements

CYH8  
Conversion to flats/HMO/student accom

CYL1  
Open spaces in new residential devts

### **3.0 CONSULTATIONS**

#### 3.1 Internal

Highway Network Management - No objections

#### 3.2 External

Micklegate Planning Panel - Expires 31st July - No reply at time of writing report

Neighbours - Expires 31st July - No letters received

### **4.0 APPRAISAL**

#### 4.1 Key Issues

- Principle of Proposed use
- Impact on adjacent residents
- Impact on character of the area/ Visual amenity
- Highway issues

Additional planning policy-

Policy H9, North Yorkshire County Structure Plan

Planning Policy Statement 1 " Delivering Sustainable Development "

Planning Policy Statement 3 " Housing "

4.2 The North Yorkshire County Structure Plan (Alteration No.3) was approved in November 1995. Policy H9 states that provision will be made for the maintenance and, where appropriate, the extension of residential use of property in and around town centres and particularly in and around the historic core of the City of York, through permitting suitable new development and through the conversion of suitable



existing property and vacant upper floorspace. This policy is still pertinent. Policy T4 requires adequate on-site provision for cycle parking. Policy H8 relates specifically to conversions and states that planning permission will only be granted for the conversion of a dwelling to flats... where the dwelling concerned has a minimum of four bedrooms. The Local Plan states that in considering the impact of such proposals, attention will be given to the character of the street, the effect on the amount of available amenity space, parking requirements, traffic generation and any other material planning considerations particular to the case. Policy H4a states that proposals for residential development on land not already allocated on the Proposals Map will be granted permission where the site is within the urban area and involves the conversion of an existing building; the site has good access to jobs, shops and services by non-car modes and where it is of an appropriate scale and density to surrounding development.

4.3 Planning Policy Statement 3 (PPS3), published in November 2006 replaces Planning Policy Guidance Note No. 3 and becomes a material consideration in the determination of planning application from 1st April 2007. This new policy amongst other things, increases the opportunity for local planning authorities to set important areas of policy locally, is more prescriptive in terms of detailing housing mix, and retains the emphasis upon developing sustainable brownfield sites, and the need to create mixed and inclusive communities which offer a choice of housing and lifestyle through the avoidance of social exclusion. Paragraph 31 of the PPS restates the principle that was included in PPG3 that the "Conversions of existing housing can provide an important source of new housing."

4.4 In principle, the development would comply with Local Plan Policy H4, as the housing development lies within the settlement limits of the city and involves the conversion of an existing building located within an established residential area in relatively close proximity to the centre of York. The dwelling to which the application relates as originally built had only two bedrooms. A recent approval gave permission for an additional bedroom at first floor. The proposal would therefore conflict with Policy H8 of the local plan in terms of the property not having 4 bedrooms. This proposal would accord with Policy H9 of the North Yorkshire County Structure Plan, which has a general presumption in favour of expansion of residential use in and around town centres through the conversion of suitable existing property, irrespective of the size of the property concerned. To date and until September 2007 when the plan period expires, the Structure Plan remains the most relevant formally adopted document in the City of York's administrative area and forms the statutory development plan for the area. Recent appeal decisions have generally concluded that as the Structure Plan policy is adopted and forms part of the statutory Development Plan for the area, and that the Local Plan forms part of an emerging document, then greater weight should be afforded to Policy H9 of the Structure Plan than Local Plan policy H8.

4.5 Planning Policy Statement 3 recognises that the conversion of dwellings can provide an important source of additional housing. Clearly, the proposal would provide accommodation suited to smaller households (which may not necessarily be younger persons) in a convenient and sustainable location close to the City Centre. It is considered that the proposal would not conflict with the spirit of Central Government advice in PPS 3, and recent appeal decisions have suggested that the

size of the dwelling should not be a material consideration in determining individual applications. It is therefore concluded that the principle of converting this particular dwelling into two flats would not be contrary to adopted planning policy and guidance.

4.6 The Council has recently commissioned a Housing Needs Assessment Survey and the initial results add some credence to the need to retain small family -sized properties and to combat an apparent over-supply of flats/ apartments in York. In a recent appeal for the conversion of a similar terrace property to two flat the Inspector noted that the survey 'may bring about a significant alteration to the principles guiding Policy H8 in the Councils future housing policies within the emerging LDF. However, although the loss of a family dwelling may be regrettable in the face of this identified shortfall, for the moment, the terms of Policy H8 would allow for its conversion to flats, provided that all of the other relevant criteria are met.'

4.7 In terms of possible disturbance of neighbours it is considered that the creation of a living room to first floor which would abut the adjoining neighbours bedroom would not be reason for refusal. Recent appeal decisions have concluded that it would be unduly cautious to assume that such a situation would regularly result in excessive noise nuisance. Sound attenuation measures between properties would generally be a matter, which would be dealt with under the Building Regulations. With regard to the provision of off street parking it is considered that as there are no on street parking restrictions and the number of bedrooms within the property has not increased no objections are raised.

4.8 The proposed development would result in 2 No. one-bedroom units being formed from what was previously a 2 No. bedroomed house, with no net increase in the number of bedrooms being created. As the Council's draft supplementary guidance on the provision of open space associated with new developments is based on the number of bedrooms that would be created and there would be no increase in the number of bedrooms as a result of the development, it is considered that no commuted payment for this provision would be required if Members are minded to approve the application.

