



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, 20 September 2007
- Time:** 3.00 pm
- Venue:** The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00 am on Wednesday 19 September 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. Minutes (Pages 5 - 20)

To approve and sign the minutes of the meetings of the West & City Centre Area Planning Sub-Committee held on 16 and 28 August 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) **11 Slingsby Grove, York (07/01628/FUL)** (Pages 21 - 30)
Erection of two storey detached dwelling to side [*Dringhouses and Woodthorpe Ward*].
- b) **34 Grantham Drive, York (07/01897/FUL)** (Pages 31 - 36)
Erection of detached dwelling with dormer window at plot one (amended house type) [*Holgate Ward*].
- c) **34 Grantham Drive, York (07/01712/FUL)** (Pages 37 - 42)
New rooflight windows to rear of plot two [*Holgate Ward*].
- d) **The Lowther, 8 Cumberland Street, York (07/01756/FUL)**
(Pages 43 - 56)
Outside seating area on Kings Staith for use by The Lowther Public House and Plonkers Wine Bar (resubmission) [*Guildhall Ward*].
- e) **46 Hobgate, York (07/01914/FUL)** (Pages 57 - 66)
Erection of new dwelling after demolition of existing (amendment to planning permission 07/00121/FUL) [*Holgate Ward*].
- f) **Lidgett Grove School, Wheatlands Grove, York (07/01120/REMM)** (Pages 67 - 76)
Approval of reserved matters for the erection of 16 no. two storey dwellings including associated detached garages and 3 no. three storey dwellings including associated garages and 3 no. three storey dwellings with integral garages [*Acomb Ward*].
- g) **4 Ogleforth, York (06/02042/FULM)** (Pages 77 - 96)
Conversion, part demolition and extension of vacant warehousing and offices to form 12 no. apartments with associated parking [*Guildhall Ward*].

h) 4 Ogleforth, York (06/02052/LBC) (Pages 97 - 106)

Listed building consent for conversion, part demolition and extension of vacant warehousing and offices to form 12 no. apartments [*Guildhall Ward*].

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

Democracy Officer

Name: Tracy Wallis

Contact Details:

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

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

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

Contact details are set out above.

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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 19 September 2007****The bus for members of the sub-committee will depart from
Memorial Gardens at 11.00am**

TIME (Approx)	SITE	ITEM
11.15	34 Grantham Drive (plots 1 and 2)	4 b and 4c
11.45	11 Slingsby Grove	4a
12.15	The Lowther PH – outside seating area on Kings Staith	4d

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- 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.**

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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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City of York Council

Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	16 AUGUST 2007
PRESENT	COUNCILLORS B WATSON (CHAIR), SUE GALLOWAY, HORTON, GALVIN (not for items 4a), REID, GILLIES, GUNNELL AND SUNDERLAND
APOLOGIES	COUNCILLOR JAMIESON-BALL

22. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Tockwith Training Services, Shirbutt Lane, Hessay	Councillors B Watson, Sue Galloway, Horton, Galvin, Reid, Gillies, Gunnell, Moore & Sunderland	As the application is recommended for approval and objections have been received.
Groves Working Men's Club, Penleys Grove Street	Councillors B Watson, Sue Galloway, Horton, Galvin, Reid, Gillies, Gunnell, Moore & Sunderland	To allow Members to get a better idea of the site layout.
Lendal Tower, Museum Street	Councillors B Watson, Sue Galloway, Galvin, Reid, Gillies, Gunnell, Moore & Sunderland	At the request of Councillor B Watson

23. 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.

24. MINUTES

RESOLVED: That the minutes of the meetings held on 19th July 2007 and 31st July 2007 be approved and signed by the Chair as correct records with the following amendments to the minutes dated 21st July 2007:

Councillor Moore declared an interest under the provisions of the Planning Code of good practice in Plans Items 4d & 4e (92 Micklegate) as he had been

deemed to have pre-judged the issue as he had sat on the panel of a Licensing Hearing connected with this matter. He left the room and took no part in the discussion or decision thereon.

Councillor B Watson declared an interest under the provisions of the Planning Code of good practice in Plans Items 4d & 4e (92 Micklegate) as he had been deemed to have pre-judged the issue as he had sat on the panel of a Licensing Hearing connected with this matter. He left the room and took no part in the discussion or decision thereon.

25. 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.

26. 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.

26a Lendal Tower; Museum Street (07/00306/LBC)

Members considered a Listed Building Consent Application submitted by Mr David Hattersley for the conversion of Lendal Hill House and Whistler House to form three apartments including alterations to Lendal Tower to form one dwelling, internal and external alterations.

Representations were received from the Applicant's Agent who said that the conversion of the two houses into three flats was part of a much larger project on this site.

RESOLVED: That the application be approved 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:

- 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.

26b Lendal Tower; Museum Street (07/00307/FUL)

Members considered a full application submitted by Mr David Hattersley for the conversion of Lendal Hill House and Whistler House to form three apartments and conversion of Lendal Tower to form one dwelling including external alterations.

Representations were received from the applicant's agent who clarified, in response to Member's questions about drainage, that all potential drainage problems had been satisfactorily overcome.

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:

- 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.

26c 27 Tanner Row (07/01222/FULM)

Members considered a major full application submitted by Oakgate (Newcastle) Ltd for the use of the ground floor and first floor of Unit 5 as offices (Use class A2 and B1).

Members asked whether the building could be split to house more than one company; therefore requiring different or no (dependent on size) travel plans to be submitted and Officers confirmed that the applicant would have to make a separate application if they wanted to sub-divide the premises.

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

REASON: That, subject to the conditions listed in the report, the proposal would not cause any 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.

26d Tockwith Training Service, Shirbutt Lane, Hessay

Members considered a full application submitted by Tockwith Training Services for the erection of a single storey storage building following demolition of an existing building (resubmission).

Officers updated that Marston Moor Internal Drainage Board had submitted additional information regarding the drainage works for the site and suggested these be agreed with themselves and effective soakaways be installed before development began.

Members asked whether this would include doing a soakaway test and Officers clarified that it would.

Officers also updated that the applicant had altered the position of the building in relation to the nearby wall and had also lowered the roof level.

Representations were received, in objection to the proposed development, from a neighbour who raised concerns about flooding and drainage. He said that there were already problems with water on this site flooding onto his own land. He raised an objection to the height of the proposed building and stated that the building was also, now, 2m closer to his house. As there would be large vehicles reversing in this area there would be increased noise from sirens and horns. There would also be problems with drainage as some of the trees had been removed as they were causing damage to his house. These had, in the past, helped to absorb some of the water.

Members felt that the applicant had made significant changes to the previous application and had tried to address the original concerns that had been raised. The said that the new building would have guttering and therefore some of the flooding and excess water problems may be solved. It was also noted that the applicant would have to meet the requirements of the Internal Drainage Board if the guttering and soakaways did not solve the drainage and flooding problems.

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 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.

26e Groves Working Men's Club; Penleys Grove Street (07/01279/FULM)

Members considered a major full application submitted by Mr Kevin Mohan for the erection of 4 three storey townhouses, 8 apartments in a three storey block and associated garages and car parking following demolition of existing buildings.

Members raised concerns regarding the access to the rear of the site and noted that there was a potential conflict between cyclists and pedestrians. They also requested that improvements be made to the sustainability of the scheme. They also requested that a condition regarding wheel cleaning of the construction vehicles be added.

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

1. Before any development is commenced on site wheel cleaning facilities shall be provided to a standard, and in such a position as previously approved in writing by the Local Planning Authority and shall thereafter be retained during the period the construction works on the site are taking place and used to the satisfaction of the Local Planning Authority.

Reason: In the interests of road safety.

2. Prior to development commencing details of a scheme for cycle calming measures at the junction of Groves Lane and Jackson Street shall be submitted to and agreed to in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

Reasons: In the interests of road safety.

SUSTAINABLE DEVELOPMENT

You are reminded of the requirements of policy GP4a of the City of York Draft Local Plan which seeks to achieve sustainable development with a low or positive environmental impact whilst maximising social, economic, and environmental gains. This should be considered in implementing the scheme hereby approved.

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 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.

26f 9 Fellbrook Avenue (07/01656/FUL)

Members considered a full application submitted by Mrs T J Hegarty for a two storey side extension and one and two storey rear extension (amendment to approved scheme 07/00452/FUL).

Officers updated that a further letter of objection had been received from a local resident. This expressed concerns regarding the lack of details to the roof finishes, the details of the roof lights, refuse and bin storage and parking. Officers also updated that there were no objections from the Acomb Planning Panel.

RESOLVED: That the application be approved subject to the conditions outlined in the report and the decisions listed below:

1. The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

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

26g 6 Ovington Terrace (07/01601/FUL)

Members considered a full application submitted by M J Holmes for the conversion of the dwelling into 2 flats.

Members felt that the application was contrary to Policy H8 which seeks to protect this type of dwelling. They felt that the property was too small for conversion to flats.

RESOLVED: That the application be refused

REASON: The scheme would involve the loss of a three bedroom property, as extended, and would therefore conflict with Policy H8 of the City of York Council Draft Deposit Local Plan which seeks to retain an adequate supply of family housing stock and states that planning permission will only be granted for the conversion of a dwelling to flats where: the dwelling is of sufficient size (min 4 bedrooms) and the internal layout is shown to be suitable for the proposed number of households or occupants and will protect residential amenity for future occupiers.

COUNCILLOR B WATSON
CHAIR

The meeting started at 3.05 pm and finished at 4.20 pm.

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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	28 AUGUST 2007
PRESENT	COUNCILLORS B WATSON (CHAIR), SUE GALLOWAY (VICE-CHAIR), HORTON, GALVIN, REID, GILLIES, GUNNELL, JAMIESON- BALL AND MOORE (SUBSTITUTE)
APOLOGIES	COUNCILLORS SUNDERLAND

27. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
St Aubyn's Place	Councillors B Watson, Horton, Gunnell, Gillies and Galvin.	At the request of Councillor B Watson.
Edward VII Public House	Councillors B Watson, Horton, Gunnell, Gillies and Galvin.	At the recommendation of Officers to enable Members to familiarise themselves with the site and surroundings.
42 Monkgate	Councillors B Watson, Horton, Gunnell, and Galvin.	At the request of Councillor B Watson.

28. DECLARATIONS OF INTEREST

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

Councillor Horton declared a personal prejudicial interest in Plans Items 3d & 3e (42 Monkgate) as he knew the Applicant. He left the room and took no part in the debate.

29. 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.

30. 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.

30a 40 Beckfield Lane (07/01599/FUL)

Members considered a full application submitted by Miss Helen Christmas for a single storey pitched roof rear extension.

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

REASON: That 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 impact on the residential amenity of neighbours or the impact upon streetscene. As such the proposal complies with Policies H7 and GP1 of the City of York Local Plan Deposit Draft.

30b Edward VII Public House (07/01625/FUL)

Members considered a full application submitted by Wolverhampton and Dudley Breweries Plc for the erection of a timber pergola to the rear and external alterations to the rear elevation of the existing building including the relocation of an air conditioning unit (resubmission).

Officers updated that there was an error in paragraph 1.1 of the report. The Edward VII public house was located on the corner of Nunnery Lane and Spencer Street and not Victoria Street as stated.

Representations, in objection, were received from a local neighbour who had concerns about the inevitability of an increase in noise and thus a possible fall in the value of his property. He was aware that the present landlord was considerate but felt that patrons and future landlords may not be. He said that his bedroom window was 2.5m away from the proposed smoking area and smoke would come into the house. He also felt that the proposed structure was inappropriate for a smoking area as it was too enclosed.

Representations, in support, were received from the current landlord who raised concerns regarding his patrons standing on the street to smoke as this blocked the pavement. He was willing to take the roof away from the proposed structure and reopen a door that had been there in the past. A petition had also been signed by local residents supporting his application to site the smoking area at the rear of the premises.

Members had concerns that patrons would be blocking the pavement and felt that it was dangerous not to address this and attempt to move them to the rear of the problem. They were also mindful of the neighbour's concerns regarding loss of amenity.

