



Notice of meeting of

West & City Centre Area Planning Sub-Committee

- To:** Councillors B Watson (Chair), Sue Galloway (Vice-Chair), Horton, Galvin, Reid, Gillies, Gunnell, Jamieson-Ball and Sunderland
- Date:** Tuesday, 28 August 2007
- Time:** 12.00 pm
- Venue:** The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00 am on Friday 24th August 2007 at Memorial Gardens.

1. Declarations of Interest

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

2. Public Participation

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

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

3. Plans List

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

- a) **40 Beckfield Lane (07/01599/FUL)** (Pages 5 - 10)
Single storey pitched roof rear extension [*Acomb Ward*]
- b) **Edward VII Public House (07/01625/FUL)** (Pages 11 - 18)
Erection of timber pergola to the rear and external alterations to the rear elevation of the existing building including relocated air conditioning unit (resubmission). [*Micklegate Ward*]
- c) **2 St Aubyn's Place (07/01641/FUL)** (Pages 19 - 26)
Temporary change of use to Day Nursery (D1 Use) for a period of 2 years. [*Micklegate Ward*]
- d) **42 Monkgate (07/01566/FUL)** (Pages 27 - 36)
Change of use of offices to 5 residential units and erection of 4 flats with car parking after demolition of the existing office building. [*Guildhall Ward*]
- e) **42 Monkgate (07/01564/LBC)** (Pages 37 - 44)
Alterations and extensions after demolition of existing single storey rear extension. [*Guildhall Ward*]
- f) **32 Lord Mayor's Walk (07/01626/FUL)** (Pages 45 - 54)
Change of use from office and flat to 12 bedroom student house including new rooflights to front and rear [*Guildhall Ward*]
- g) **32 Lord Mayor's Walk (07/01627/LBC)** (Pages 55 - 58)
Internal and external alterations including new rooflights to front and rear in connection with proposed use as a 12 bedroom student house. [*Guildhall Ward*]

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

Democracy Officer

Name: Tracy Wallis

Contact Details:

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

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

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

Contact details are set out above.

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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE**SITE VISITS****Friday 24th August 2007****The bus for Members of the Sub-Committee will depart from
Memorial Gardens at 11am**

TIME (Approx)	SITE	ITEM
11:10	St. Aubyn's Place	c
11.40	Edward VII – Nunnery Lane	b
12.10	32 Lord Mayor's Walk Work has already started on site member's are advised to wear safety gear – hard hats, boots, etc..	f & g
12.40	42 Monkgate	d & e

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- 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.

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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).

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

যদি যথেষ্ট আগে থেকে জানানো হয় তাহলে অন্য কোন ভাষাতে তথ্য জানানোর জন্য সব ধরনের চেষ্টা করা হবে, এর জন্য দরকার হলে তথ্য অনুবাদ করে দেয়া হবে অথবা একজন দোভাষী সরবরাহ করা হবে। টেলিফোন নম্বর (01904) 613161.

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

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

Holding the Executive to Account

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

Scrutiny Committees

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

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

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

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Acomb
Date: 28 August 2007 **Parish:** Acomb Planning Panel

Reference: 07/01599/FUL
Application at: 40 Beckfield Lane York YO26 5RJ
For: Single storey pitched roof rear extension
By: Miss Helen Christmas
Application Type: Full Application
Target Date: 6 September 2007

1.0 PROPOSAL

This application seeks consent to erect a mono-pitched roof single storey rear extension to create additional living space, after removal of existing single storey flat roofed extension. The proposal will measure a total height of 3.5 metres and 1.9 metres to the eaves, with a width of 5.5 metres and projection from the original rear elevation of 5 metres.

1.1 The applicant was employed by City of York Council within the last four years, therefore, the application is to be heard by Committee.

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:

CYH7
Residential extensions

CYGP1
Design

3.0 CONSULTATIONS

3.1 External

Acomb Planning Panel - No objection

Response to neighbour consultation letters - None received upto date of writing

4.0 APPRAISAL

4.1 Key Issues

1. Visual impact on the dwelling;
2. Impact on neighbouring properties

4.2 DRAFT LOCAL PLAN POLICY CYH7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

4.3 DRAFT LOCAL PLAN POLICY CYGP1 states that development proposals will be expected to (i) respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.4 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that (1.12) Good design and a scale of development that respects the original dwelling and established pattern of development are essential to making a quality extension. An extension in the style of the existing dwelling is likely to be the most acceptable.

4.5 Assessment

This traditional style semi-detached dwelling is sited within a residential area, but outside of the Conservation Area. The property has been previously extended by the addition of a single storey flat roofed rear extension, projecting 2.2 metres from the original rear elevation, to be removed as part of this application. A detached garage is also sited to the rear. Good sized gardens abut the site to the front and rear providing ample amenity space.

The scale and design of the proposal, with matching materials proposed, is in keeping with the original dwelling. Though the extension proposed is relatively large, with a projection of 5 metres, it is in proportion with the size of the original dwelling

and sited within a large plot. The mono-pitched roof will enhance the appearance of the dwelling, compared to the existing flat roofed extension in place. It is not, therefore, considered this addition will cause harm to the appearance of the dwelling or surrounding area.

Due to the distance from the rear boundary, the very high out shot to the rear of No. 42 Beckfield Lane; and existing side boundary treatment and brick built store at No. 38 Beckfield Lane, no detriment will be caused to any neighbouring properties due to loss of privacy, overshadowing or visual intrusion due to dominant structures.

5.0 CONCLUSION

It is considered that the proposal will not harm the living conditions of nearby neighbours or the appearance of the dwelling in the street.

6.0 RECOMMENDATION: Approve

- | | | |
|---|--------|--------------------------------------|
| 1 | TIME2 | Development start within three years |
| 2 | VISQ1 | Matching materials |
| 3 | PLANS1 | Approved plans |

7.0 INFORMATIVES:

Notes to Applicant

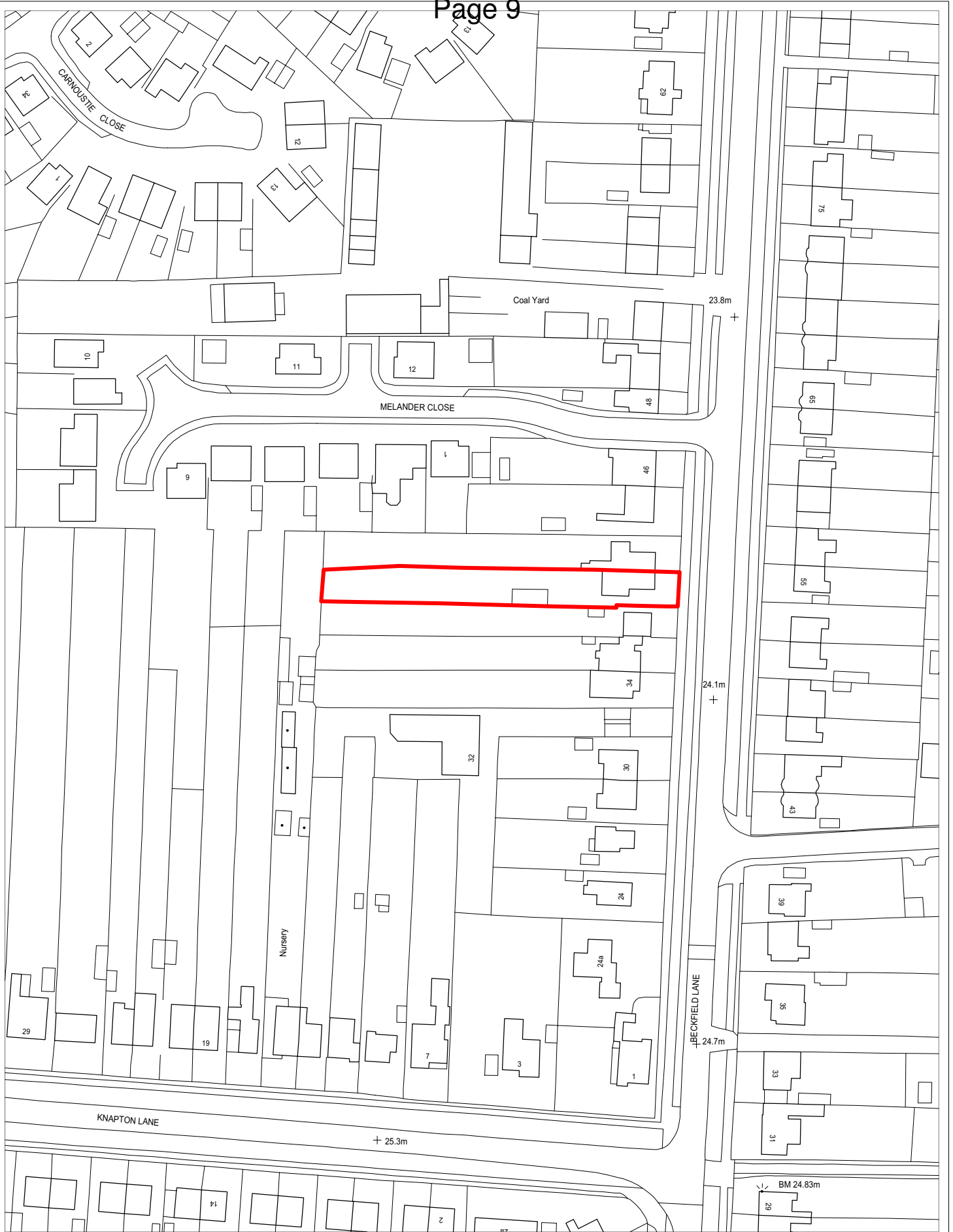
1. REASON FOR APPROVAL

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

Contact details:

Author: Carolyn Howarth Development Control Assistant
Tel No: 01904 551344

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CITY OF
YORK
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40 BECKFIELD LANE - 07/01599/FUL

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COMMITTEE REPORT

Committee: West/Centre Area
Date: 28 August 2007

Ward: Micklegate
Parish: Micklegate Planning Panel

Reference: 07/01625/FUL
Application at: Edward VII 105 - 109 Nunnery Lane York YO23 1AH
For: Erection of timber pergola to rear and external alterations to rear elevation of existing building including relocated air conditioning unit (resubmission)
By: Wolverhampton And Dudley Breweries Plc
Application Type: Full Application
Target Date: 5 September 2007

1.0 PROPOSAL

1.1 The application relates to the Edward VII public house, located on the corner of Nunnery Lane and Victoria Street. There are terraced dwellings to the east side of the public house and an area of hardstanding, used as parking at the rear.