## **5.0 CONCLUSION**

5.1 Clearly, if planning permission is to be refused, it would be necessary to identify specific harm which would arise if the development was to proceed. Members will be aware that a number of appeals in relation to similar proposals to subdivide existing dwellings have recently been allowed. Recent appeal decisions have suggested that the size of the dwelling to be subdivided should not be the determining issue and that Policy H9 of the Approved North Yorkshire Structure Plan, with which there is no obvious conflict, should carry more weight than Policy H8 of the Local Plan. There would be no conflict with Central Government Guidance in PPS3 relating to the provision of a mix of housing and the need to avoid social exclusion. It is concluded, therefore, that the balance weighs in favour of granting of planning permission in this case.

**6.0 RECOMMENDATION:** Approve

1 TIME2

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

Drawing number 2007:01 received 6th July 2007

Drawing number 2007:02 received 6th July 2007

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

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

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

Reason: In the interests of highway safety.

**7.0 INFORMATIVES:**

**Notes to Applicant**

1. 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 the residential amenity of the neighbours, the visual amenity of the dwelling and the locality, and highway safety. As such, the proposal complies with Policy H9 of the North Yorkshire County Structure Plan; Policies GP4a, H4, H8, T4 and L1c of the City of York Draft Development Control Local Plan- Incorporating the Proposed 4th Set of Changes; national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development and No. 3 " Housing "

**Contact details:**

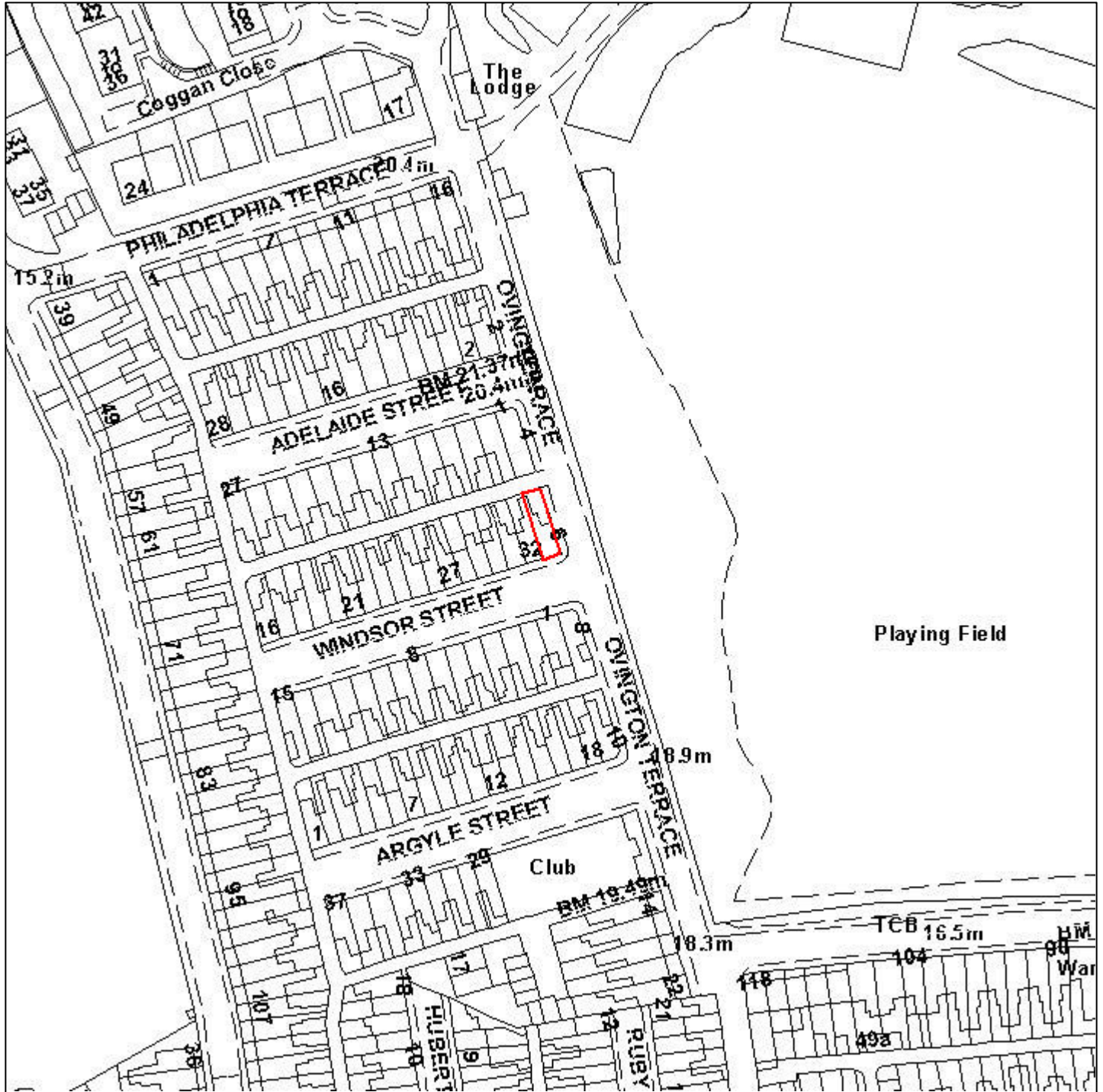
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# Application at 6 Ovington Terrace

Ref 07/01601/FUL



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Development Control
<b>Comments</b>	Application Site
<b>Date</b>	03 August 2007
<b>SLA Number</b>	

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