Members agreed that the pergola would not comply with the legislation regarding smoking shelters and therefore agreed to delegate to Officers the removal of the pergola and trellis part of the application.

RESOLVED: That delegated authority be given to Officers to approve the application subject to the conditions listed below and the receipt of revised plans showing the removal of the pergola and trellis.

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

Revised plan received 4.9.07

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

REASON: That the proposed development, as revised, with the removal of the pergola structure, would not cause undue harm to interests of acknowledged importance, with particular reference to design, amenity and highway safety. As such the proposal complies with Policies GP1 and GP18 of the City of York Local Plan Deposit Draft.

30c 2 St Aubyn's Place (07/01641/FUL)

Members considered a full application submitted by Ms Nancy Newman for the temporary change of use to a Day Nursery (D1 Use) for a period of 2 years.

Officers updated that additional letters of objection had been received which raised concerns about the following:

- Traffic
- The time the children would arrive and leave the premises
- Parking
- Health & Safety
- Noise nuisance
- The effect on family residences

A letter had been received from the Applicant that stated parents would have to sign a contract to say that they would not park in St Aubyn's Place.

Members asked Officers whether such a parking contract could be conditioned and it was confirmed that it would be unenforceable by the Council and therefore could not be conditioned.

Representations, in objection, were received from the Bursar at the Mount School who raised concerns relating to car parking for both staff and parents, traffic problems in the area and potential difficulties with parents dropping off their children at the nursery.

Representations, in objection, were received from a local resident who confirmed that this was predominantly a residential area. There were already existing parking problems in the St Aubyn's Place vicinity and the extra traffic generated by the proposed nursery school would add to this. There were also health and safety worries for both children and residents; especially in connection with access and egress from St Aubyn's Place.

Representations were received from the Applicant's advisor who said that their prime concern was for the safety of both children and residents. Therefore parking had been addressed and parents would be required to use a certain entrance of the Elmbank Hotel car park to help alleviate traffic and parking pressures in the area. The dropping off and collection times would be staggered and parents would be required to sign a contract to say that they would comply with these parking arrangements. Noise would be minimal and access to the property would be restricted.

Members felt that the parking contract would not be an effective or enforceable solution and parents would still drop their children off outside the nursery school thus adding to the traffic/parking problems in St Aubyn's Place. There were also concerns regarding the potential noise nuisance from the garden area of the property. Members felt that the area should be kept for residential usage and local policies sought to protect family housing.

RESOLVED: That the application be refused.

REASON: 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.

The Local Planning Authority considers that the proposed nursery would lead to increased levels of noise that would be harmful to the amenity of nearby residents. As such the proposal is contrary to policy C7 of the City of York Draft Local Plan, which states that planning permission will be granted for the development of, or change of use to, a nursery provided (among other criteria) there would be no harm to residential amenity or the residential character of an area.

The Local Planning Authority considers that the proposed change of use is unacceptable, as it would lead to a loss of housing stock, which is contrary to policies H9 and C7 of the City of York Draft Local Plan, which seek to preserve individual houses due to the shortage of housing stock in the city.

30d 42 Monkgate (07/01566/FUL)

Members considered a full application submitted by Moda Developments Ltd for the change of use for of offices to five residential units and erection of four flats with car parking after demolition of the existing office building.

Officers updated that:

- Environmental Protection Unit (EPU) had requested that a condition regarding contaminated land be included.
- Revised plans had been received showing some very minor alterations that had rectified some small problems.
- The landscape Officer had mentioned that there was a tree just on the outside of the proposed site which was subject to a Tree Preservation Order (TPO).

Members asked that an Informative be included regarding sustainability. They also asked the applicant to address refuse and recycling storage. Officers advised that this could be addressed by an alteration to condition 8.

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

- A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development of the site. This should, where possible date back to 1800.

A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.

A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved

by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site. Informative: The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.

Reason: To protect human health and the wider environment.

Prior to the development commencing details of the area for cycle and bin storage (including elevations, materials and means of enclosure if proposed) 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.

SUSTAINABLE DEVELOPMENT

You are reminded of the requirements of policy GP4a of the City of York Draft Local Plan which seeks to achieve sustainable development with a low or positive environmental impact whilst maximising social, economic, and environmental gains. This should be considered in implementing the scheme hereby approved.

REASON:

That the proposal, subject to the conditions listed in the report and the additional conditions set out 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.

30e 42 Monkgate (07/01564/LBC)

Members considered a Listed Building Consent application submitted by Moda Developments Ltd for alterations and extensions after demolition of an existing single storey rear extension.

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

REASON: That 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 interests 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.

30f 32 Lord Mayor's Walk (07/01626/FUL)

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

30g 32 Lord Mayor's Walk (07/01627/LBC)

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

COUNCILLOR B WATSON
CHAIR

The meeting started at 12.05 pm and finished at 1.30 pm.

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Dringhouses and Woodthorpe
Date: 20 September 2007 **Parish:** Dringhouses/Woodthorpe Planning Panel

Reference: 07/01628/FUL
Application at: 11 Slingsby Grove York YO24 1LS
For: Erection of two storey detached dwelling to side
By: Mr Kevin Marsden
Application Type: Full Application
Target Date: 19 September 2007

1.0 PROPOSAL

1.1 The applicant seeks planning approval to erect a detached dwelling.

1.2 The application relates to the side garden of No.11, Slingsby Grove; a semi detached brick built property. The current garden contains a large flat roofed garage, which can be accessed using the existing driveway. Mature privet hedging encloses the garden to the front and side. A large brick wall approx. 2.0 metres in height forms the southern boundary and forms the shared boundary with a neighbouring bungalow Nos. 94, Tadcaster Road.

1.3 This application is brought before the West and City Centre Sub Committee at the request of Cllr Ann Reid following objections raised by the occupiers of neighbouring properties.

1.4 A committee site visit is to take place because objections have been received and the application is recommended for approval.

RELEVANT PLANNING HISTORY

1.5 06/01687/FUL - Erection of detached dwelling (amendments to permitted scheme 06/00623/FUL to include velux roof windows) - Approved (No. 9, Slingsby Grove)

1.6 06/00623/FUL - Erection of detached dwelling - Approved 20/07/2006. (No. 9, Slingsby Grove)

1.7 No.7/13/6748/PA - Use of land for the erection of one dwelling on existing garden (submitted in accordance with Article 5 (2) of the Town and Country Planning General Development Order 1977, as an "outline application" at 11, Slingsby Grove - Refused 10th April 1989 due to overdevelopment of the site and lack of amenity space.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP10

Subdivision of gardens and infill devt

CYGP1

Design

CYH4A

Housing Windfalls

CYL1C

Provision of New Open Space in Development

3.0 CONSULTATIONS

Internal

3.1 Environmental Protection Unit - No Objections.

3.2 Highway Network Management - No Objections.

3.3 Lifelong Leisure and Learning - No Objections.

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 the Knavesmire, Hob Moor, Mayfield or Chapmans Ponds

b) play space - which would be used to improve a local site such as Nelsons Lane or Leaside

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

External

3.4 Dringhouses/Woodthorpe Planning Panel - Objections

- * Concerns over the size.
- * Overbearing on the bungalow to the rear.
- * No cycle or bin storage.
- * No outdoor amenity provision.
- * Impacts upon neighbouring amenity.

3.5 Three letters of objection have been received from the residents of a neighbouring property. The letters raise the following concerns:

- * Increased congestion
- * Sewage and Servicing problems
- * Devaluation of Property and Subsequent Compensation
- * Overlooking/Privacy
- * Loss of Light
- * Affordable Housing Provision
- * Pollution

4.0 APPRAISAL

PLANNING POLICY

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

4.2 H4a - Housing Windfalls: which suggests that a proposals for residential development on land within the urban area would be acceptable, where "the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings." However, any development must be of an appropriate design and must be sustainable e.g. good links to jobs, shops and services.

4.3 GP10 -Subdivision of Gardens and Infill Development: encourages the protection of wildlife and setting, suggesting that existing landscape features are incorporated into the scheme or compensated for elsewhere should their removal be required.

4.4 L1C - Provision of New Open Spaces in Development: the council considers that all residents should have access to safe, attractive and useable public open space and the Local Plan Strategy aims to promote accessible open space in new residential and leisure developments.

ASSESSMENT

4.5 The applicant has clearly stated that all materials used will match the existing where appropriate, ensuring continuity, whilst also setting a desirable precedent for all future development. In terms of design the external features of the dwelling replicates the frontages of neighbouring properties and incorporates many of the features which characterise this diverse street scene. The side and rear garden areas are also compatible to those associated with neighbouring properties, in particular the properties located to the side and rear.

4.6 Concerns have been raised regarding the first floor rear windows impact upon neighbouring amenity; in particular the potential loss of privacy. Although the first floor windows will be located in close proximity to the rear boundary wall and the bungalow beyond, the impact in terms of amenity loss is considered to be minimal. The rear boundary wall measures approx. 2.0 metres in height with the No.94, Tadcaster Road, located approx 4.5 metres beyond; the close proximity of the bungalow to this high wall, in conjunction with existing planting and the angles of vision afforded from the proposed first floor windows (which will all be obscurely glazed) mitigates direct overlooking into the rear/side garden and the north facing windows of the aforementioned dwelling.

4.7 All rooflights within the rear roof elevation are to be high level (following requested amendments) further mitigating the potential for overlooking. Permitted Development Rights have been removed by condition and therefore no further rooflights can be included without the requirement for a further planning application.

4.8 The proposed dwelling by virtue of its location and orientation (north of the adjoining bungalow) will represent little threat to amenity in terms of overshadowing. Furthermore the original drawings have been amended to reduce the proposed ridgeline by 0.6 metres (amended height 8.3 metres). Although some loss of light may occur during the late evening to the side of No.11, Slingsby Grove, the overall impact is considered negligible in this instance.

4.9 The loss of existing garaging has been replaced by the inclusion of parking provision for at least two vehicles to the side of the proposed and existing properties (following amendments to the original scheme). The parking provision will enable the future occupiers of the properties to park off the main highway at all times and will not compound any perceived congestion. Cycle storage is conditioned to be provided to the rear of the existing and proposed property, potentially reducing the need for vehicle usage and promoting sustainable living.

4.10 The applicant is only proposing to build one property, therefore the "affordable housing" policy is not relevant in this instance.

4.11 The "devaluation of property" is not a material planning consideration and can not be considered as part of this application.

5.0 CONCLUSION

The proposed detached dwelling by virtue of its overall design and locality, represents little threat to the visual and residential amenity of neighbouring property or the surrounding street scene in general, meeting policies GP1 and GP10 of the City of York Development Control Draft Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

641.001 Rev B - Plans and Elevations

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

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

3 Any suspect contaminated materials detected during site works shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect the health of the occupants.

4 All construction and demolition or refurbishment works and ancillary operations, including deliveries to the site and despatch from the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents during the construction of the development.

5 VISQ8 Samples of exterior materials to be app

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no doors, windows or other opening additional (including dormer windows and rooflights) to those shown on the approved plans shall at any time be inserted into the external elevations of the detached dwelling hereby approved.

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

7 HWAY19 Car and cycle parking laid out

8 No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

9 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A to H of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

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

10 The boundary walls and trellis enclosing the rear (southern) boundary of the site shall not be lowered or breached without the prior written consent of the Local Planning Authority.

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

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

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

Informative

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring financial contribution towards the off site provision of open space. The obligation should provide for a financial contribution calculated at £3006.

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

12 Prior to the commencement of any works, details shall be submitted showing the arrangements for cycle storage at 11, Slingsby Grove. All works are to be approved in writing by the Local Planning Authority and implemented prior to the dwelling hereby approved coming into use.

Reason: To promote the use of cycles

13 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 8.3 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved

development does not have an adverse impact on the character of the surrounding area.

14 All rear first floor windows shall be obscurely glazed and retained as such, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of residential amenity.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual and residential amenity. As such the proposal complies with Policy GP1, GP10, H4A and L1c of the City of York Local Development Control Draft Local Plan.