1.2 The application is for planning permission for a timber-framed pergola with a polycarbonate roof at the rear of the building, required to provide an outdoor smoking area for patrons of the public house. To enable direct access to the shelter it is proposed to replace a window within the rear elevation with an access door and small window. An existing air-conditioning unit is to be relocated in the rear yard area.

1.3 This application is a re-submission, after the original scheme was refused in 2006, reference 06/02823/FUL. The application was refused due to concern that the proposed development would lead to increased levels of noise and smoke disturbance from customers which would be harmful to the levels of amenity currently enjoyed by the occupants of No.111 Nunnery Lane.

1.4 The application is brought to planning committee at the request of Councillor D Merrett.

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

2.2 Policies:

CYGP1
Design

CYGP18
External attachments to buildings

3.0 CONSULTATIONS

Internal

The Environmental Protection Unit (EPU)

3.1 Object to the application for the following reasons.

- The proposed shelter would be in very close proximity to neighbouring residential properties. Thus concerns that noise from patrons using the shelter throughout the day and at night will have a detrimental effect on the amenity of neighbouring residents which would give rise to nuisance complaints.
- Concern was also raised over noise breakout during access and egress to and from the bar from the proposed new door serving the bar area.
- EPU also stated that the structure is proposed to provide shelter for patrons. If approved it may encourage smokers to congregate in this area. The smoke generated by smokers may have a serious effect on the amenity of residents living in close proximity. It is also likely that smoke produced may give rise to nuisance complaints and have health implications for the adjacent residents.
- EPU also raised concern that the shelter may be substantially enclosed. If it were it would not be possible for this structure to be used as a smoking shelter under the Health Act 2006 which came into force on 1st July 2007.

Design, Conservation and Sustainable Development

3.2 No comment.

External

3.3 Planning Panel - No response.

3.4 Adjacent neighbours were notified by letter. The deadline for comments was 02.08.07. A list, of some 144 names, in support of the scheme has been submitted by the landlord of the pub along with a covering letter advising of a letter /leaflet (inviting objections to the scheme) which has been passed around to nearby residents. This leaflet advises that an application has been made to the licensing department for an outdoor drinking area, that the public right of way adjacent to the

building has been ignored, and that there is no provision for the containment of noise. A letter in support from 76 Nunnery Lane has also been received. This letter states that the space at the rear of the building is a natural place to accommodate smokers. Three objection letters have been received, from 111, 103 and 77 Nunnery Lane, the objections are as follows -

- Noise
- Anti-social behaviour
- Health implications
- Dangerous for children nearby - influenced by smokers, dangerous for them to be near people drinking
- Discrepancies with the information in the submitted application and statements - the area is not 'al fresco' as it is covered (it may not comply with new regulations), application states area would be for everyone to enjoy, however it is only for patrons of the premises, no account for what effect there would be on the surrounding area which is residential, fire safety concerns.

4.0 APPRAISAL

4.1 The key issues are the design / appearance of the proposed structure and the effect upon the amenity of surrounding residents and also crime and disorder.

4.2 The relevant policies of the Draft Local Plan are GP1 and GP18.

4.3 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; provide and protect amenity space; provide space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or overdominance

4.4 GP18 pertaining external attachments to buildings states they will only be permitted where their design, locations, materials and colouring do not significantly detract from the visual amenity of the building, or the character and appearance of conservation areas.

4.5 The objectives of the general policies of the Local Plan are to enhance the health, safety and amenity of the public and improve the natural and built environment.

4.6 The proposed pergola would be 3515mm by 2270mm and 3m high. There would be a trellis around the pergola immediately below the roof level, and a fence above the dwarf wall on the car park facing elevation up to 1.8m from ground level. The structure would sit between a single storey flat roof rear extension at the existing building and a single storey lean- to rear extension at No. 111 Nunnery Lane.

Design / appearance

4.7 The row of terraced properties within which the property is located consists of a number of single storey rear extensions / outbuildings of various shapes and

materials. When viewed in this context the proposed building would not be harmful to the visual amenity of the area.

Residential amenity

4.8 The application proposes an access door and the creation of an outdoor smoking area. Although the area is within the curtilage of the public house, it would not have previously accommodated patrons principally because of its lack of direct access, size and appearance. The building would be adjacent to the boundary of No.111 Nunnery Lane, and would encourage people to congregate in the area. No.111 is a residential property with first floor windows within approximately 5m of the proposed building. The development is likely to harm the amenity of the occupants of No.111, through increased noise from patrons of the premises and nuisance from smoke. This would potentially occur both through the day and at night (the pub can open until 01:30 Thursday to Saturday), and would likely be worse in warmer periods when an increased number of patrons would desire to be outside, and for longer periods of time. Also, during warmer weather, No.111 may want to have their windows open, which would exacerbate the problems of noise and smoke. The level of disturbance may also be greater if the new door were left open, allowing noise to escape from inside the premises.

Crime and disorder

4.9 There is no evidence to demonstrate that patrons of the public house would cause harm or disturbance if they were outside. Officers consider that such a problem should either be dealt with through the premises' license, which could be revoked or amended if necessary, or by the police.

Other matters

4.10 The objections on the grounds of fire safety and whether the proposed shelter would be open enough to comply with the new regulations are covered in separate legislation and are thus not reasons to refuse this application, or seek amendments to the plans. Should the application be approved the applicants could be informed of this.

5.0 CONCLUSION

5.1 This application is the same one which has previously been refused under delegated powers. It is considered that the proposed development would be harmful to the amenity of the occupants of No.111 Nunnery Lane as it would encourage noise disturbance and nuisance from smoke in close proximity to the windows of that residential property. The application is thus contrary to policy GP1 and the objectives of the general policies of the Local Plan which seek to enhance the health, safety and amenity of the public and improve the natural and built environment. Refusal is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 In the opinion of the Local Planning Authority the proposed development would lead to increased levels of noise and smoke disturbance from patrons of the public house which would be harmful to the amenity presently enjoyed by the occupants of No.111 Nunnery Lane. As such this proposal is contrary to the objectives of the general policies of the City of York Local Plan which seek to enhance the health, safety and amenity of the public and improve the natural and built environment. Also to policy GP1 of the City of York Draft Local Plan which requires development proposals to provide and protect amenity space and ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or overdominance to adjacent neighbours.

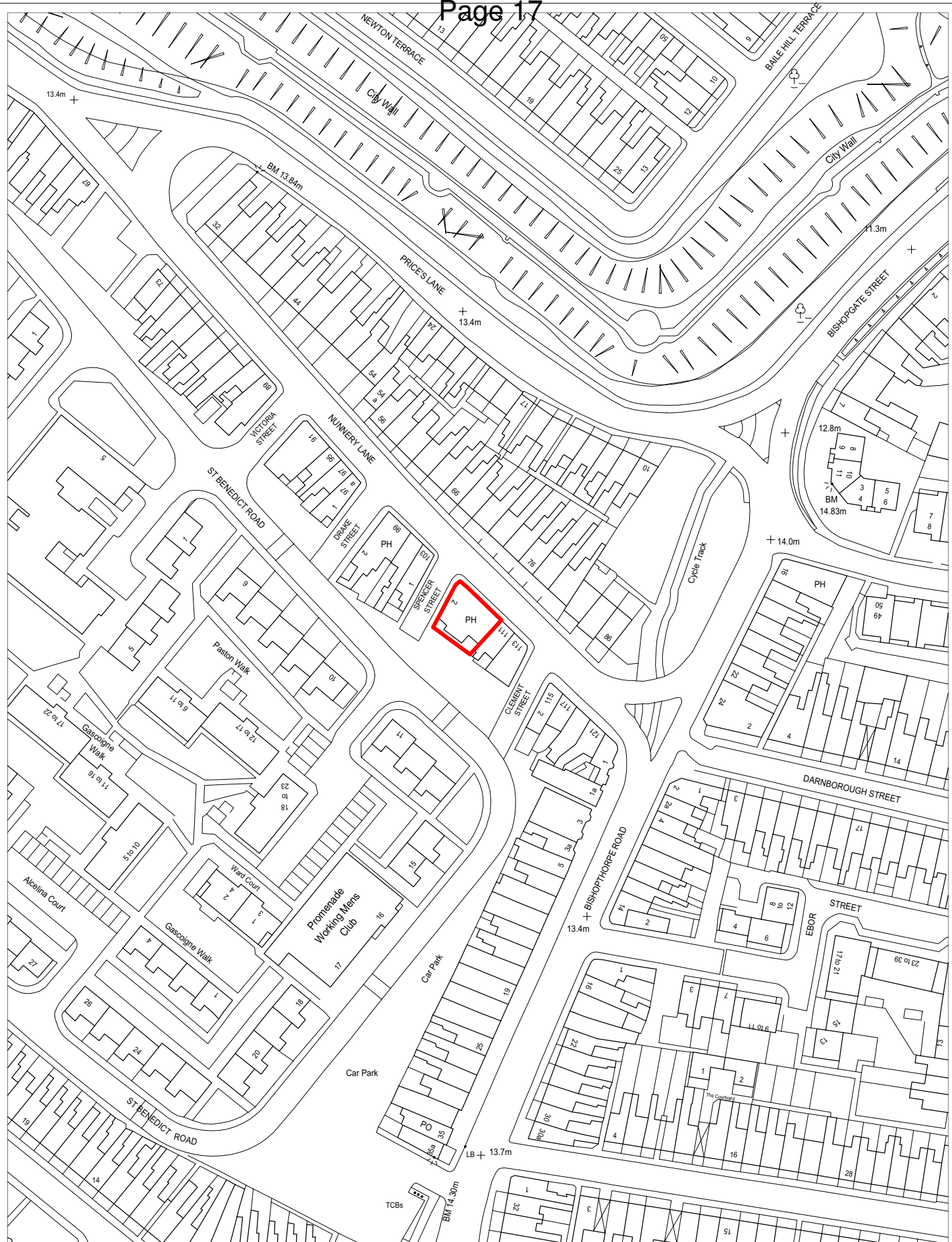
7.0 INFORMATIVES:

Contact details:

Author: Jonathan Kenyon Development Control Officer

Tel No: 01904 551323

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CITY OF
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COUNCIL

EDWARD VII NUNNERY LANE - 07/01625

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DATE 16/8/2007
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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Micklegate
Date: 28 August 2007 **Parish:** Micklegate Planning Panel

Reference: 07/01641/FUL
Application at: 2 St Aubyns Place York YO24 1EQ
For: Temporary change of use to Day Nursery (D1 Use) for a period of 2 years
By: Nancy Newman
Application Type: Full Application
Target Date: 14 September 2007

1.0 PROPOSAL

1.1 The application relates to 2 St Aubyn's Place, which is a detached dormer bungalow (2 rooms in the roof,) that faces onto The Mount. St Aubyn's Place is a residential street. The application site is neighboured by 4 St Aubyn's Place to the west and the Elmbank Hotel to the north. The existing property is owned by the Elm Bank Hotel.

1.2 The application is for planning permission for a change of use of the site from a residential property (Use Class C3) to a day nursery for children (Use Class D1). Temporary permission for a two year period is asked for. The day nursery would be a Montessori Nursery for children. The nursery is a 'children's house' which offers an informal environment for children. The nursery would potentially have 20 children and there would be 3 members of staff. The children would attend the nursery on an informal basis, arriving between 08:30 and 10:30 and leaving between 12:30 and 17:30, on weekdays only. Permission has been gained to use the parking facilities at the Elmbank Hotel.

1.3 The application is brought to committee at the request of Councillor Watson.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Tadcaster Road 0034

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

2.2 Policies:

CYC7

Criteria for children's nurseries

3.0 CONSULTATIONS

Internal

3.1 Highway Network Management (HNM) - Object to the application. Consider that spaces may not be available at the hotel when it is fully occupied, especially during race meetings and similar events. Experience shows that parents will not park in the hotel car park and walk to the nursery if they can park immediately outside the nursery. This type of short term parking can be indiscriminate causing congestion and obstruction to other highway users. HNM advise that in the absence of adequate onsite car parking the proposed development would be likely to result in vehicles parking on the adjacent public highway thereby increasing congestion and creating a situation detrimental to the free flow of traffic and the safety of highway users.

External

3.2 Planning Panel - No response to date.

3.3 The application was publicised by site notice and letters of neighbour notification. The deadline for comments is 28.8.07 (21 days from date of site notice). To date 9 objections have been received. The objections are on the following grounds -

Highways / traffic problems -

Road safety issues - parking on St Aubyn's Place or Tadcaster Road, blocking residents driveways.

There are already problems with people parking in St Aubyn's Place and walking into work as it is not currently a res-park area.

There is inadequate parking at the Elmbank Hotel, customers park in St Aubyn's Place. This has occurred in the past, for example, when conferences have been held at the hotel and when coaches take up space in the car park.

The Mount and Driffield Terrace are already busy traffic routes, particularly in the morning because of children being dropped off at the Mount School and commuters using Driffield Terrace as a 'rat run' to Holgate Road, to avoid traffic on The Mount. Persons travelling to the proposed nursery would add to traffic problems.

Enhanced traffic movements on St Aubyn's Place would occur as a consequence of the development, this would harm residents amenity and may prevent emergency vehicles getting through.

People would not realistically park at the hotel and walk round when they could park outside the premises to drop children off.

Other grounds for objection -

Noise from children, for example playing in the garden would harm residents amenity.

Premises unsuitable for use - no fencing to keep the children in and inadequate space for facilities.

Unkempt appearance of garden area is harmful to visual amenity

The use would be out of character with the residential nature of the street.

Loss of property value.

4.0 APPRAISAL

4.1 Key issues

Suitability of the premises
Residential amenity
Highway safety

4.2 Policy

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

C7 of the Draft Local Plan states planning permission will be granted for the development of, or change of use to, a nursery provided a) adequate indoor and outdoor play space is provided, b) there would be no harm to residential amenity or the residential character of an area and c) where the site is well served by footpaths, cycleways and public transport routes.

Suitability of the premises

4.3 The background text to policy C7 advises that it is intended to prevent smaller houses being taken out of the city's housing stock. This property would probably be the type of family house that this policy seeks to protect. Otherwise the proposal complies with points a) and c) of policy C7. The applicant, has similar nurseries

elsewhere in the region. The OFSTEAD officer (official body for inspecting schools) considers that the premises are appropriate for the proposed use. The site is on a bus route and is in a built up area. Point b) is covered in 4.4.

Residential amenity

4.4 The host property is detached; the residential property most likely to be affected by noise from the proposed use would be 4 St Aubyn's Place. The boundary between the two back gardens is marked by a brick wall around 1.8m high. There are also a number of trees on the boundary. Because of the way the nursery would operate, children would be free to go outside if and when they wished, there would be no set times when all children would be outside. Children outside would be supervised at all times. Given the boundary treatment and considering how the nursery would operate, officers consider that noise from children would not be unduly excessive. It may be akin to what would be expected in a normal family home. This would not cause significant harm to the amenity of nearby residents.

4.5 Because the site is at the head of the street and at a detached house, facing onto a road where there are a variety of uses (Tadcaster Road / The Mount), it is considered that the proposal alone would not significantly erode the residential nature of the street.

Highway safety

4.6 The concern with the proposed use is that parents taking children to the nursery and staff would not use the Elm Bank car park, either because the car park may be full or because they can park in St Aubyn's Place which would be more appealing either because of security or convenience. Residents are already concerned over parking in the street because it is not controlled by a res-park system, thus people use it as a place where they can park for free and walk into town. Consequently residents are concerned street and be detrimental to highway safety. Highway Network Management share the view that cars will park on the highway adjacent the site; this would cause congestion and impede the free flow of traffic and compromise the safety of highway users.

Other matters

4.7 Detrimental effect upon property value is not a material consideration.

5.0 CONCLUSION

5.1 Officers consider that the proposed use could operate within the established street without appearing unduly out of character; nor would the everyday running of the nursery be harmful to the amenity of neighbouring residents. Residents' amenity could be safeguarded by attaching relevant conditions controlling operating hours, number of pupils and possibly a personal permission, because of the type of nursery proposed. However there is concern from the Council's Highway Network Management section and a significant number of residents that the volume of traffic / parked cars associated with the proposed use would cause traffic flow problems on

St Aubyn's Place, to the detriment of highway safety. It is on such grounds that the application is recommended for refusal.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The Local Planning Authority considers that in the absence of adequate onsite car parking the proposed development would be likely to result in vehicles parking on the adjacent public highway thereby increasing congestion and creating a situation detrimental to the free flow of traffic and the safety of highway users. As such the proposed development would be detrimental to highway safety, which is a material planning consideration.