2. Demolition and Construction - Informative

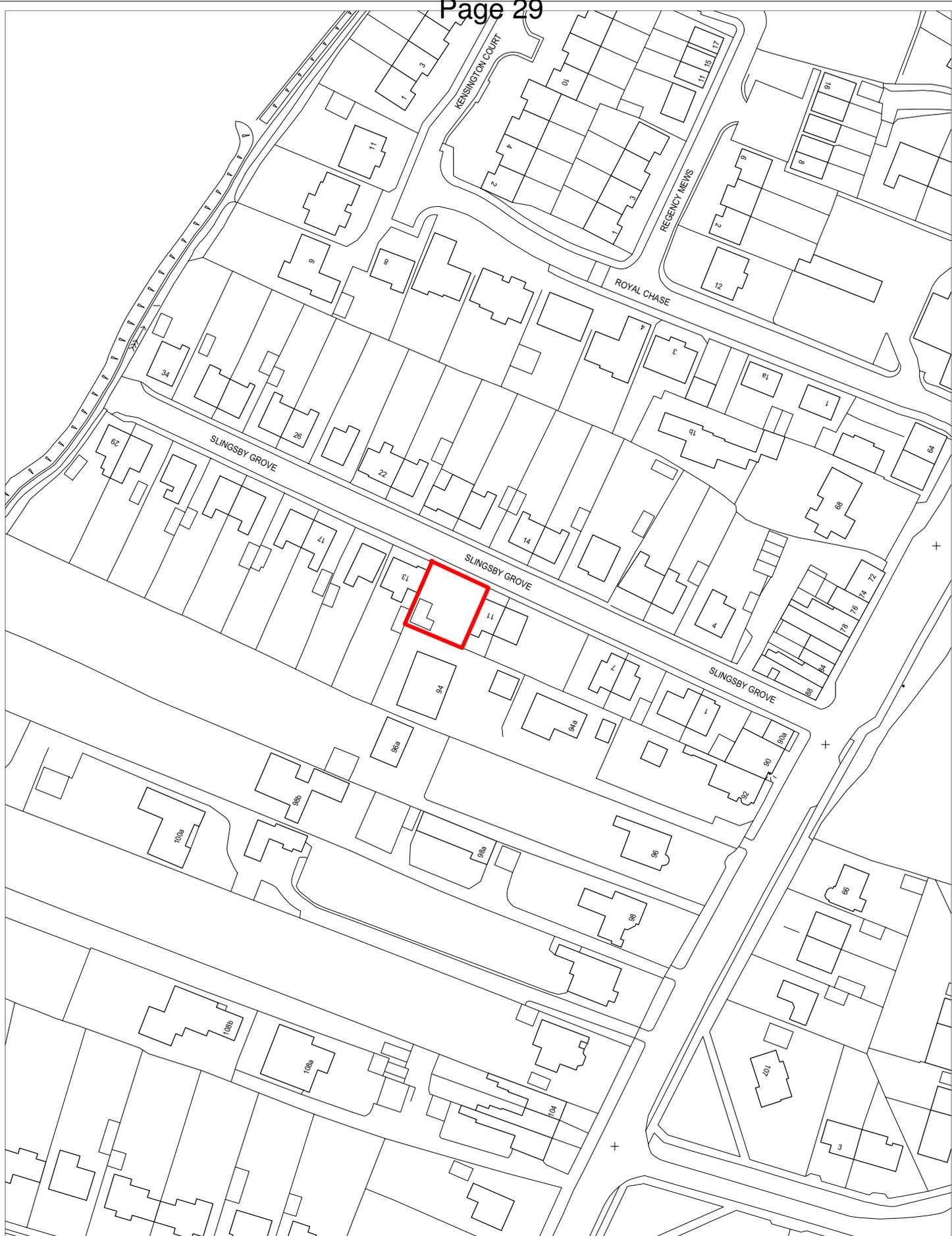
The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached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

1. 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".
2. 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.
3. 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.
4. 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.
5. There shall be no bonfires on the site.

Contact details:

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

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CITY OF
YORK
COUNCIL

11 SLINGSBY GROVE - 07/01628/FUL



SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 10/9/2007
Drawing No.

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

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Holgate
Date: 20 September 2007 **Parish:** No Parish

Reference: 07/01897/FUL
Application at: 34 Grantham Drive York YO26 4TZ
For: Erection of detached dwelling with dormer window (Amended house type)
By: Mr Nick Squire
Application Type: Full Application
Target Date: 3 October 2007

1.0 PROPOSAL

1.1 The applicant seeks planning approval to erect a detached dwelling with dormer window (Amended house type) at 34, Grantham Drive (Plot 1).

1.2 This application is in part retrospective.

1.3 The application relates to a recently built two storey detached dwelling. The property was built concurrently with Plot 2, located to the east of the application site.

1.4 The original outline approval application 05/02061/OUT was approved by the West and Central Sub Committee on the 17th November 2005. Therefore, any further amendments to that approval should also be considered by the same Committee.

1.5 A committee site visit is to take place because objections have been received and the application is recommended for approval.

RELEVANT HISTORY

1.6 07/01712/FUL - New Rooflights to the Rear of Plot 2 - No Decision.

1.7 06/02301/FUL - Dormer to the Side - Refused 27.12.2006.

1.8 06/00633/FUL - Erection of 2 no. detached dwellings after demolition of existing dwelling - Approved 28.06.2006.

1.9 05/02061/OUT - Outline application for the erection of two dwellings after demolition of existing bungalow and outbuildings (revised scheme) - Approved 17/11/2005.

1.10 05/01256/OUT - Outline application for the erection of two dwellings after demolition of existing bungalow and outbuildings - Refused 23/09/2005.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

CYH4A
Housing Windfalls

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - No Objections

EXTERNAL

3.2 One letter of objection have been received regarding the applicants' proposals. The letter raise the following points:-

- * Dormer is of an odd and ugly shape.
- * Spoils the roof line and shape of the house.
- * Does not contribute to the attractiveness of the area.

4.0 APPRAISAL

4.1 In this instance the principle of erecting a detached dwelling on this site was established following the approval of outline application 05/02061/FUL and as the dwelling has been constructed up to roof level in accordance with the approved plans, it is only necessary to consider the impact of the amended roof design and the proposed dormer.

4.2 The surrounding street scene host a wide variety of house types, however the majority have hipped roofs. Although slightly higher than the properties neighbouring this particular roof by virtue of its hipped design represents little harm to the amenities and appearance of the surrounding street scene. In terms of residential amenity the applicants' property is located to the south of neighbouring gardens, therefore little or no overshadowing is perceived in this instance.

4.3 The proposed dormer has been included to allow staircase access into the roof space. The dormer is considered to be subservient, has it has been set down from and in from the ridge and roof hip respectively. Dormer of this design and style meet the guidance set out para. 11.2 of the "Guide to Extensions and Alterations to Private Dwelling Houses" and are comparable with other developments in and around this particular street scene.

4.4 A single window is proposed in the south facing elevation of the dormer, this will allow light to the staircase and by virtue of its position will not afford direct views into or of neighbouring properties, therefore the residential amenity currently enjoyed by neighbouring properties remains.

5.0 CONCLUSION

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

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

628.002 - Plot 1 Elevations.

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

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

2 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A to G of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

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

3 HWAY19 Car and cycle parking laid out

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

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

Contact details:

Author: Richard Mowat Development Control Officer

Tel No: 01904 551416

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Holgate
Date: 20 September 2007 **Parish:** No Parish

Reference: 07/01712/FUL
Application at: 34 Grantham Drive York YO26 4TZ
For: New rooflight windows to rear of plot two
By: Mr Nick Squire
Application Type: Full Application
Target Date: 25 September 2007

1.0 PROPOSAL

1.1 The applicant seeks planning approval to install three new rooflight windows to the rear of 34, Grantham Drive (Plot 2).

1.2 This application is retrospective.

1.3 The application relates to a recently built two storey detached dwelling. The property has an attached garage, which can be accessed using the existing driveway. The property was built concurrently with Plot 1, located to the east of the application site.

1.4 The original outline approval application 05/02061/OUT was approved by the West and Central Sub Committee on the 17th November 2005. The approved plans showed one rear facing rooflight window and a condition was imposed on the permission restricting permitted development rights in respect of new windows and other extensions and additions.

1.5 A Committee site visit is proposed, enabling members to assess any visual impact from the rooflights and to consider the concerns of neighbours.

RELEVANT HISTORY

1.5 07/01897/FUL - Erection of Detached Dwelling with Dormer Window (Amended House Type) - No Decision.

1.6 06/02301/FUL - Dormer to the Side - Refused 27.12.2006.

1.7 06/00633/FUL - Erection of 2 no. detached dwellings after demolition of existing dwelling - Approved 28.06.2006.

1.8 05/02061/OUT - Outline application for the erection of two dwellings after demolition of existing bungalow and outbuildings (revised scheme) - Approved 17/11/2005.

1.9 05/01256/OUT - Outline application for the erection of two dwellings after demolition of existing bungalow and outbuildings - Refused 23/09/2005.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - No Comments.

EXTERNAL

3.2 One letter of comment has been received regarding the applicants' proposals. The letter raises concerns about retrospective practices and seeks a Committee site visit prior to a decision being made.

4.0 APPRAISAL

4.1 By virtue of the first floor layout and the height of the proposed roof lights no direct view exists over the rear gardens of neighbouring properties, in particular No.36, Grantham Drive. Therefore it is the opinion of the Local Planning Authority that no harm to neighbouring amenity exists.

5.0 CONCLUSION

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

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

628.001 - Proposed Elevations.

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

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

**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 neighbouring amenity. As such the proposal complies with Policies GP1 and H7 of the City of York Development Control Draft Local Plan.

Contact details:

Author: Richard Mowat Development Control Officer

Tel No: 01904 551416

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CITY OF
YORK
COUNCIL

34 GRANTHAM DRIVE (PLOT 2) - 07/01712/FUL

SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 10/9/2007
Drawing No.



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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 20 September 2007 **Parish:** Guildhall Planning Panel

Reference: 07/01756/FUL
Application at: The Lowther 8 Cumberland Street York YO1 9SW
For: Outside seating area on Kings Staith for use by The Lowther Public House and Plonkers Wine Bar (resubmission)
By: Mr S Binns
Application Type: Full Application
Target Date: 18 September 2007

1.0 PROPOSAL

1.1 The application is a revised application following refusal of planning permission to open a 19-table pavement cafe on Kings Staith, on part of the pedestrianised cobbled public highway close to the river front for two public houses in Cumberland Street, the Lowther and Plonkers. The Council now own the freehold of the land having taken on the old River Companies, and the land is probably classed as a 'highway' evolving from long public access. The area is currently enclosed by highway bollards and a 2 metre pedestrian path would be retained along the river's edge. It is separated from the licensed premises by the one-way highway system on Kings Staith and it is intended that the waterfront pavement cafe would be operated by waiter service only, during operating hours of 10.00- 20:00 hours.

1.2 The area forms part of the Central Historic Core Conservation Area and the buildings at the rear of the site on Kings Staith are listed, with Cumberland House on the corner being a Grade I Listed Building. Kings Staith is also used as an embarkation point for riverboats. The nearby Kings Arms Public House has an outside seating area with approximately 7 tables. An application for the change of use from area to outside drinking area at the Kings Arms was withdrawn on 25.9.1998.

1.3 This application varies from the previously refused application by reducing the number of tables from 25 tables to 19 tables. Additional information has been provided to explain how the area would be managed and would include-

- Hours of occupation would be limited from 10.00-20.30 (this includes a 30 minute drinking up period)
- The area would be cleared of tables and chairs by 21.30
- Tables and chairs would be stored in the basement of the Lowther Public House
- The area would be cordoned off by fixing chains between existing bollards
- CCTV coverage of the area would be provided as required by a condition of the premises licence
- The area would be constantly supervised, staffed at all times, with waiters/ waitresses using an intra red wireless remote control to order and bar staff bringing the orders to the area
- There would be no buying of drinks within the bars and then moving outside to occupy seats within the pavement cafe.

- Only plastic containers would be used
- The licensee would be willing to accept a condition that would ensure that there would be no table umbrellas or banners used to delineate the area to minimise paraphernalia.