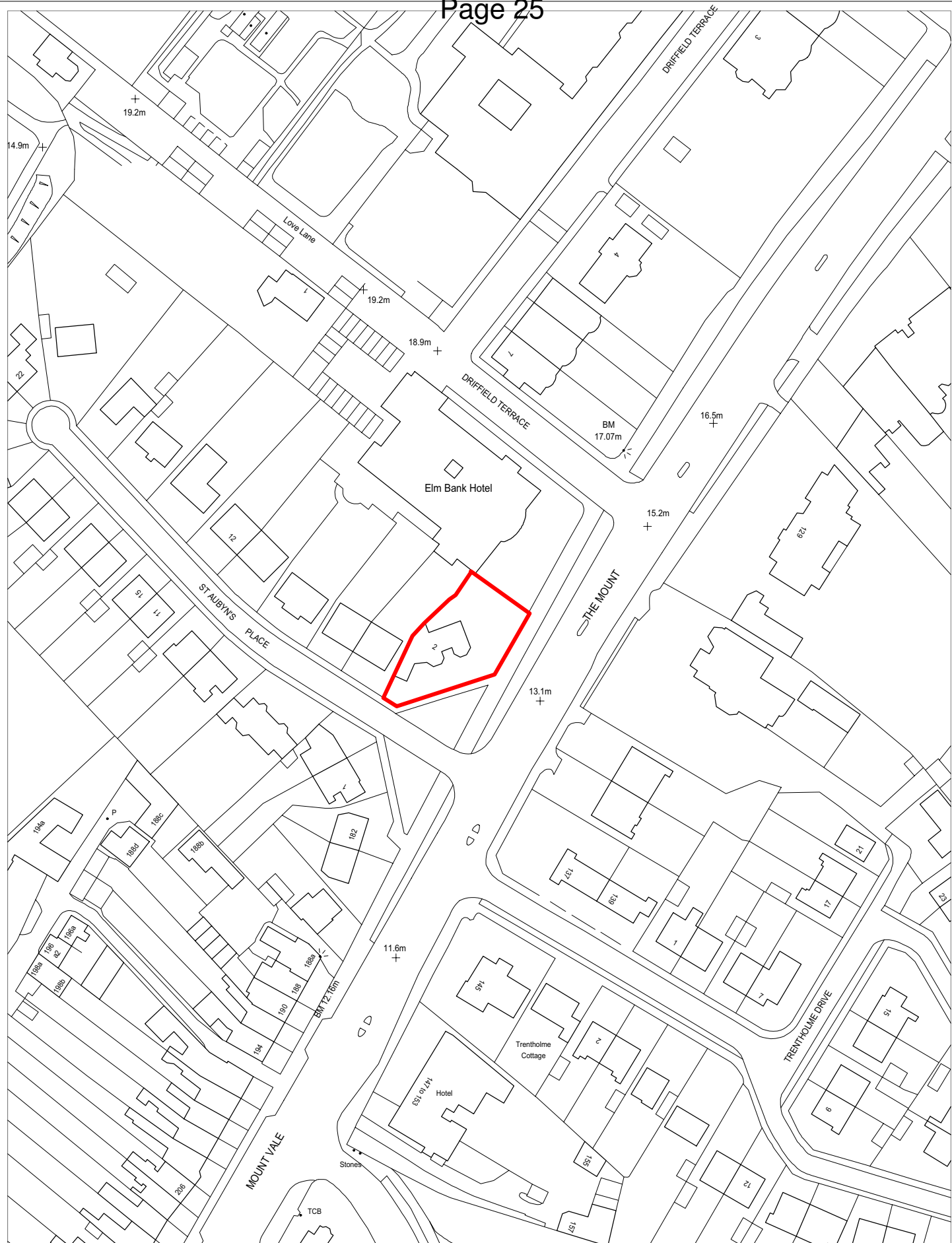
7.0 INFORMATIVES:

Contact details:

Author: Jonathan Kenyon Development Control Officer

Tel No: 01904 551323

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CITY OF
YORK
COUNCIL

2 ST. AUBYN'S PLACE - 07/01641/FUL



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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 28 August 2007 **Parish:** Guildhall Planning Panel

Reference: 07/01566/FUL
Application at: 42 Monkgate York YO31 7PF
For: Change of use of offices to 5no. residential units and erection of 4no. flats with car parking after demolition of existing office building
By: MODA Developments Ltd
Application Type: Full Application
Target Date: 28 August 2007

1.0 PROPOSAL

1.1 This application relates to a terrace of (originally) dwellings - 42-48 Monkgate and the associated land behind. The buildings are all grade II listed and in the Central Historic Core Conservation Area. Permission has been granted for a row of three-storey residential units on the land behind the site, reference 06/00795/FUL.

1.2 No.'s 42-48 Monkgate were last used as offices. This application proposes to restore the units to dwellings. No 48 would be divided into a 1-bed flat at ground floor level (because there is no outdoor amenity space), with a 4-bed unit on the upper floors. At no.'s 42, 44 and 46 an existing rear extension will be demolished and the buildings will be restored to houses with gardens. Replacement single storey rear extensions are proposed for no.'s 44 and 46. No.'s 42, 44 and 46 would be 5-bed houses. The application also proposes a 'stable block' that would be located behind 40 Monkgate. This would provide a further 4 1-bed flats. 7 parking spaces are proposed, 2 of these would be in garages behind No 44. (No off-street parking onsite is allocated for 2 of the 1-bed units in the stable block.)

1.3 The application and companion listed building application; reference 07/01564/LBC are brought to committee at the request of Councillor Watson.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

Listed Buildings Grade 2; 40 Monkgate York YO3 7PF 0935

Listed Buildings Grade 2; 42A Monkgate York YO3 7PF 0936

Listed Buildings Grade 2; 44 Monkgate York YO3 7PF 0937

Listed Buildings Grade 2; 46 Monkgate 0938

Listed Buildings Grade 2; 58 Monkgate York YO3 7PF 0939

Schools St. Wilfrid's RC Primary 0230

2.2 Policies:

CYGP1
Design

CYHE3
Conservation Areas

CYHE4
Listed Buildings

CYH3C
Mix of Dwellings on Housing Site

CYH4A
Housing Windfalls

CYH5
Residential densities over 25 per ha

CYH12
Conversion of redundant offices

CYE3B
Existing and Proposed Employment Sites

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

Internal

3.1 Highway Network Management - awaiting comments.

3.2 Design, Conservation and Sustainable Development - UDC consider the proposal would improve the appearance of the conservation area by adding a pitched roof to no.48, removing no.42's setback, re-introducing entrances to each house and removing the single storey flat roof extension at rear of no.'s 44 and 46. It is considered that although the workshop building at the back of no.42 is of some

interest, its loss is mitigated by the creation of private garden space. UDC consider the stable block to be in-keeping with the grain of development in the area although ask that space for cycles and bins be provided and that these units should have their own outdoor amenity space.

3.3 Lifelong Learning and Culture (LLL) - (LLL) stated that as no open space on site, contributions for open space should be sought , which would go toward improving local sites such as Monk Bridge Gardens, Clarence and Glen Gardens and facilities within the East Zone active leisure strategy.

3.4 Economic Development Unit - No response.

3.5 Environmental Protection Unit - No response.

3.6 Education - There is surplus space in schools in the catchment area of the site thus no contribution is required towards education.

External

3.7 Planning Panel - No objection.

3.8 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments was 09.08.07. No written representations have been made.

4.0 APPRAISAL

4.1 Key issues

Principle of development

Design

Impact on listed building and setting / conservation area

Sustainability

Residential amenity

Open space

Policy

4.2 Policy E3b states that the standard employment sites identified in schedule 2, and any other sites or premises, either currently or previously in employment use, will be retained within their current use class. Planning permission for other uses will only be given where a) there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in both quantitative and qualitative terms; b) unacceptable environmental problems exist; c) the development of the site for other appropriate uses will lead to significant benefits to the local economy; or d) the use is ancillary to an employment use.

4.3 Policy H12 states planning permission will be granted for the conversion of redundant office space to residential use where there is sufficient supply of offices to meet both immediate and long term requirements over the plan period; the proposal

will not have an adverse impact on the vitality and viability of the City and District centres; and when there is no adverse impact on residential amenity.

4.4 Policy H4a pertains to new housing development. It states that proposals for land not already allocated on the proposals map will be granted permission where: the site is within the urban area and is vacant, underused or it involves infilling, redevelopment or conversion of existing buildings; the site has good accessibility to jobs, shops and services; and it is of an appropriate scale and density to surrounding development and it would not have a detrimental impact on existing landscape features. Policy H3c states that a mix of new house types, sizes and tenures will be required on all new residential development.

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

Principle of development

4.6 The houses on Monkgate were last used for offices, thus in order to comply with E3b and H12 proposals are required to demonstrate that there are adequate other similar office spaces available in the city. The applicant has advised that this site has been vacant for three years and has been unsuccessfully marketed as office space for at least one year. This suggests there is either no demand for this type of office space, or that more preferable sites are available. Furthermore the layout and listed building status of the buildings mean there are restrictions which make it less suited to office space in comparison to modern custom built buildings. The buildings were originally built as houses. The rooms are small and legibility is poor for disabled persons, for example access to the upper floors. Because of the design of the listed buildings, the agent advises it would be difficult to comply with modern building regulations standards required. As such it is considered the buildings are better suited to, and would be easier to keep occupied as their original residential use. The Council's Economic Development Unit have been consulted, to enquire whether they would object to this loss of office space and no objection has been made. Overall it is considered that the conversion to residential is acceptable in principle and there is no conflict with policies E3b and H12 of the Local Plan.

4.7 The site is on the edge of the city centre. The application proposes the re-use of buildings and development of brownfield land. As such the principle of residential on this site is consistent with Local Plan policy H4a and national guidance in PPS3: Housing.

Design

4.8 The application proposes a mixture of dwelling sizes, five 1-bed, one 4-bed and three 5-bed, the mix is somewhat dictated by the size of the existing buildings which

are being converted. It is considered there is an acceptable mix of house types and sizes proposed in accordance with policy H3c.

4.9 The stable block would be a rectangular unit, in keeping with the layout and form of other developments behind Monkgate - the approved development behind the application site and Country House Mews behind 38 Monkgate, for example. The buildings would be a single storey in height, with a second floor in the roofspace, thus the development would be subordinate to the taller listed buildings on Monkgate. The windows would have a vertical emphasis, as per the listed building. The walls and roof materials can be conditioned to be agreed by officers. The plans of the stable block have been revised, there is now allocated cycle and bin stores (the finish of which can be agreed by condition) and 3 rooflights have been added to the south west elevation to provide additional light into rooms, this will enhance the amenity of potential residents. For communal areas the hard and soft landscaping can be secured by a condition to ensure these areas are acceptable.

Impact on listed building and setting / conservation area

4.10 The alterations proposed, associated with bringing the units on Monkgate back into occupation and restoring them to their original use, are considered to enhance the appearance of the buildings and the conservation area. This is appraised in more detail in the listed building application. Further comment from conservation officers regarding the revised plans (internal changes) are pending and members shall be updated at committee.