1.4 The applicant's agent has submitted two letters. The agent advises in the supporting letter that accompanied the originally submitted documentation that the grant of a premises licence is a material consideration. It is also indicated that there is a desire to encourage active uses along Kings Staith and the river frontage through the provision of an ancillary amenity facility whilst ensuring that the character and appearance of the conservation area is preserved and enhanced, contending that the scheme does not detract from the nearby listed buildings. The second letter responds to the concerns that were raised by the Boating organisations in their written representations.

1.5 This application is presented to the west/centre planning sub-committee at the request of Councillor Brian Watson due to the potential impact on neighbouring residential amenity. A committee site visit is to take place because objections have been received and the application is recommended for approval.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYHE3

Conservation Areas

CYHE4

Listed Buildings

CYS6

Control of food and drink (A3) uses

3.0 CONSULTATIONS

Neighbour Notification- Expires 16.8.2007

Site Notice- Expires 17.8.2007
Press Advert- Expires 22.8.2007

8 WEEK TARGET DATE -18.9.2007

3.2 INTERNAL CONSULTATIONS

Highway Network Management- No objections but advise that a highway licence would be required

Environmental Protection Unit - No objections subject to revisions and conditions
Design, Conservation and Sustainable Development- Subject to conditions and issues, it is considered that the character and appearance of the conservation area would remain unharmed

3.3 EXTERNAL CONSULTATIONS/ REPRESENTATIONS

Guildhall Planning Panel- Object as-

- insufficient free space between vehicular/ pedestrian through traffic and seating area
- lack of cordoning on inner face of the seated area may give restricted access perception to river thoroughfare kerb.
- remoteness of seating area from access to Plonkers wine bar

York Motor Yacht Club- Object as too close to moorings and could lead to boat damage/ fire risk

Ripon Boat Club- Object as increases risk to moored craft from drunken public disorder, and would further sully the City's reputation.

The Boating Association- Object as increased hazard for boat owners from disorderly behaviour, boarding of crafts, lack of supervision and accountability, consider the application should go to planning committee for a determination.

4 Representations have been received, one with an acoustic report. The following issues are raised -

- see little difference from previous application, only small reduction in the seating area
- conflict between vehicles/ pedestrians/ cyclists and patrons
- management issues of an area divorced from the public houses
- harm to nearby residential amenity from noise generated by large number of customers that can be accommodated, increase in daytime and early evening noise levels
- adverse impact from clutter and chairs on the unique historic character, open space of the Staith, the river frontage, listed buildings
- no restriction on number of standing customers
- licensing legislation is different from planning legislation and not relevant to the determination of the application

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY

07/00819/FUL Outside eating area on Kings Staith for use by the Lowther Public House and Plonkers Wine Bar. Refused 5.6.2007

98/01873/FUL Kings Arms PH- Change of use from area to outside drinking area- Withdrawn 25.9.1998.

4.2 ADDITIONAL PLANNING POLICY

Policy E4, North Yorkshire County Structure Plan

PPS 1 " Delivering Sustainable Development "

PPS 6 " Planning for Town Centres " 2005

PPG13 " Transport "

PPG15 " Planning and the Historic Environment "

Circular 11/95 "The Use of conditions in planning permissions"

4.3 KEY ISSUES

- Impact on the visual amenity and historic character of the conservation area/ adjacent listed buildings
- Impact on the residential amenity of the neighbours/ offices
- Impact on pedestrian and highway safety
- Public safety/ Crime

4.0 ASSESSMENT

4.1 The following sets the policy context for the proposed change of use. The application site is within the central historic core conservation area; as such policy HE3 of the City of York Development Control Local Plan and Policy E4 of the Structure Plan states that within conservation areas proposals will only be permitted where there is no adverse effect on the character or appearance of the area. Policy S6 of the City of York Development Control Local Plan relates to the control of food and drink uses. The policy permits the extension, of premises within York City Centre subject to there being no adverse impact on amenity of surrounding occupiers and the opening hours being restricted, where necessary, to protect the amenity of surrounding occupiers.

IMPACT ON CONSERVATION AREA/ LISTED BUILDINGS

4.2 It is imperative that any outdoor seating is of appropriate appearance and does not appear cluttered in order to maintain the character and appearance of the

conservation area. The site is within a designated conservation area (Central Historic Core) where the Council has a statutory duty to consider the desirability of preserving or enhancing the character or appearance of the area. King's Staith has been York's principal riverside quay since mediaeval times, and although altered and extended south, still provides a convenient and cobbled access to the south west riverside. The texture and quality of this foreground area adds greatly to the setting of the nearby listed buildings, especially the Grade 1 building of Cumberland House at the corner. The area that is proposed as a seating area is currently used for many purposes. It provides a link between the 3 roads- King Street, Cumberland Street, and Lower Friargate giving access onto the Staith. It allows clear and unobstructed access to the waterfront for pedestrians and maintains an open setting for the waterfront buildings behind. On summer days there are often tourists in this area. The proposed seating would fill part of an existing non-vehicular area with tables, chairs and barriers for a substantial part of the day and part of the evening altering the appearance of this highly visible area in front of the Grade 1 Listed building, Cumberland House.

4.3 The agent has indicated a random layout of tables and chairs in the submitted drawings with no mechanism to control the spread of tables within the area. It is likely that the cafe use would spread to fill the area if the pavement cafe area is not clearly defined, but an approved final layout, including table numbers, could be conditioned if planning permission is granted.

4.4 The openness of the riverbank at this point is a public attraction and a distinctive feature of the area, and the agent was asked to consider a wider footpath (3 metres) so that the public could continue to enjoy the amenity and access of the area without having to pass too close to either tables or the river bank. A 3 metre width of passage is normally considered comfortable, and this standard has been applied elsewhere in the central historic core where it is achievable (eg on opposite bank).The agent however considered that the proposed 2 metre passage would exceed the Highway Authority's standard of 1.8 metres and it would be adequate to allow pedestrians to walk along the riverside. It is also advised that any further restriction in the area of the cafe would impact significantly on the viability of the scheme. Whilst the widening of the path would be desirable in terms of amenity and accessibility, on balance a further restriction in the area may jeopardise the success of the venture and the harm to the conservation area would not be so significant to warrant refusal of planning permission.

4.5 As there is an existing outdoor seating outside the Kings Arms, the proposed use in the reduced area would add to this existing character and could be visibly accommodated in the area without appearing dominant. The details of the shiny, metallic furniture and chairs would require to be less urban in this traditional, historic environment and should be sympathetic to the seating area at Kings Staith. With controlled operating hours and with the removal and storage of furniture off -site, and the combined tighter management of the site, it is concluded on balance that the proposal could add to the vitality and viability of the area without harming the character and appearance of the conservation area and the listed building in accordance with adopted planning policy HE3 of the local plan and E4 of the Structure Plan.

RESIDENTIAL AND OFFICE AMENITY

4.6 Policy S6 states that planning permission for the extension, alteration or development of premises for food and drink uses will only be granted in York City Centre provided there is no unacceptable impact on the amenities of surrounding occupiers as a result of traffic, noise, smell or litter. The revised application contains information on the proposed management of the operation, much of which has been addressed and required as part of the recently approved premises licence. As the proposed area is divorced from the two public houses, the seating area would be staffed at all times and drinks can only be bought within the area. These will be delivered by staff within the public houses who will be in contact via wireless remote control. The area would be cleared of tables and chairs that would be stored within the cellar of the Lowther public house.

4.7 The main concern relates to the noise and disturbance that the proposal would have on the residential properties nearby on Kings Staith (Nos. 13 and 15). The occupiers have written to object to the proposal and this issue has also been raised by three boating groups who look after the interests of river craft using the moorings on Kings Staith. It is also noted that nearby Cumberland House is in office use, where it is important that excessive noise levels do not harm the working environment of the staff. The introduction of an outdoor seating for 19 tables would undoubtedly raise daytime noise levels for surrounding residential properties, boaters and office staff and this has been verified in a privately commissioned noise report that was submitted in relation with an objection letter. The readings indicated that noise from the area would be likely to affect nearby premises. The Council's Environmental Protection Unit has carefully considered the findings but at this stage could not categorically state that the proposed use would greatly affect the area without further monitoring and evidence. The predicted noise levels in cases of 100, 75, and 50 people using the 19 tables in the indicated area show that sound levels could affect local residential properties but expected noise levels cannot truly take into account other noise sources that affect the area such as traffic noise, boating noise, pedestrian noise etc.

4.8 Additionally, there is no guarantee that the area would be occupied by the numbers calculated, for any length of time, or that the noise from those in the area would be constant. The Environmental Protection Unit also informs that it has not received complaints regarding the noise associated with the close- by seating area outside the Kings Arms where there are residential properties directly adjacent to the use. The Unit therefore proposes that a temporary permission for a period of 12 months should be granted to allow time to assess the impact the use on local amenity and be able to investigate complaints made to this department, if any, regarding noise and that the use should cease completely by 21.00 and not be laid out until after 09.30.

PEDESTRIAN AND HIGHWAY SAFETY

4.9 The local Planning Panel has raised concerns that the proposed 2m wide footpath is insufficient in terms of safety. Highway Network Management has raised no objections in relation to the width of the footpath and the 2m width would appear

to be acceptable. However it is also noted that the issue is not one solely of safety but one of allowing access for all. Kings Staith forms a distinctive part of the river frontage, historically important and contributing to the amenity of the area. It is enjoyed by tourists, residents, businesses and their patrons, and there is reasonable justification to require a width of access to the river frontage that would maintain ensure that this continues.

4.10 It is noted that a separate Highway Licence would also be required if planning permission is granted and this would address many issues relating to safety and management of the area. It is intended that staff would bring drinks from the public houses at the other side of the road, and members of the public would not be crossing the road with drinks. The Highway Authority do not see this form of servicing as a hazard or the proximity of the seating to a highway as issues that would warrant refusing the proposal on road safety grounds. The traffic is considered to be light during the day and at night, and generally does not travel fast through the adjacent road network. Highway Network Management are therefore satisfied that there will no traffic management problems and the applicant would require a pavement cafe licence from this Section that would include conditions and require annual renewal.

PUBLIC SAFETY/ CRIME

4.11 The cafe is situated in a city centre location where there has been a burgeoning of similar uses over recent years that add to the vitality of the centre. The police liaison officer advises that it would be difficult to oppose this application on grounds of harm to public safety given both its proposed city centre location and the lack of any overwhelming crime statistics that indicate that an outdoor eating area that would operate within the times given would be likely to cause excessive public order or anti-social problems. Also the new licensing legislation would allow action to be taken should this become the case. Apart from the occasional 'very hot' day most offences and noise would tend to be in the evenings after the outdoor seating as proposed should have finished operating. It is recommended that additional barriers or bollards that are required should be of a secure fitting (even if temporary) of the type that insert into fitted locators in the surface to assist in maintaining the agreed area and to prevent any accidents from pedestrians falling against them.

4.12 In this instance, if Members are minded to approve the application it is advised that consideration should be given to a temporary consent for a year. Circular 11/95 states that where an application is made for a use that may be potentially detrimental to existing uses nearby, but there is insufficient evidence to enable the authority to be sure of its character or effect, it might be appropriate to grant a temporary permission in order to give the development a trial run, provided that such a permission would be reasonable having regard to the capital expenditure necessary to carry out the development. A trial period should be set that is sufficiently long for it to be clear by the end of the first permission whether permanent permission or a refusal is the correct outcome.

5.0 CONCLUSION

5.1 It is appreciated that this revised application has to a large extent addressed the material concerns raised in the previously refused application for a seating area on Kings Staith for the Lowther and Plonkers public bars. If minded to approve the application, Members may wish to consider whether the suggested condition that requires a 3m width of passage between the river and the pavement cafe is necessary to provide a comfortable access for the wider public, help reduce noise to mooring craft, and improve amenity is necessary. It has been demonstrated that the use would add significantly to daytime noise and measures and conditions would be required to allow the use to proceed whilst protecting neighbouring residential amenity and the character of the area. To this end, the site should be completely cleared by 21.00 hours when evening use can be most intrusive. Members are also advised that it is reasonable that a temporary consent for a year is considered as the potential for noise disturbance from the use could increase significantly and harm the amenity of residents and office workers in the area. On balance and subject to the conditions that include appropriate furniture details to be approved and a layout that contains and prevents the spread of the seating area, it is considered that the historic buildings in the area, the appearance, character and amenity of the conservation area, and a reasonable level of amenity for residents and businesses in the area would be maintained and would not be overly harmed.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 This use shall cease by 20 September 2008 unless prior to that date the consent of the Local Planning Authority has been obtained to extend the period of the permission.