Sustainability

4.11 There is limited reference to sustainable development associated with the application, as it relates mainly to the conversion of listed buildings. With regards to sustainability, the location (proximity to services, jobs for example) is sustainable and the scheme involves the introduction of garden spaces. It may also be possible to recycle some of the materials on the building behind No.42 that is to be demolished, one of the windows can be used on the front of No.42 and possibly materials could be used in building the stable block.

Residential amenity

4.12 There is adequate outlook and space for potential residents of the buildings and there are no concerns regarding overdominance, overbearing or overshadowing of the surrounding buildings.

Open space

4.13 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 £16,470, which the applicant has agreed to.

4.14 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 The scheme is supported by officers, as it would bring listed buildings back into use, for their original intended use. In association with this there are external alterations that would enhance the appearance of the buildings and their setting. Approval is recommended.

6.0 RECOMMENDATION: Approve

1 PLANS2 Apprvd plans and other submitted details

2 TIME2 Development start within three years

3 A sample panel of the brickwork to be used for the rear extensions to no.'s 44 and 46 Monkgate, the garages and the stable block building (including its bin and cycle stores) shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used. Details shall be required to 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 developments have been completed in accordance with the approved sample.

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 materials for the covering of the roof of no. 48 Monkgate, the garages and the stable block shall match those of the existing buildings (42-46 Monkgate) in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

5 All new rooflights shall be 'conservation' type rooflights. Prior to commencement of development hereby permitted, the design and type of the rooflights shall be submitted to and approved in writing by the Local Planning Authority. The rooflights shall be inserted in accordance with the approved details and thereafter be so retained.

Reason: To achieve a visually acceptable form of development.

6 The infill brickwork within the front facade of 42 Monkgate, shall match the existing brickwork in all respects i.e., bonding, size, colour and texture of bricks and finished treatment of mortar joints, to the satisfaction of the Local Planning Authority. The new window shall be sourced from the building at the rear (which is to be removed) unless agreed otherwise by the Local Planning Authority.

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

7 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials and finish to be used for the balconies and new entrance gates shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

8 Prior to the development commencing details of the area for cycle and bin storage (including elevations, materials and means of enclosure if proposed) for the stable block shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the stores have been provided within the site in accordance with the approved details, and these areas shall not be used for any other purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate space for cycles, waste recycling and litter collection in accordance with policy GP1 of the City of York Draft Local Plan.

9 Fully detailed drawings illustrating the design and materials of roads, footpaths and communal soft landscaped areas shall be submitted to and approved in writing by the Local Planning Authority prior to the start of construction on site and the development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and visual amenity

10 S106OS IN Section 106 Open Space

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no development under Schedule 2, Part 2 Class H shall be permitted within the curtilage of the dwelling(s) hereby approved.

Reason: In order to protect the residential amenity of surrounding residents, and the visual character of the area.

12 PD1 IN Rem of specific Perm Dev rights (A-H removed)

13 Notwithstanding the hereby approved development no new window openings

shall be formed in any external elevation or roof slope of no.'s 42 to 48 Monkgate or the new 'Stable Block'.

Reason: In the interests of neighbours' amenity and visual appearance.

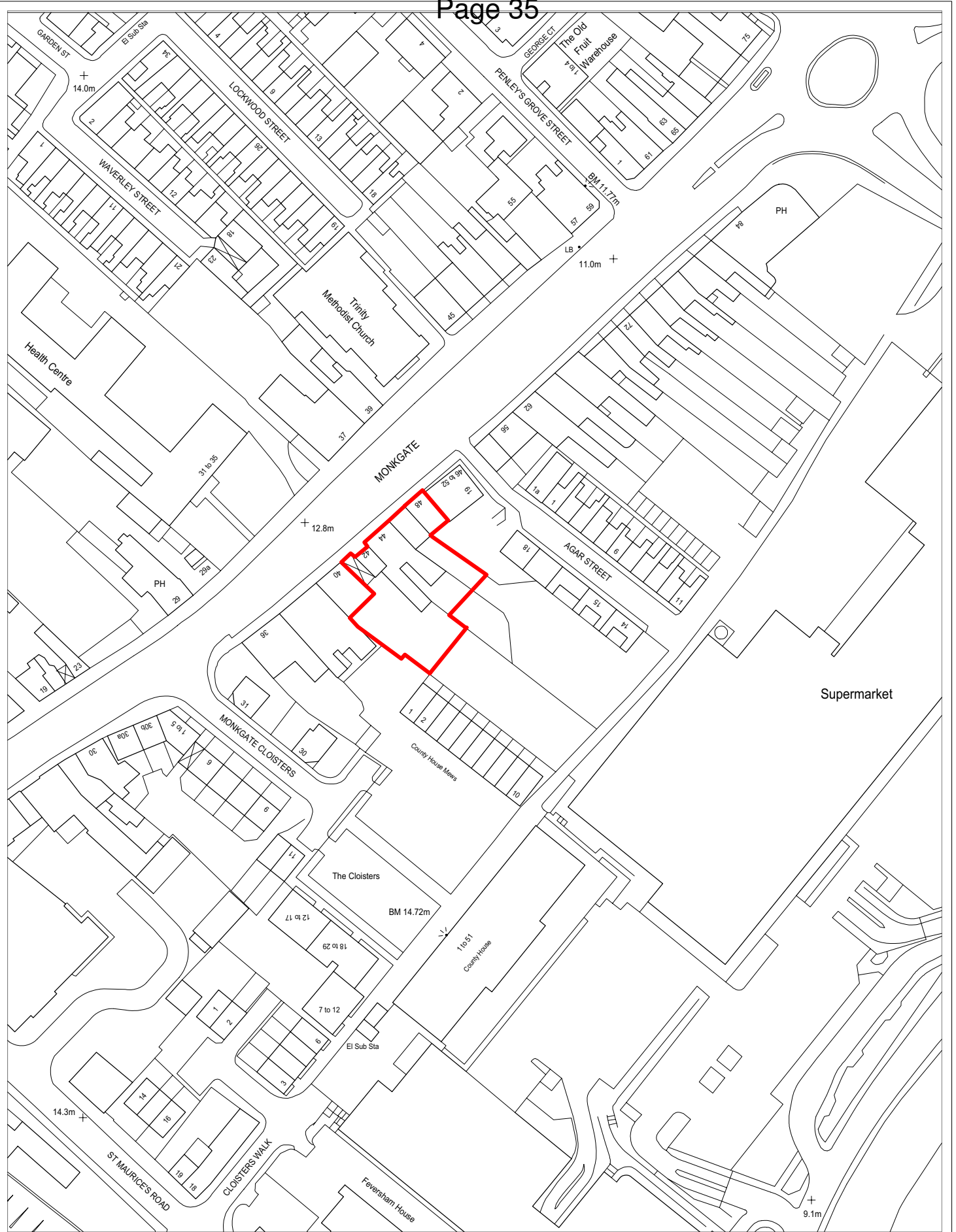
**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the special historic interest of the listed buildings, the character and appearance of the conservation area, visual and residential 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, H3, H4, H12, E3 and L1c of the City of York Local Plan Deposit Draft.

Contact details:

Author: Jonathan Kenyon Development Control Officer
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 Telephone: 01904 551550

42 - 48 MONKGATE - 07/01566/FUL		
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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 28 August 2007 **Parish:** Guildhall Planning Panel

Reference: 07/01564/LBC
Application at: 42 Monkgate York YO31 7PF
For: Alterations and extensions after demolition of existing single storey rear extension
By: Moda Developments Ltd
Application Type: Listed Building Consent
Target Date: 28 August 2007

1.0 PROPOSAL

1.1 This application relates to a terrace of (originally) dwellings - 42-48 Monkgate and the associated land behind. The buildings are all grade II listed and in the Central Historic Core Conservation Area.

1.2 No.'s 42-48 Monkgate were last used as offices. This application proposes to restore the units to dwellings. No.48 would be divided into a 1-bed flat at ground floor level (because there is no outdoor amenity space), and a 4-bed unit on the upper floors. At no.'s 42, 44 and 46, an existing rear extension would be demolished and the buildings will be restored as houses with gardens. Replacement single storey rear extensions are proposed for no.'s 44 and 46. 42, 44 and 46 would be 5-bed houses. The application also proposes a 'stable block' that would be located behind no. 40 Monkgate. This would provide a further 4 1-bed flats. 7 parking spaces are proposed.

1.3 The application and companion full planning application; reference 07/01566/FUL are brought to committee at the request of Councillor Watson.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

Listed Buildings Grade 2*; 38 Monkgate York YO31 7PF 0934

Listed Buildings Grade 2; 40 Monkgate York YO3 7PF 0935

Listed Buildings Grade 2; 42A Monkgate York YO3 7PF 0936

Listed Buildings Grade 2; 44 Monkgate York YO3 7PF 0937

Listed Buildings Grade 2; 46 Monkgate 0938

Listed Buildings Grade 2; 58 Monkgate York YO3 7PF 0939

Schools St. Wilfrid's RC Primary 0230

2.2 Policies:

CYHE3
Conservation Areas

CYHE4
Listed Buildings

3.0 CONSULTATIONS

Internal

Design Conservation & Sustainable Development (UDC)

3.1 UDC advise that there have been extensive C19th and C20th alterations to all the properties, the later alterations are associated with the change of use of these properties into offices. These alterations include extensive replacement of floors, further interconnection of buildings, further extension to the rear, and alterations to the ground floor of no. 48, setting it back behind the main façade.