Reason: So that the Local Planning Authority may assess the impact of this use upon the surrounding area.

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

Drawing Number 1.30 Rev B

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

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

3 Notwithstanding the details of Condition 2 above, a revised seating layout shall be submitted for the written approval of the Local Planning Authority indicating

a 3 metre passage between the river and the tables and a final layout of tables, and the scheme shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that amenity and a comfortable access is maintained along the riverbank similar to elsewhere within the Central Historic Core Conservation Area.

4 Prior to the commencement of the development hereby approved, the following information shall be submitted for the written approval of the Local Planning Authority, and shall thereafter be implemented in accordance with the approved details-

- (i) type of furniture to be used
- (ii) sample of chain and its method of fixing
- (iii) details of proposed CCTV equipment attached to existing posts

Reason: To ensure that the Local Planning Authority is satisfied with the details.

5 No tables, chairs, external lights or heaters shall be used for the seating area hereby approved .

Reason: To avoid the visual clutter of paraphernalia that would detract form the visual amenity, character and historic interests of the nearby listed buildings and the conservation area

6 There shall be no amplified sound within the external seating area hereby approved.

Reasons: In the interests of protecting neighbouring residential amenity and the character of the area.

7 The hours of operation of the use hereby permitted shall only be between 10.00 and 20.00 hours each day of the week. Customers shall be clear of the area approved by 20.30 with tables and chairs cleared from the site by 21.00. Setting up shall not commence before 09:30 daily.

Reason: In the interests of amenity of the occupiers of neighbouring properties, free flow of the highway outside the approved hours, highway safety and in the interests of the amenity of the conservation area.

7.0 INFORMATIVES:

Notes to Applicant

1. HIGHWAY LICENCE INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980

(unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Cafe Licence - Section 115 - Mr A Briggs- 01904 551368

The issue of a highway licence may be subject to some or all of the following conditions, or variations thereof, as considered appropriate.

1 For streets with footways and carriageways, the maximum width of any licensed area shall not exceed one third of the usable width of the footpath. A minimum unobstructed footpath width of 1.8 metres must be provided for safe and convenient pedestrian movement. This distance being, measured from the edge of the licensed area to any significant amount of street furniture (such as lamp posts, bollards, parking meters etc). Where there is a heavy pedestrian flow additional footpath space may be required.

2 For fully pedestrianised streets a minimum width of 1.8 meters or two thirds of the total width of the public highway, whichever is the greater, must remain free and unobstructed to facilitate pedestrian movement. This figure may be increased where there is a heavy pedestrian flow. The unobstructed route shall fall equally either side of the centre line of the highway to ensure the space available for tables and chairs is shared equally between premises on each side of the street.

3 Only the licensed and designated area shall be used for trading.

4 Only tables, chairs and umbrellas associated with tables and small potted plants shall be placed within the designated area. No other furniture other than receptacles shall be placed within this area.

5 The license holder will ensure that the designated area is maintained in a clean and tidy condition. The license holder shall also take appropriate precautions to prevent the highway from becoming, littered as a result of trading activities.

6 The license holder will be responsible for the conduct of customers. They must not be a nuisance or annoy users of the highway or tenants of adjoining premises.

7 All tables and chairs shall be removed at the end of each trading day.

8 Suitable storage for tables and chairs; shall be identified by the applicant at the time of application for a license.

9 Tables and chairs shall be durable and suitable for outside use. No damaged furniture should be used.

10 Tables, chairs and umbrellas shall not be positioned so as to obstruct sight lines for drivers of vehicles at junctions.

11 No speakers or music shall be permitted.

12 No electrical cables shall be run along the ground in such a way that they create a trip hazard or are susceptible to mechanical damage.

13 A clear pathway of at least 1.2 metres wide shall be maintained to allow entrance and exit from shop premises.

14 Only refreshments shall be provided.

15 The area shall be vacated immediately if requested by the Council, Police, other emergency service, Statutory Undertaker etc. without any liability for compensation, refund of application fee, or damage arising.

16 Planning permission must be obtained for the use of the highway for a pavement café and for any structural alterations to the building or its appearance. This includes the fitting of electrical signs and canopies.

17 No canopy or umbrella shall be lower than two metres in height and shall be adequately secured.

18 The issue of a license does not give, or imply any permission to supply intoxicating liquor in the street.

19 The use of the licensed area shall cease before 20.00 hours each day and shall not commence prior to 10.00 hours.

20 Notice of application for a new licence shall be displayed in the window of the premises to which it relates for a period of 21 days.

21 The licence shall be displayed in the window of the premises to which it relates.

22 The licence shall be rendered invalid, should the license holder cease to own the premises or cease employment.

23 No licence will be granted if the effect of this licence and any previously granted for premises in the same street, would be:

That in that street the length of licensed pavement café would result in a continuous section in excess of 50 metres

Or

Where the public highway concerned is a paved island or square, the licensed area and any previously licensed area would occupy more than 33% of the publicly available space.

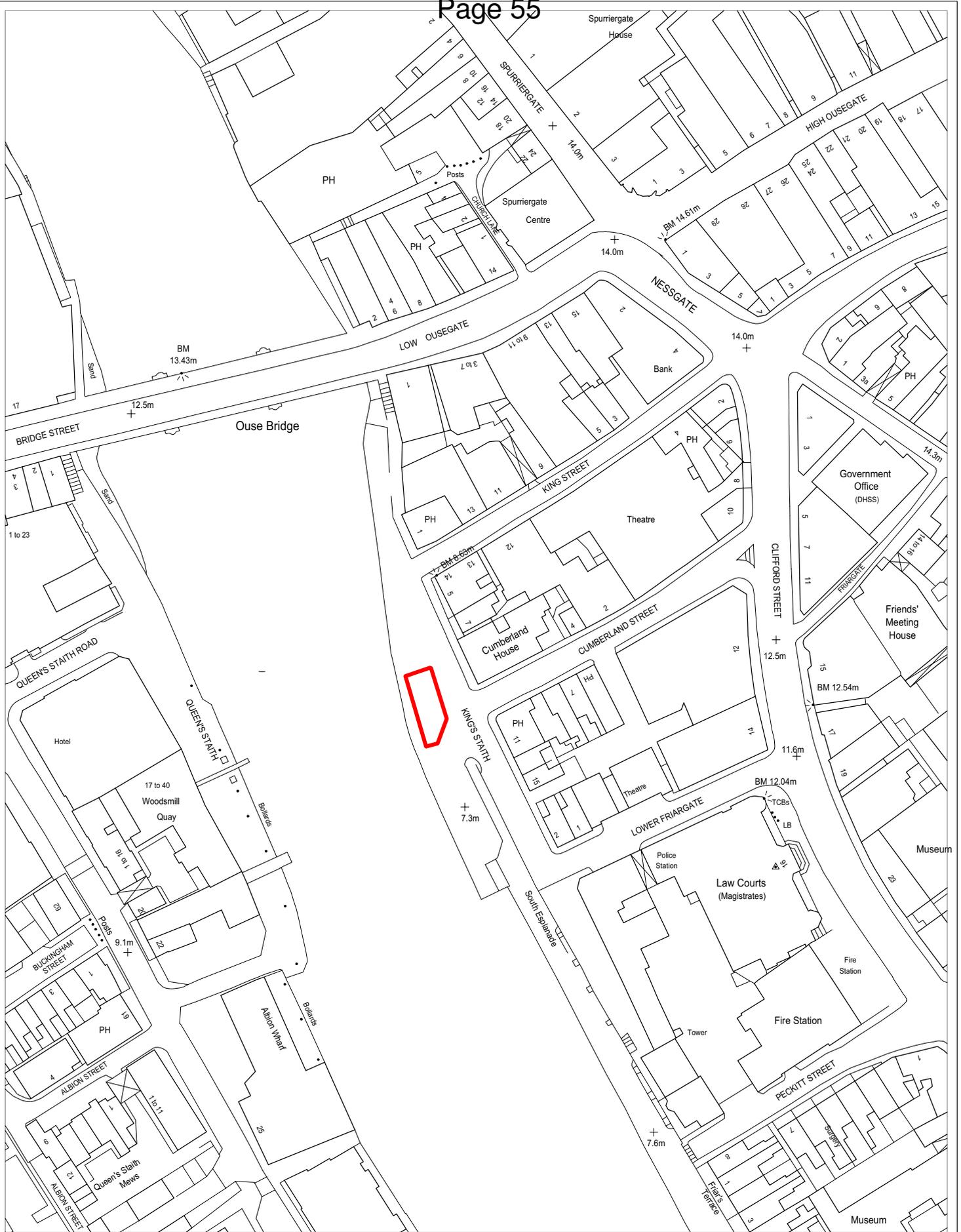
2. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the conservation area, vitality and viability of the city centre, amenity and safety. As such the proposal

complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995); Policies HE3 and S6 of the City of York Local Plan Development Control Local Plan- Incorporating the Proposed 4th Set of Changes (2005); and national planning guidance contained in Planning Policy Statement 6 " Planning for Town Centres, "Planning Policy Guidance Note No. 15 " Planning and the Historic Environment. "

Contact details:

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



CITY OF
YORK
COUNCIL

THE LOWTHER/PLONKERS SEATING AREA - KING'S STAITH

SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 10/9/2007
Drawing No.



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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Holgate
Date: 20 September 2007 **Parish:** No Parish

Reference: 07/01914/FUL
Application at: 46 Hobgate York YO24 4HH
For: Erection of new dwelling after demolition of existing (amendment to planning permission 07/00121/FUL)
By: Ian And Mary Macbeth
Application Type: Full Application
Target Date: 3 October 2007

1.0 PROPOSAL

1.1 The application is for the erection of a new dwelling after demolition of the existing (amendment to planning permission 07/00121/FUL). The application differs from the previous application in that the zinc roof for the garden room on the rear elevation has increased in size and the brise soleil and high level louvres have been removed. The first floor level glass blocks in the north west elevation have been removed and replaced with two obscured glazed windows. The projecting low level wall on the north west and south east elevations has been removed, and the ground floor and first floor doors in the Bay SE elevation have been removed.

1.2 The previous application for a new dwelling was approved by West and Centre planning sub-committee on 22 March 2007.

1.3 The area is mature and suburban, and characterised by large dwellings in relatively large plots.

1.4 Objections have been raised against this proposal however it is considered a site visit is not required as a committee site visit was undertaken with the previous application (07/00121/FUL) on 21 March 2007.

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

CYH4A
Housing Windfalls

3.0 CONSULTATIONS

3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 31/08/2007
Site Notice - Expires 04/09/2007
Press Advert - N/A
Internal/External Consultations - Expires 31/08/2007

8 WEEK TARGET DATE 03/10/2007

3.2 INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - No objections

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT - Landscape Architect

- No objections, would like a condition regarding the protection areas for the trees.

DRAINAGE - No objections

- The development is in a low risk flood zone 1 and will not suffer from river flooding

ENVIRONMENTAL PROTECTION UNIT - No objections

3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

MARSTON MOOR DRAINAGE

The Applicant states that surface water will be discharged to public sewer. If the relevant Water Company or its Agents cannot confirm that there is adequate spare capacity in the existing system, the Applicant should be requested to re-submit amended proposals showing how it is proposed to drain the Site. The Applicant should provide information as to the point of discharge of the sewer in order that the Board may comment on the suitability of the receiving watercourse. The Applicant should also provide details on the potential effect that the proposed discharge may have on the receiving watercourse

2 LETTERS OF OBJECTION

- The proposed bathroom windows in the side elevation will impact on the privacy of the occupants of 44 Hobgate, mechanical ventilation would be more appropriate

- The dormer window was replaced with a rooflight in the previous application. This rooflight would cause a loss of privacy to the occupants of the dwellings opposite. The rooflight is 1.3 metres above floor level.

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY

07/00121/FUL - Erection of new dwelling after demolition of existing - Approved

4.2 ADDITIONAL PLANNING POLICY

4.3 KEY ISSUES

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

4.4 ASSESSMENT

PLANNING POLICY

Planning Policy Statement 3 - 'Housing' (PPS3) sets out Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, reducing dependency on the private car and provision of affordable housing. PPS3 also advises that car parking standards that require more than 1.5 spaces per dwelling are unlikely to secure sustainable development

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.

Policy H4a 'Housing Windfalls' of the CYCDCLP states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

VISUAL IMPACT ON THE DWELLING AND THE AREA

The principle of the dwelling has been accepted in the previous application (07/00121/FUL). This application deals with alterations to the previously approved plans. This application differs from the previous in that the first floor level glass blocks in the north west elevation have been removed and obscured glass windows have replaced in a slightly lower position. The projecting low-level wall on the north west and south east elevations has been removed. The zinc roof for the garden room on the south west elevation has increased in size and the brise soleil and high level louvres have been removed. The ground floor and first floor doors in the Bay SE Elevation have been removed.

As permitted development rights for additional windows and openings had been removed in the previous planning permission, it was considered that the proposed changes to the windows and doors could not be regarded as minor amendments and required planning permission. The increase in the size of the zinc roof of the garden room roof and removal of brise soleil and high level louvres were considered to be a material change and therefore required planning permission.

IMPACT ON NEIGHBOURING PROPERTY

The proposed two bathroom windows in the north west elevation facing 44 Hobgate are not considered to impact on the privacy of the occupants of this dwelling, the windows are shown as obscure glazed in the plans and can be conditioned as such in a planning approval. The distance between the dwellings is circa 10 metres.

The proposed increase in size of the zinc roof of the garden room by virtue of the significant distance to the neighbouring dwellings is not considered to impact on the residential amenity of the occupants of these dwellings.

There is an objection to the proposed rooflights in the front elevation of the proposed dwelling. These have not changed from the previously approved plans in planning permission 07/00121/FUL (Drawing Number MAC (D) 02 Revision B). The proposed dwelling would be 25 metres away from 51 Hobgate and 27 metres away from 49 Hobgate (the CYC guideline figure is 21 metres to prevent loss of privacy from windows), it is considered that the significant distance between neighbouring dwellings would result in little or no loss of privacy or overlooking to the dwellings opposite.

5.0 CONCLUSION

5.1 The additional changes to the design of the dwelling are not considered to cause harm to the visual amenity of the area or the proposed dwelling. The proposed changes are not considered to harm the residential amenity of the occupants in the neighbouring dwellings. 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 MAC D-12 received 8 August 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 VISQ8 Samples of exterior materials to be app

4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C and D of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

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

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted in the side elevation of the property.

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

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 in the rear garden shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing to be shown on a plan; phasing of works; site access during demolition/construction; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles and storage of materials; location of site cabin. The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new service runs.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area and/or development.

7 The landscape scheme hereby permitted shall be carried out only in accordance with the following plans:-

Drawing Number 84.001/03 Revision B received 8 August 2007

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.

- 8 HWAY19 Car and cycle parking laid out
- 9 HWAY31 No mud on highway during construction
- 10 HWAY10 Vehicular areas surfaced, details reqd
- 11 HWAY30 Non-protruding garage doors

12 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 10.2 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.

13 Further details of the screening to the balconies, including height and details of proposed materials shall be submitted to and approved in writing by the Local Planning Authority and implemented and retained thereafter.

Reason: To protect residential amenity of adjoining residents.

14 Notwithstanding the submitted plans the two first floor windows on the side elevation facing no. 44 Hobgate shall be glazed with obscured glass and shall be maintained with obscured glass thereafter.

Reason: to protect the privacy of the neighbour.

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 GP1 and H4a of the City of York Development Control Local Plan (2005).

2.

Demolition and Construction - Informative

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

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

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

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

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

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

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

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

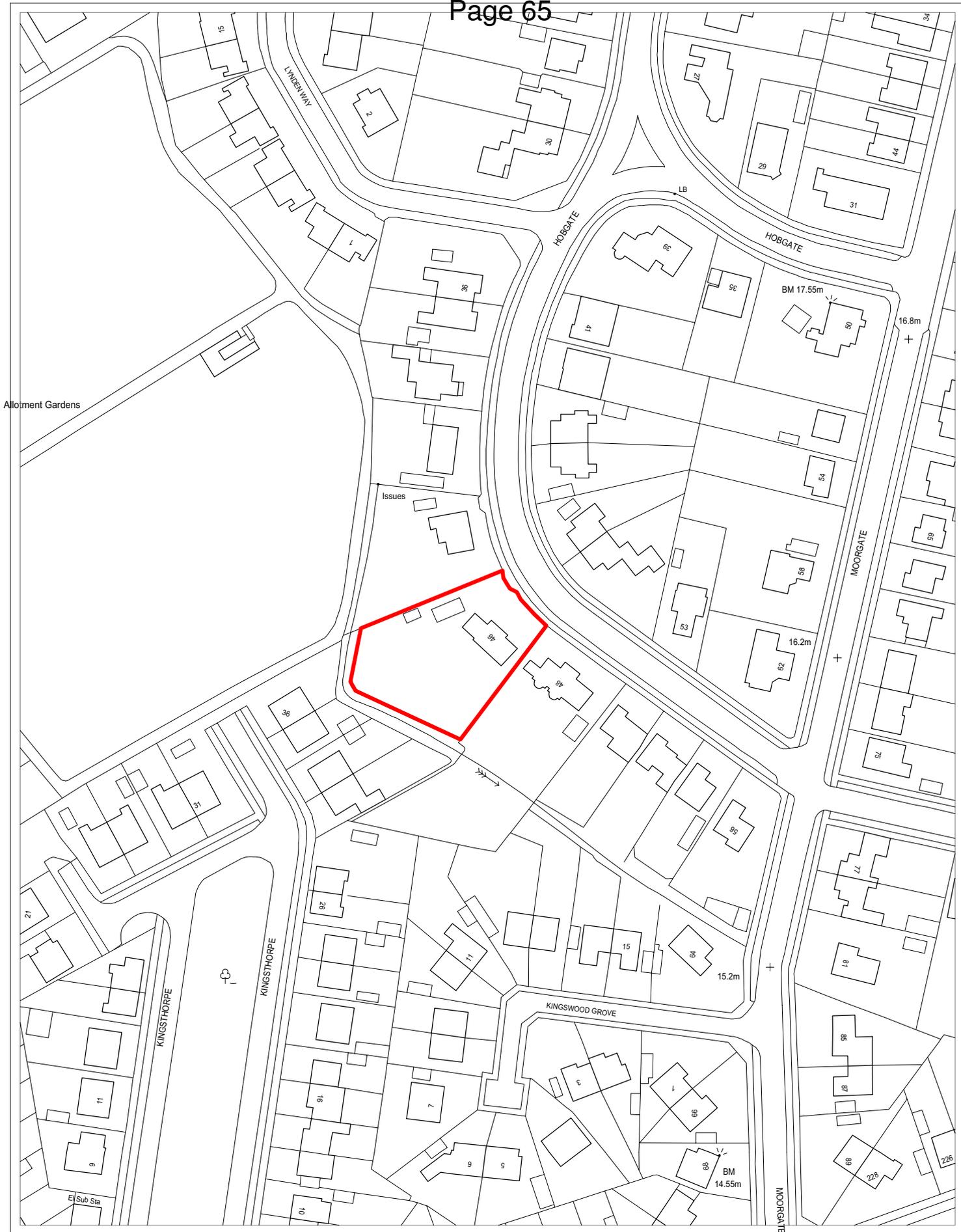
6. There shall be no bonfires on the site.

Contact details:

Author: Victoria Bell Development Control Officer

Tel No: 01904 551347

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46 HOBGATE - 07/01914/FUL



CITY OF
YORK
COUNCIL

SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 10/9/2007
Drawing No.



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

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City of York Council LA 1000 20818

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Acomb
Date: 20 September 2007 **Parish:** Acomb Planning Panel

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

1.0 PROPOSAL

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

1.2 Following the West and City Centre Committees deferral of this application a number of amendments have been introduced. These include:-

- * The introduction of two different house types (Dacre and Ewhurst). Those housing types originally proposed will also be retained.
- * The 2.5 storey Farlingtons have been relocated centrally, away from existing residential properties.
- * Footpath/Cycle Link has been straightened following guidance from the Police Liaison Officer.
- * Minor amendments to the original parking layouts.

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

RELEVANT HISTORY

1.4 05/00319/GRG3- Outline Application for Residential Development - Approved 21st April 2005.

1.5 In reference to Paragraph 1.4. This application was an outline with all matters other than the means of access to be reserved for later applications. The applicant proposed to demolish the existing school buildings and develop the site with residential properties. In the opinion of the Local Planning Authority it was considered that the site would be capable of accommodating 14 to 18 dwellings which equates to a density of between 30 and 40 dwellings per hectare.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Schools Lidgett Grove 0254

2.2 Policies:

CYT4

Cycle parking standards

CYGP1

Design

CYH4

Housing devp in existing settlements

3.0 CONSULTATIONS

INTERNAL

3.1 Environmental Protection Unit - No Objections.

3.2 York Consultancy (Drainage) - No Objections.

3.3 Lifelong Leisure and Learning - No Objections.

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

3.4 City Development - No Objections - Comments

EXTERNAL

3.5 Yorkshire Water - No Objections

3.6 Acomb Planning Panel - Objections

* 2.5 storey buildings out of character with the surrounding properties

* Emergency Access has been removed

* The access road has no passing/turning place

* Car parking and the ability to access the properties is a problem.

3.7 The applicants' proposals as originally submitted resulted in 12 letters of objection. The letters raise the following concerns:

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

CONSULTATIONS FOLLOWING REQUESTED REVISIONS

3.8 Yorkshire Water - no further comments to be made on the revised plans/information

3.9 Two letters of objection have been received in response to the revised plans. The letters raise the following concerns:-

- * Concerns about the additional three storey properties.
- * Concerns about security and accessing the footpath/cycle link.
- * Consultations with the Lidgett Grove Methodist Church should be sought.
- * Concerns about the density.
- * No provision for a wall along the boundary with Beckfield Lane.
- * Concerns about the distances between dwellings.

4.0 APPRAISAL

4.1 KEY ISSUES:-

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

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

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

- * Achieving high quality housing

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

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

PRINCIPLE OF DEVELOPMENT

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

DENSITY/LAYOUT/IMPACT ON NEIGHBOURS

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

4.7 The mix of house types are as follows

- * 4 No.4 bedroom detached.
- * 5 No.3 bed detached/semidetached.
- * 3 No.4 bed 2.5 storey town house (with integral garaging).
- * 7 No.2 bed detached/semi detached or terraced.

4.8 Dwellings have been arranged to minimise overlooking and in the case of plots 1 and 6 set away from boundaries to reduce any overbearing impact on No's. 89 and 95, Ouseburn Avenue.

4.9 21 to 22 metres have been provided from the rear of existing dwellings on Ouseburn Avenue (located to the south) to the gable elevations of Plots 1 and 6.

4.10 Approx.35 metres has been provided between the rear elevations of properties on Beckfield Lane and Plots 6 to 14.

4.11 Approx. 28 metres has been provided between the rear elevations of properties on Lidgett Grove and the northern gable of Plot 14, with 35 metres provided to the same elevations from Plots 15 to 19.

4.12 A provision of 21 metres is generally required between facing two storey elevations, with 10 metres provided between gardens boundaries to protect privacy. Plots 1 and 5 to 19 meet the aforementioned requirements and are of a similar design to the surrounding properties (both in terms of height and external characteristics), therefore the visual and residential amenity impact is considered to be negligible in this instance.