3.2 UDC state that they have no objection in principle to the proposed development (including demolition) provided the workshop type extension to the rear of no 42 building is recorded. After an internal inspection of the buildings, revisions / clarifications to the plans were subsequently recommended by UDC. Revised plans have been received and passed to UDC who advise that the outstanding issues can be covered by recommended conditions which have been added.

External

3.3 Planning Panel - The Planning Panel raised no objections to this proposed development.

3.4 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments was 9.8.07. No written representations have been made.

4.0 APPRAISAL

Key issues

4.1 The impact on the special historic interest of the listed building and setting / conservation area.

Policy

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

Impact on special historic interest of the listed building and setting / conservation area

4.3 The alterations proposed, associated with bringing the units on Monkgate back into occupation and restoring them to their original use, are considered to enhance the appearance of the buildings and the conservation area in accordance with policies HE3 and HE4. Entrances would be restored within the Monkgate elevation to each building and the linear building line would be restored. The appearance of no. 48 would be enhanced by giving the building a pitched roof and replacing some of the modern windows on the rear elevation with windows of shape / design more harmonious to the original building. It is considered the general setting of the buildings would be improved by the removal of later rear extensions and re-introducing gardens to the dwellings.

4.4 The stable block is of simple design and subordinate scale, it is considered to respect its setting.

4.5 Of the internal changes to 42-48 Monkgate, conservation officers have made recommendations (after a site visit) of items that should be clarified or retained (and noted on the plans as such) within the building. The plans have been revised in response to these recommendations and further comment from conservation and recommended conditions are now awaited. A verbal update will be given at Committee. It appears that issues regarding staircases and the location / use of existing doors may be outstanding. These elements could be conditions of consent if conservation officers wish to ensure their retention.

5.0 CONCLUSION

5.1 The scheme is supported by officers, as it would bring listed buildings back into use and be used, for their original intended use. The external alterations that would enhance the appearance of the buildings and their setting. Approval is recommended subject to conditions regarding external appearance and internal features to be retained or clarified.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Topographical survey

07 04 01

Existing plans

07 04 02 C

07 04 03 C

07 04 04 C

07 04 05 C

07 04 06

07 04 07

Proposed plans

07 04 10 D

07 04 11 D

07 04 12 D

07 04 13 D

07 04 14 D

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 TIMEL2 Development start within 3 yrs (LBC/CAC)

3 A sample panel of the brickwork to be used for the rear extensions to no.'s 44 and 46 Monkgate, the garages and the stable block building (including its bin and cycle stores) shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used. Details shall be required to 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 developments have been completed in accordance with the approved sample.

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 materials for the covering of the roof of no. 48 Monkgate, the garages and the stable block shall match those of the existing buildings (42-46 Monkgate) in

colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

5 All new rooflights shall be 'conservation' type rooflights. Prior to commencement of development hereby permitted, the design and type of the rooflights shall be submitted to and approved in writing by the Local Planning Authority. The rooflights shall be inserted in accordance with the approved details and thereafter be so retained.

Reason: To achieve a visually acceptable form of development.

6 The infill brickwork within the front facade of 42 Monkgate, shall match the existing brickwork in all respects i.e., bonding, size, colour and texture of bricks and finished treatment of mortar joints, to the satisfaction of the Local Planning Authority. The new window shall be sourced from the building at the rear (which is to be removed) unless agreed otherwise by the Local Planning Authority.

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

7 Notwithstanding the hereby approved details including any proposed materials specified on the approved drawings, or stated within the application form submitted with the application, samples of the external materials and finish to be used for the balconies and new entrance gates shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials and thereafter so retained.

Reason: So as to achieve a visually cohesive appearance.

8 New partition walls shall be scribed around existing details such as skirtings and covings. And all disturbed areas shall be made good to match their surroundings

Reason: To protect the special historic interest of the listed building.

9 A schedule of the following works shall be submitted to the Local Planning Authority and agreed prior to any works commencing -

- A room by room detailed schedule of works should be prepared for each property.
- A door schedule on a building by building basis showing how doors will be retained, reused and upgraded and also how new doors will be designed to respond to their locations in the building.
- Details of any change to windows (including secondary glazing).
- Measures for the protection of existing fireplaces and staircases during construction.
- Details of any fire or health and safety measures in relation to the existing staircases, in particular the main staircase of no 44.

Reason: To protect the special historic interest of the listed building.

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

Walls - sample panel of brickwork

Lighting scheme - location of any lights and design, materials, dimensions of such

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

11 A descriptive photographic record shall be undertaken and submitted to the Local Planning Authority prior to the commencement of work. The record shall illustrate

- Record photographs taken throughout the building works and presented on disk to the Local Planning Authority

- A (English Heritage) level 2 recording of the outbuilding to no 42, carried out prior to demolition. 2 copies of 8"x 6" photos are required cross-referenced to a plan.

Reason: In order that a historical record of the listed building is kept.

7.0 INFORMATIVES:

Notes to Applicant

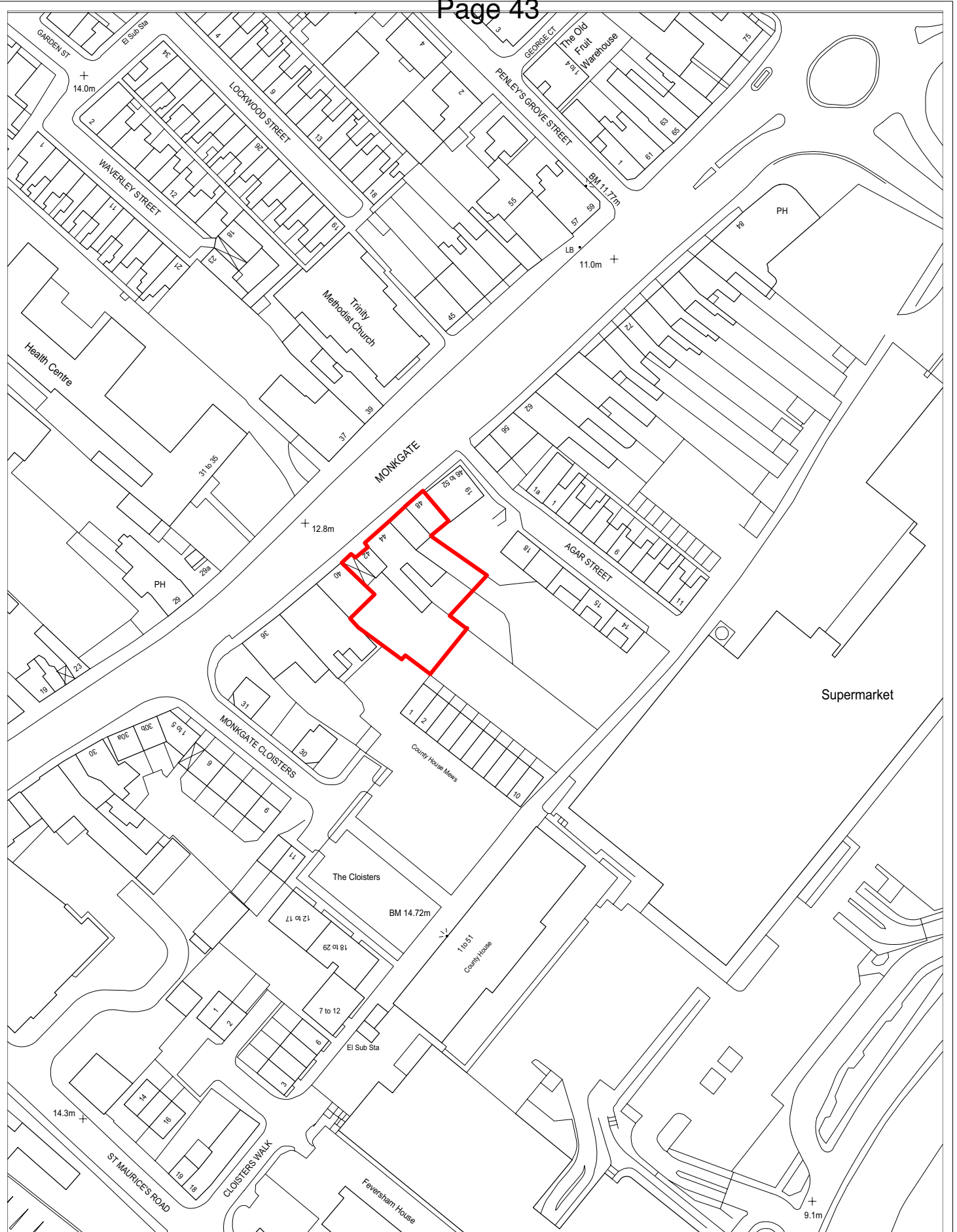
1. REASON FOR APPROVAL

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

Contact details:

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 Telephone: 01904 551550

42 - 48 MONKGATE - 07/01564/LBC

SCALE 1:1250
 Originating Group

DRAWN BY PSL
 Project

DATE 16/8/2007
 Drawing No.



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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 28 August 2007 **Parish:** Guildhall Planning Panel

Reference: 07/01626/FUL
Application at: 32 Lord Mayors Walk York YO31 7HA
For: Change of use from office and flat to 12 bedroom student house including new rooflights to front and rear
By: Mr A Bennett
Application Type: Full Application
Target Date: 5 September 2007

1.0 PROPOSAL

1.1 This application is presented to the west/ centre planning sub-committee at the request of Councillor Watson.

1.2 It seeks planning permission for the change of use of offices and flat that comprise 32 Lord Mayors Walk to a 12 bedroom student house. The property is a three storey Grade II Listed Building within the Central Historic Core Conservation Area. External changes would involve the insertion of rooflights in the front and rear roofslopes, the opening up of a former opening in the north western gable at attic level with the insertion of a casement window, the installation of a timber sash window in the front elevation at basement level and the formation of a pavement lightwell with a metal grill. Internal changes include the insertion of demountable shower pods in 6 of the bedrooms and various partition walling. Cycle storage would be available in a ground floor passageway within the building and in a rear yard area.