4.13 The Farlington units (originally Plots 17 to 19) now Plots 2,3 and 4 have been relocated in a more central position with the dormer windows facing the rear of Lidgett Grove Methodist Church. These properties unlike the others contain second floor accommodation which require dormer type windows within the northern elevation giving an overall height of 10.2 metres. Condition 5 of outline application 05/00319/GRG3 restricted the building height to 8.8 metres, unless otherwise agreed in writing with the Local Planning Authority.

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

4.15 The dormer windows will overlook the rear elevation of the aforementioned church only and represent little harm to the residential amenity of those properties adjoining the site.

4.16 The Ewhurst type properties proposed in Plots 1 and 5 replace the originally proposed Fulford and Cotterdale house types. The Ewhurst house type measures 8.7 metres in height, which is 0.3 metres and 0.8 metres higher than the Fulford and Cotterdale house Types respectively. Accommodation has been provided within the roof space with the inclusion of a low level dormer window. These house types are comparable with the two storey dwellings that dominate the application site in terms of height and do not replicate the 10.2 metre high Farlington house types.

HIGHWAY ISSUES

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

AFFORDABLE HOUSING

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

EDUCATION AND OPEN SPACE CONTRIBUTIONS

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

5.0 CONCLUSION

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

6.0 RECOMMENDATION: Approve

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

SK/07 - Proposed Cross Sections.
8003/10A - Topographical Survey.
SK/06 - Proposed Site Layout (Rev C)
Plans and Elevations - Dated 14th May 2007 "Cotterdale".
PD1 - Plans "Cotterdale".
PD2 - Elevations.
Plans and Elevations - Dated 14th May 2007 "Fulford".
PD1 - Plans "Fulford".
PD2 - Elevations "Fulford".
PD1 - Plans "Farlington".
PD2 - Elevations "Farlington".
WD1 - Plans and Elevations.
Dacre - Plans and Elevations
Ewhurst - Plans and Elevations

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

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

2 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A to H of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

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

- | | | |
|---|--------|------------------------------------|
| 3 | LAND1 | IN New Landscape details |
| 4 | HWAY18 | Cycle parking details to be agreed |
| 5 | HWAY20 | Residential garage use only |

6 The development shall not commence until details of the internal road layout and street lighting have been submitted to, and approved in writing, by the Local Planning Authority. No building/dwelling shall be occupied until the internal road has been provided, up to base-course level, in accordance with such approved plans. The wearing course shall be laid within two years of the base-course being laid or prior to the occupation of the penultimate house, whichever is the sooner.

Reason: In the interests of road safety.

7 The development shall not commence until details of the proposed 1.8m high lockable gate to Lidgett Grove have been submitted to and approved in writing by the local planning authority. The gate shall be erected as approved prior to the first occupation of any house on the site and maintained as approved thereafter.

Reason: In the interests of crime prevention and to ensure a satisfactory appearance.

8 The development shall not commence until details of an additional 1.8m high lockable gate to the side of plot 19 to control access to the footpath/cycleway link to Lidgett Grove have been submitted to and approved in writing by the local planning authority. The gate shall be erected as approved prior to the first occupation of any house on the site and maintained as approved thereafter.

Reason: In the interests of crime prevention and to ensure a satisfactory appearance.

9 The development shall not commence until details of gates to the side of plots 7, 11 and 14 sufficient to prevent unauthorised access to the rear have been submitted to and approved in writing by the local planning authority. The gates shall be erected as approved prior to the first occupation of any house served by the relevant rear access and maintained as approved thereafter.

Reason: In the interests of crime prevention and to ensure a satisfactory appearance.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

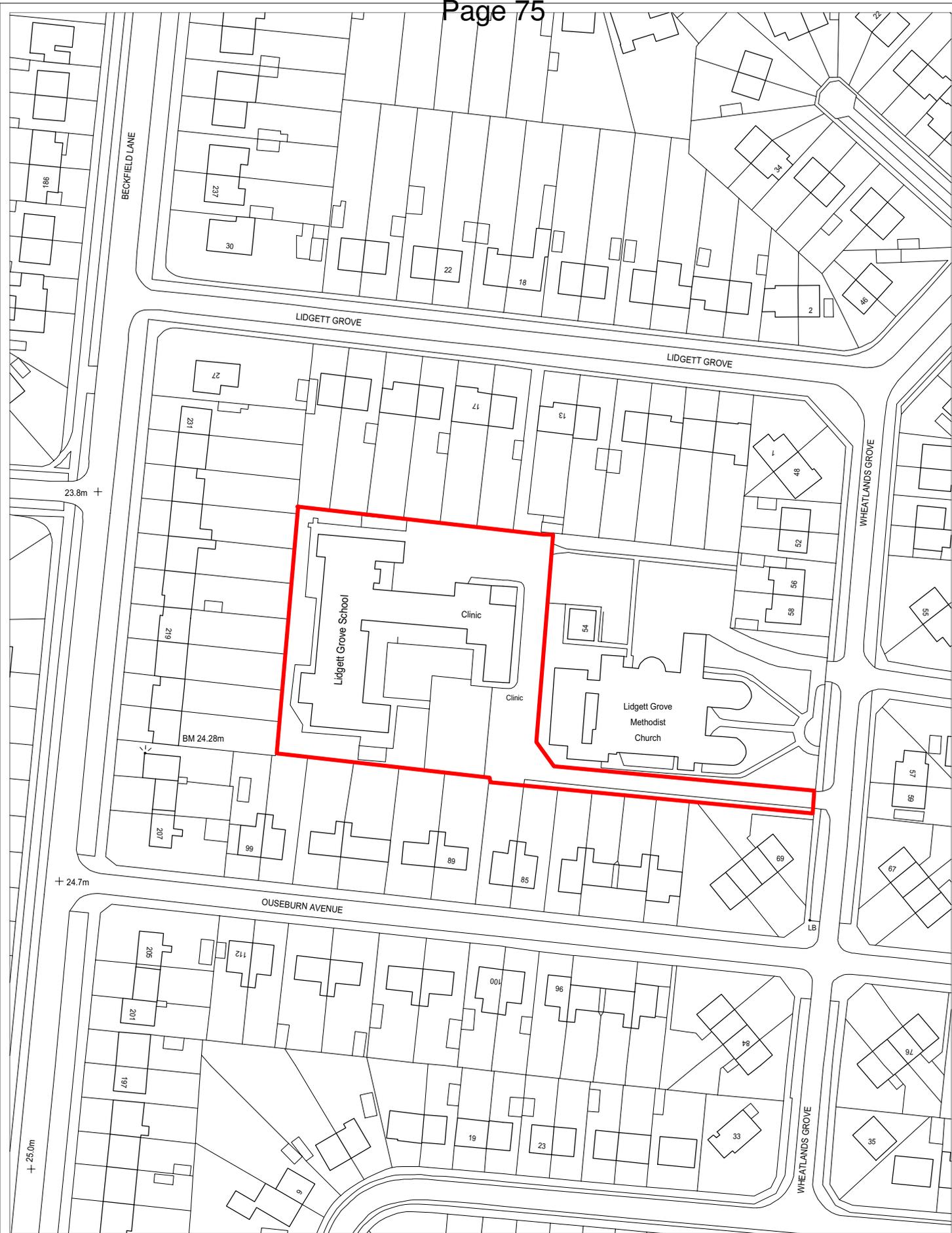
In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual and residential amenity. As such the proposal complies with PPG3 and Policies GP1, H4 and T4 of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

Contact details:

Author: Richard Mowat Development Control Officer

Tel No: 01904 551416

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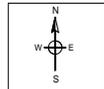


9, St. Leonards Place, York, YO1 2ET
Telephone: 01904 551550

FORMER LIDGETT GROVE SCHOOL SITE - 07/1120/REMM

SCALE 1:1250 DRAWN BY PSL DATE 10/9/2007

Originating Group Project Drawing No.



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COMMITTEE REPORT

Committee: Central Area **Ward:** Guildhall
Date: 20 September 2007 **Parish:** Guildhall Planning Panel

Reference: 06/02042/FULM
Application at: 4 Ogleforth York YO1 7JG
For: Conversion, part demolition and extension of vacant warehousing and offices to form 12 no. apartments with associated parking
By: House And Son Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 18 December 2006

1.0 PROPOSAL

1.1 Members may recall that this application was considered by the West and City Centre Area Planning Committee at the meeting held on 22 May 2007. At that meeting, it was resolved to defer a decision on the application to enable consideration to be given to the retention and conversion of the existing building on the Ogleforth frontage of the site as part of the scheme. The original proposal provided for the demolition of the frontage building and its replacement with a new extension. The applicant's agent has now submitted a structural engineers report which concludes that the existing building is in a poor state of repair and is not structurally sound. Thus whilst elevational changes have been made to the Ogleforth elevation of the new extension, the proposal still incorporates the demolition of the existing building. The contents of the structural report are discussed in greater detail in paragraph 4.9 below.

1.2 The application relates to the conversion of a substantial range of former warehouse buildings within the historic street of Ogleforth to form 12 apartments. The buildings are vacant at the present time but were previously occupied by Messrs House and Son, a well established local electrical contractor and retailer. The majority of the buildings are 3/4 (commercial) stories in height and would be retained as part of the proposal, but also include a smaller single storey building on the Ogleforth frontage of the site which would be demolished and replaced with a two storey extension (with raised eaves and accommodation in the roof) accommodating three of the apartments. The accommodation would consist of 6 x one bedroom apartments and 6 x two bedroom apartments. Two of the one bedroom apartments incorporate mezzanine floors providing the possibility of additional living/sleeping accommodation. In addition to being within the Central Historic Core conservation area, the warehouse is a Grade II listed building and a separate application for listed building consent has been submitted, also incorporating the demolition proposal referred to above.

1.3 Both external car parking/yard areas at the front of the site would be retained, with the south-eastern access onto Ogleforth being reduced in width and that to the northwest being repositioned. A total of seven car parking spaces would be provided, a significant reduction on the existing provision, with part of the external area being used to provide refuse storage and outside amenity space. Cycle parking would be

provided for each apartment within individual storage areas in the barrel vaulted basement. To the southeast of the site is The Dutch House, a Grade II "star" listed building, which has the benefit of planning permission and listed building consent for its conversion to a single dwelling, granted in November 2006. To the rear of the Dutch House, and also abutting the application site, is a small private car park which has recently been the subject of two planning applications for residential development. An application for the erection of three dwellings on this site was refused in July 2005, with a subsequent appeal to the Secretary of State being dismissed, whilst in September 2006 planning permission was granted for a more modest proposal consisting of two detached dwellings.

1.4 Revised drawings have been submitted which address the comments of the Council's Conservation Architect, together with a Noise Impact Assessment which was requested by the Environmental Protection Officer.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Listed Buildings Grade 1; St Williams College York 0742

Listed Buildings Grade 2_; The Dutch House Ogleforth 0990

Scheduled Ancient Monuments SMR 13280 York Minster Precinct Inc. Section Of City Walls

2.2 Policies:

CYE3

Retention of existing employment sites

CYH4

Housing devp in existing settlements

CYHE2

Development in historic locations

CYHE4

Listed Buildings

CYGP1

Design

CYT4

Cycle parking standards

CYL1

Open spaces in new residential devts

CYC6

Dev't contributions to comm facilities

CYHE5

Demolition of Listed Buildings and Buildings in Conservation Areas

CYGP4

Environmental sustainability

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAYS (NETWORK MANAGEMENT) - The conversion of this former warehouse to residential units is welcomed, not least because it will, in the process, remove the passage of large commercial vehicles from these narrow streets with sharp radii, in the shadow of the Minster.

The application indicates that a total of 7 parking spaces are to be provided to serve the 13 apartments, which is a reduction in the number of spaces currently available, and is to be welcomed on this city centre site.

I would normally expect cycle facilities to be provided on the ground floor either within the building itself, or in close proximity to the main entrances. In this instance, the use of the basement area to provide individual storage areas is considered acceptable as a means of also providing parking for residents cycles. A channel section ramp should be attached to the flight of steps to facilitate the movement of cycles.

Whilst pedestrian visibility at the proposed entrances is very restricted, I am not in this instance seeking the introduction of splayed entrance walls given the extremely low level of vehicular traffic to be found along Ogleforth and its limited speed. Such a measure would also impact on the desire to reintroduce a building line along the rear of the footway.