1.3 The companion application for listed building consent is the next item on the agenda.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

Listed Buildings Grade 2; 30 Lord Mayors Walk York YO3 7HA 0568

Listed Buildings Grade 2; 32 Lord Mayors Walk York YO3 7HA 0569

Listed Buildings Grade 2; 34 Lord Mayors Walk York 0570

Schools St. Wilfrid's RC Primary 0230

2.2 Policies:

CYGP4B
Air Quality

CYHE3
Conservation Areas

CYGP1
Design

CYE3B
Existing and Proposed Employment Sites

CYH12
Conversion of redundant offices

CYHE4
Listed Buildings

CYH4A
Housing Windfalls

CYGP4A
Sustainability

CYGP11
Accessibility

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management- No objections subject to secure covered cycle storage being provided

3.2 Design, Conservation, and Sustainability- Members to be updated

3.3 Economic Development Unit- Members to be updated

3.4 City Development- Members to be updated

3.5 Building Control- Members to be updated

3.6 Environmental Protection Unit- Concerns about air quality and noise

EXTERNAL

3.6 Guildhall Planning Panel- Object as -

- density of occupancy unacceptably high
- insufficient natural light to the kitchen
- inadequate storage provision
- usurping pavement space to create lightwell

3.7 The application was publicised by neighbour notification letters, site notice and press notice. The expiry date for comment is 15 August 2007. Two representations have been received that raise the following planning issues-

- no place for refuse, aggravated by number of residents
- high noise level form type and quantity of occupants.
- loss of privacy to neighbour's abutting yard, noise intrusion
- loss of residential property in residential area, would not support move to more student accommodation in the area
- no parking facilities

4.0 APPRAISAL

KEY ISSUES-

- 4.1 - Loss of employment use and increase in residential use
- Air Quality/ impact on residents
 - Impact on the neighbours/ Noise
 - Impact on the character and appearance of the Listed building and the conservation area
 - Highway safety and cycle/ bin storage provision

RELEVANT POLICY-

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

4.3 Policy GP1 of the City of York Development Control Local Plan (2005), amongst other aims, states that development proposals must respect or enhance the local environment; be of a density, layout, scale, mass and design that would be compatible with the surrounding area; provide space for waste storage; and ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or overdominance.

4.4 Policy HE3 of the City of York Development Control Local Plan (2005) states that within conservation area, proposals will only be permitted where there is no adverse effect on the character and appearance of the conservation area.

4.5 Policy H12 of the local plan seeks to allow the conversion of redundant office space to residential use provided there is sufficient supply to meet immediate and

long term needs; there would be no impact on the vitality and viability of the city; and there would be no adverse impact on residential amenity.

4.6 Policy E3b of the local plan seeks to retain supply of employment sites within the city. To this end, applicants will have to demonstrate that there is a sufficient supply in qualitative and quantitative terms to meet the needs over the plan period; ensure that there is no unacceptable environmental problem; and permission may be given if the development would lead to significant benefit to the local economy or the use is ancillary to an employment use.

4.5 Policy HE4 of the Local Plan states that listed building consent will only be granted where there is no adverse effect on the character, appearance or setting of the building.

4.6 Policies GP4a seeks to ensure that all development should have regard to the principles of sustainable development.

4.7 Policy GP4b requires proposals for development in an AQMA (Air Quality Management Area) to assess their impact on air quality.

4.8 National planning guidance on which the above policies are based is contained in Planning Policy Guidance Note No. 15 " Planning and the Historic Environment " (1994) and Note No. 3 " Housing " (2000).

APPRAISAL-

4.9 Loss of Employment Use and Increase in Residential Use

This property was last used as offices with a flat above and Policy E3b of the Local Plan seeks to resist the loss of existing employment sites, including offices, and retain them within their current use class. The aim is to ensure that there is a sufficient supply of employment land to meet both the immediate and longer term requirements over the plan period in qualitative and quantitative terms. The applicant has therefore been asked to provide evidence that the site has been appropriately marketed over a reasonable length of time. The applicant has not demonstrated that there is no demand for the office premises by providing information and evidence to show they are no longer contributing to the stock of employment sites and would no longer suitable for this use. The proposed loss of offices in the absence of the required justification would therefore conflict with this policy.

The proposed use would increase residential use within a terrace of largely residential properties with residential properties to the rear. Policy H12 would only support the conversion of redundant office space to residential use where there is evidence that there is a sufficient supply of officers to meet both immediate and long term requirements, the proposal would not harm the vitality and viability of the city centre, and would have no impact on residential amenity. As the applicant has not demonstrated that the premises are redundant and incapable of re-use for offices, the development would conflict with Policy H12.

4.10 Air Quality

The environmental protection unit have concerns with this application our concerns are centred around Air Quality. In January 2002 City of York Council declared an Air Quality Management Area (AQMA) based on predicted exceedances of the annual average nitrogen dioxide objective in five areas of the city. The declaration of the AQMA placed a legal duty on the Council to improve air quality in the city and to demonstrate that it is actively pursuing the 40ug/m³ annual objective to be achieved by 31st December 2005. In order to demonstrate a commitment to improving air quality, the Council was required to prepare an Air Quality Action Plan (AQAP) that includes measures the Council intends to take to improve air quality in the city. As the proposed development on Lord Mayors Walk is within City of York Council's AQMA the Environmental Protection Unit undertook nitrogen dioxide diffusion tube monitoring directly outside this row of terraced houses on Lord Mayors Walk. The annual average nitrogen dioxide results for the past three years are as follows: 2004 - 40ug/m³, 2005 - 41ug/m³, 2006 - 38ug/m³. These results indicate that at this location, concentrations of nitrogen dioxide have been above the governments health based objective level in two of the last three years (objective: 40ug/m³) and there would be serious concerns regarding the installation of a new timber sash window in the front elevation at basement level, particularly if this was the means of ventilation to the basement level room. The lightwell would essentially be a 'sink', into which pollution from traffic may fall and collect. Due to the high levels of nitrogen dioxide monitored at this location, it is recommended that the windows to both the basement level and ground floor rooms are non-opening and clean air should be provided to both rooms from a non-polluted area via mechanical means.

4.11 Impact on Neighbours/ Noise

No. 32 Lord Mayors Walk was probably originally designed as a single dwelling, this property was subsequently adapted to incorporate office use. This application proposes 12 bedrooms into a house which although large was initially designed as an individual property and is situated within a residential terrace that backs on to residential property. If this application were to be successful it would result in 12 individuals living within close proximity of one another within the building. In this scenario, the amount of noise generated cannot be predicted as different people have different lifestyles. An average person however would watch TV, listen to music, have occasional gatherings with friends. The Environmental Protection Unit advises that the existing internal adjoining walls, floors / ceilings have not been designed to attenuate noise from self-contained rooms but were only designed to separate rooms within one household. It is anticipated that noise even at a reasonable level would impact on the amenity of surrounding properties. This coupled with the fact that the development is for student accommodation, where one room is used for a variety of activities, will only escalate the problem. The submitted plans for this development do not appear to have addressed any of the problems highlighted above and it is considered that the proposal would have a severe impact on the amenities of both neighbouring properties and those of the individuals living within the development. In addition the building, due to its listed status, may not be suitable for the extensive changes needed to address the issues above. It is concluded that the proposal would conflict with Policy GP1i) that seeks to ensure that residents living nearby and any future occupants, would not be unduly disturbed

by noise. Building Control has been consulted about the appropriateness of the standard of accommodation, and Members will be updated at the meeting.

4.12 Impact on the Listed Building/ Conservation Area

The property is a Grade II Listed Building and the proposal would result in external and internal alterations to the historic fabric of the building. Prior to the formal submission of the proposals, preliminary details were discussed with the Council's conservation officer. The Conservation Officer's formal response has not been received to date and Members will be updated at the meeting. At the preliminary stage, the main concern related to the degree of internal alteration and disturbance to the historic fabric that would be involved in the insertion of the shower pods to six rooms. Other concerns related to the main reception room being converted to two bedrooms. There was no objection in visual terms to principle of the creating a lightwell in the front elevation of the building to Lord Mayors Walk or the insertion of "conservation" style rooflights to the front and rear roofslope. Similarly, the intention to reinstate the window in the former opening within the chimney arch was considered to be visually and historically acceptable. The submitted plans do not appear to have addressed the main concern that the degree of internal alterations that would be required to convert the building into 12 student rooms would be too invasive and would harm the historic character of the building. The Conservation Officer has verbally concurred with this view. The external alterations in principle would appear to be acceptable but lack the necessary detail that would be required to confirm acceptability. It is therefore considered that the proposal would conflict with Policy HE4 of the Local Plan, E4 of the Structure Plan, and related national guidance as the alterations that would be required would adversely affect the character and special interest of the Listed Building.

4.13 Highway Safety/ Cycle and Bin Storage Provision

The Highways Sections has raised no objections or highlighted any conflict of interest within the footway to the provision of a lightwell in the front elevation of the property .The applicant has indicated in the submitted forms and documentation that 12 cycle parking spaces would be provided between an internal passage area and a rear yard area. These would require to be secure and covered spaces to comply with the Council's standards. The property is a convenient and sustainable location to the nearby York St John University and other educational establishments, to the public transport network, and the services of the city centre.

Nearby residents have expressed concern that this use would generate an increase in household waste that would require careful management. As there is a yard to the rear and a passage to the side, it is likely that there would be adequate space to accommodate bin storage. This issue could be addressed with the imposition of a suitable planning condition on the planning permission if Members are minded to approve the application.

5.0 CONCLUSION

5.1 On the basis of the submitted information and details, it is considered that the conversion of the building to student accommodation cannot be supported at officer level. There is insufficient evidence to support the loss of office accommodation and to ensure that the nearby residents and future residents would not suffer from adverse noise disturbance. The proposed lightwell would not be supported as it would adversely affect the air quality for residents within the property. It is also considered that the proposal would harm the historic fabric of the listed building.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The applicant has failed to demonstrate that the offices are redundant and incapable of office or other employment generating uses and that the loss of the office premises would not compromise the supply of sites for employment in the City of York area over the plan period, as required under Policy E3b of the City of York Development Control Local Plan- Incorporating the Proposed 4th Set of Changes.

2 In the absence of supporting detailed information to prove that the proposal would not cause local problems of noise, it is considered that the proposal would cause disamenity and harm to the occupiers of neighbouring properties and future residents of the property . In addition it is also likely that the introduction of a lightwell in the front elevation of the building would act as a " sink" for traffic pollution and offer a poor quality of environment for the occupiers of the front basement bedroom. As such the proposal would be contrary to Policy GP1 and GP4b) of the City of York Development Control Local Plan and national planning guidance contained in Planning Policy Guidance Note No.1 " General Policy and Principles " that supports the rejection of proposals which are likely to result in exposure to undue noise and poor air quality.

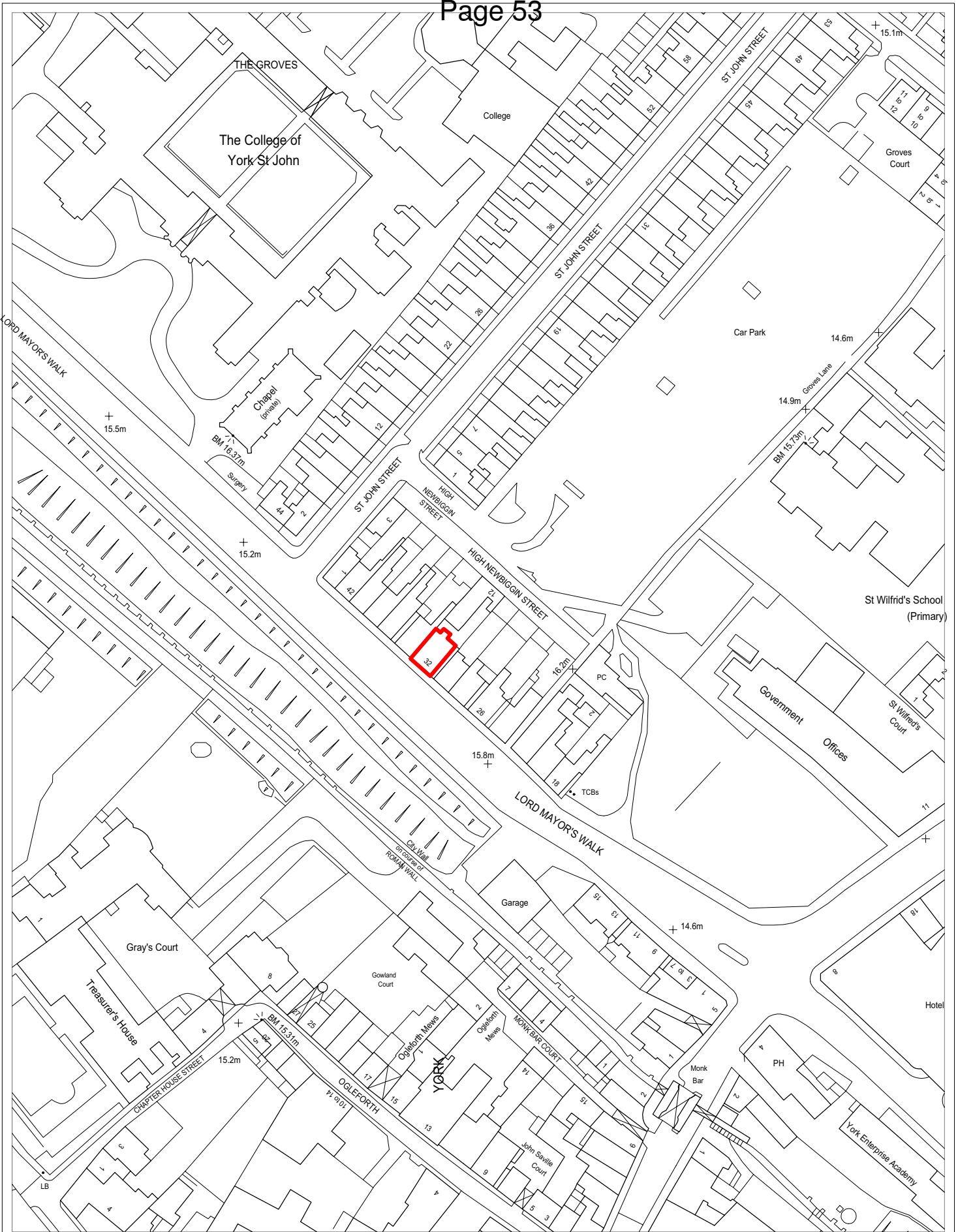
3 The proposed extensive and invasive internal works that would be required in association with the proposed change of use would harmfully detract from the historic character and special interest of the Listed Building contrary to Policy HE4 of the City of York Development Control Local Plan- Incorporating the Proposed 4th Set of Changes, Policy E4 of the North Yorkshire Structure Plan, and national planning guidance contained in Planning Policy Guidance Note No. 15 " Planning and the Historic Environment. "

7.0 INFORMATIVES:

Contact details:

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CITY OF
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COUNCIL

32 LORD MAYOR'S WALK - 07/01626/FUL



SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 16/8/2007
Drawing No.

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 28 August 2007 **Parish:** Guildhall Planning Panel

Reference: 07/01627/LBC
Application at: 32 Lord Mayors Walk York YO31 7HA
For: Internal and external alterations including new rooflights to front and rear in connection with proposed use as a 12 bedroom student house
By: Mr A Bennett
Application Type: Listed Building Consent
Target Date: 5 September 2007

1.0 PROPOSAL

1.1 This is a related listed building application for the previous item that was referred to the West and Centre Planning Sub-Committee at the request of Councillor Brian Watson.

1.2 See previous application for general description of proposed works.

1.3 The application is supported by a floor by floor and room by room schedule of the proposed internal works. The agent has also indicated that the works are largely works of repair, and the original fabric and layout of the building would be retained wherever possible. The most significant internal alterations, in addition to those outlined in the previous application, include the relocation of a partition, the formation of a new opening and closing of an existing opening at first floor level in connection with the formation of bedrooms 3, 4 and 5.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Listed Buildings Multiple (Spatial)

Schools St. Wilfrid's RC Primary 0230

2.2 Policies:

CYHE4
Listed Buildings

CYGP1
Design

3.0 CONSULTATIONS

INTERNAL

3.1 Design, Conservation and Sustainability- Members will be updated of response at the meeting

EXTERNAL

3.2 Guildhall Planning Panel- Object as -
- density of occupancy unacceptably high
- insufficient natural light to the kitchen
- inadequate storage provision
- usurping pavement space to create lightwell

3.3 The application was publicised by site notice and press notice. The expiry date for comment is 15 August 2007. No written representations directly related to the impact on the Listed Building have been received to date.

4.0 APPRAISAL

KEY ISSUE

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

RELEVANT POLICY

4.2 See previous application

APPRAISAL

4.3 The property is a Grade II Listed Building and the proposal would result in external and internal alterations to the historic fabric of the building. Prior to the formal submission of the proposals, preliminary details were discussed with the Council's conservation officer. The Conservation Officer's formal response has not

been received to date and Members will be updated at the meeting. At the preliminary stage, the main concern related to the degree of internal alteration and disturbance to the historic fabric that would be involved in the insertion of the shower pods to six rooms. Other concerns related to the main reception room being converted to two bedrooms. There was no objection in visual terms to principle of the creating a lightwell in the front elevation of the building to Lord Mayors Walk or the insertion of "conservation" style rooflights to the front and rear roofslope. Similarly, the intention to reinstate the window in the former opening within the chimney arch was considered to be visually and historically acceptable. The submitted plans do not appear to have addressed the main concern that the degree of internal alterations that would be required to convert the building into 12 student rooms would be too invasive and would harm the historic character of the building. The Conservation Officer has verbally concurred with this view. The external alterations in principle would appear to be acceptable but lack the necessary detail that would be required to confirm acceptability. It is therefore considered that the proposal would conflict with Policy HE4 of the Local Plan, E4 of the Structure Plan, and related national guidance as the alterations that would be required would adversely affect the character and special interest of the Listed Building.

5.0 CONCLUSION

5.1 For the reasons expanded above, it is considered that listed building consent should not be granted.

6.0 RECOMMENDATION: Refuse

1 The proposed extensive and invasive internal works that would be required in association with the proposed change of use would harmfully detract from the historic character and special interest of the Listed Building contrary to Policy HE4 of the City of York Development Control Local Plan- Incorporating the Proposed 4th Set of Changes, Policy E4 of the North Yorkshire Structure Plan, and national planning guidance contained in Planning Policy Guidance Note No. 15 " Planning and the Historic Environment. "

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