N.B. Revised drawings have been submitted showing acceptable turning arrangements within the site.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

Conservation

An independent historic buildings assessment was compiled in May 2006 to inform debate about proposals for the site and its buildings.

The buildings are situated within the Central Historic Core conservation area close to the Minster precinct. There are a significant number of high status buildings in the vicinity, including St William's College (grade I) to the immediate NW of no 8

Ogleforth, and Cromwell House at no 13 Ogleforth (grade II*) immediately opposite the site. Buildings on the NE side of the street form a continuous building line of 2 & 3 storeys, with the occasional modest gated opening allowing access to the rear. Houses are mostly in residential use, although Cromwell House and Adam House were recently used for offices. The SW side of the street is more open, with yards for servicing and car-parking being visually open to the street. The earlier buildings remaining on the street are of modest height and domestic scale, smaller than the buildings opposite. The early C20th former coach works, now offices, is much larger, as are the 19th century brewery buildings which are set well back from the street. The roof of the 4 storey brewery buildings interrupts the historic skyline.

The report outlines the development of the buildings and draws attention to the main elements of significance. The buildings are empty at present and their reuse would be welcome. It is important to respect the following principles in the conversion:

- 1) to retain the appearance of the building as an industrial building in the envelope
- 2) to maintain the openness of the spaces as far as would be compatible with the conversion to dwellings
- 3) to retain the remaining fixed equipment and built-in evidence of industrial use
- 4) to address the scale of the street bearing in mind the orientation

Proposals show the buildings would be converted to 12 apartments with the two storey early 20th century element replaced by a three storey block (partially within the roof). Please see below for comment:

Industrial character

We welcome the removal of the uncharacteristic lift shaft and canopy. The demolition of the other ancillary elements, including the replacement concrete access to no 8, would not appear to adversely affect the special historic and architectural interest of the building. However the vertical line of "taking in doors" and the sliding door should remain. Openings shown on drawings should be amended to reflect this. New windows/doors in these locations should be designed to be as robust as existing whilst allowing for requirements of additional light and safety measures. Details would be conditioned. We welcome the removal of the uncharacteristic windows.

Internal Spaces

The new layout for no 8 Ogleforth maintains the inherited plan configuration. Clarification is sought regarding the nature of the cornice at basement level where the bathroom wall has been introduced.

Subdivision of apartments within the remaining building uses the principal structural walls to demarcate individual flats. Service accommodation and circulation has been moved to the rear of the building as there is no light from this direction. Some of the spaces have mezzanine floors and a reasonable greater degree of openness has been retained given the constraints of the building.

Given the requirement to upgrade floor zones for sound and fire resistance it is important to agree the approach at this stage. Truss positions should be marked on

the "as proposed" drawings, and further information should be provided by way of indicative sections to show how they integrate with the floor zone and with the introduced partitions.

Thermal insulation measures should be indicated so that their impact on the structure and in particular the windows can be assessed.

Procedures for blocking previous openings whilst retaining evidence of their presence can be agreed by way of condition

Equipment and other evidence

Equipment has been noted on the drawings. It will be important to fully record the building and its details prior to any work commencing. Measures for protecting elements such as the bearing box should be agreed. A schedule of finishes should also be provided for approval and this should allow the fire-proofed construction to be exposed.

New Build

The loss of the early 20th century extension onto Ogleforth has been accepted from an early stage by English Heritage and ourselves. The building is constructionally and architecturally more interesting than the one proposed and it offers a more comfortable mass and height to the street. Whilst the simpler architectural format would be acceptable the increased height (over 3.5m) would adversely affect residential amenity, in terms of sunlight and privacy in this narrow street (6.5m wide). It would be inappropriate to reintroduce buildings of the scale already demolished as expectations nowadays are of a higher level of amenity. This part of the scheme should be revisited.

The details of some of the above requirements could be covered by condition. However it would be reassuring to agree the various approaches at this stage to ensure that the historic and architectural interest of the buildings can be maintained at detailed development stage.

Comments on revised drawings:

The revised scheme addresses the issues as follows:

- 1) The vertical line of "taking-in doors" has been acknowledged
- 2) The sliding door has been retained
- 3) The layout in apartment 8 has been reassessed and the problem with the existing cornice has been avoided as the area is no longer sub-divided
- 4) Indicative sections have been submitted showing equipment retained in-situ. Trusses have not been marked on the plans but it will be expected that they should be retained, and repaired if necessary
- 5) The acoustic report suggests secondary glazing the window onto St Williams College, lining the party wall, and providing additional linings on the ceilings
- 6) There has been a reduction in the overall scale of the new build element.

It is considered that the effect of the conversion on the special architectural and historic interest of the building is acceptable. It is also considered that the scheme would not be harmful to the conservation area.

Should the scheme be approved please add conditions covering:

- 1) brickwork for the new build
- 2) new windows, doors and all reveals on the new build
- 3) details of all windows and doors and any adaptations, secondary glazing etc
- 4) details of upgrading for fire and sound
- 5) details where previous doorways to be blocked in (the opening must still read
- 6) measures for retaining and protecting beam bearing box, and all fixed equipment in the building
- 7) details of mezzanine floors, new stairs and balustrading

ARCHAEOLOGIST - The site lies in the Area of Archaeological Importance and in an area where there are well-preserved Roman, Anglo-Scandinavian and medieval deposits. These deposits can be classed as unscheduled deposits of national importance.

The site lies in the heart of the Roman legionary fortress and the medieval town. Previous archaeological work on the site has been limited, and indicates a brief but intense period of complex structural and occupational activity during the 14th century. Structural activity seems to have restarted by the 18th century since when it has been continuous.

This site contains important archaeological features and deposits which must be recorded. Therefore, it will be necessary to excavate archaeologically the area on Ogleforth occupied by the building which will be demolished after demolition has taken place. There must also be an archaeological watching brief on all other groundworks. A full drawn and photographic archaeological record of the standing buildings on the site must be carried out by an appropriately qualified and experienced archaeologist.

Standard conditions ARCH1(submission of archaeological programme) and ARCH2 (archaeological watching brief) are recommended on any consent which is granted, in addition to a non-standard condition to secure the archaeological record of standing buildings on the site.

CONSERVATION AREA ADVISORY PANEL - The panel supports this application, but request that the taking in doors are recognised, possibly by the introduction of a void below the cill. It was felt however that a contemporary design rather than a pastiche might be a better solution for the new build element.

COUNTRYSIDE OFFICER - Whilst there are no records of bats at the site, there are from the adjacent property. The site has limited interest as a roosting site for bats, and the proposals are likely to have only a minimal impact on this interest. It is not considered that a bat survey is either necessary or would achieve anything at this time. There are, however, opportunities to enhance the bat habitat within the design of the building (e.g. through the incorporation of bat bricks and bat tiles at eaves and roof level) and also to provide suitable nesting habitat for swifts. Such works are not expensive or onerous and it is recommended that a condition is attached to any planning permission to secure appropriate measures as part of the development. Such a condition would reflect one of the key objectives referred to in Planning Policy Statement 9 "Biodiversity and Geological Conservation" for building in biodiversity or geological features as part of good design.

CITY DEVELOPMENT - In accordance with Policy E3b, the key issue is whether it is considered appropriate that the employment use on this site is lost. Further comments should be sought on design and historic architecture and from the Highways Department regarding access and cycle standards.

ENVIRONMENTAL PROTECTION - The Environmental Protection Unit have concerns about the effects of noise from adjacent premises affecting the amenity of occupants of the proposed development.

Functions are held on a regular basis in St Williams College, which directly adjoins what will be proposed bedrooms. In addition there are numerous windows in both the development site and St Williams College, in close proximity to each other which would also allow the transmission of noise. The functions held at St Williams College include the playing of both live and recorded music in the Maclagan Hall, with guests usually occupying this and another two of the upstairs rooms at the College. In addition, the stairwell which is glazed on three sides would be open to two of those rooms during functions, increasing the areas through which noise can escape.

There is an activity area serving a building next to St Williams College. The window of the rear ground floor apartment of the proposed development looks directly out onto the activity area used by children of all school ages in groups of between 30-60. Again there is the potential for noise generated by groups using the activity area to cause a nuisance affecting the occupant of the apartment.

There is a delivery ramp serving the rear of St Williams College, which runs directly alongside part of the proposed development site and under numerous proposed bedroom windows. There is the possibility that deliveries of goods and collection of waste from St Williams College could disturb occupants of the proposed dwellings.

Lastly, it was noted during a visit that there is considerable noise produced by the kitchen extract system of the College and cooking odours were noticeable in the area adjacent to the development site. Attached to the rear of another building next to the proposed development site are four cooling units. Due possibly to the cold weather conditions, the units were not running. However during hot weather there is the potential for additional noise impact on the occupants of the proposed development.

The Environmental Protection Unit recommends that no decision is taken until a Noise Impact Assessment has been carried out, including any mitigation measures proposed by the developer. In the event that a Noise Impact Assessment is not submitted by the applicant we would be minded to recommend refusal of this application on the grounds that insufficient information has been given to allow a decision to be made by the Local Planning Authority.

Comments on revised proposals, incorporating the Noise Impact Assessment:

The Noise Impact Assessment makes several recommendations regarding glazing and air gap specifications as well as sound insulation to adjoining walls with the college. All the recommendations should be incorporated into any planning

permission that may be granted in order to ensure the amenity of occupants of the proposed apartments. In addition the orientation of the rooms has been altered which will assist in reducing the impact of loud music from the function room at St Williams College.

Conditions are recommended relating to the following:

- details of sound insulation to be submitted, approved and implemented prior to first occupation.
- a scheme of mechanical ventilation to be submitted and approved for the three bedroom windows adjacent to St. Williams College (southeast facing windows in the southwest corner of the application site).
- standard condition relating to working hours to control working hours.

EDUCATIONAL PLANNING OFFICER - A total contribution of £15,531 (based on the revised drawings) is sought towards the funding of one secondary school place within the local catchment area. This could be secured through a Section 106 Agreement.

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

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

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

3.2 EXTERNAL

GUILDHALL PLANNING PANEL - No objections but make the following comments:

- boundary treatment - walls to Ogleforth should be higher and articulated.
- general concern that the design is mundane and bland.
- opportunity should be sought for more varied design and roofscape.

N. B. Comments on revised drawings: Re-affirm previous comments

ENGLISH HERITAGE - We consider that the massing of the new build has greatly improved. We suggest the street elevation may benefit from having one central window to ground and first floor (possibly on the lines of a Serlian window) rather than the pairs of windows now proposed. We recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

N.B. The same comments have been made in respect of the revised drawings.

YORK CIVIC TRUST - Comments as follows:

1. Concern is expressed that the height of the replacement building is excessive and would have an overpowering effect on the buildings opposite.
2. There is no indication that patched brickwork will be carried out using matching bricks, mortar joints and bonding.
3. Whilst there are no objections to the demolition of the building fronting Ogleforth, it is important to note that its demolition requires Conservation Area Consent.

COMMUNITY SAFETY OFFICER - There is some history of car crime in the area and consideration should be given to a camera system and secured gate entry system for pedestrians and vehicles similar to that used elsewhere in the city. There are windows overlooking both the car parking and garden areas and this may prove sufficient to discourage the car criminal and anti-social use of the area. Consideration should be given to raising the height of the neighbouring boundary walls to prevent access to the site from the side. There are a number of windows that face directly out onto the street on the new and existing buildings and these should be designed to comply with current "Secured by Design" standards, as should the lighting for the car park.

ADJACENT OCCUPIERS - Three letters have been received, expressing the following concerns:

- the applicant needs to demonstrate that the loss of this employment site and that alternative employment uses (e.g. offices) are not suitable or are unlikely to occur.
- the proposed extension enables a further three units to be created which is considered to be an overdevelopment of the site. It is considered that this element should be deleted and that the scheme should work within the confines of the existing building.
- the proposed access and turning arrangements are extremely tight in terms of manoeuvring and turning space.
- some of the parking spaces do not appear to be useable and will result in vehicles reversing onto the highway or not using the parking spaces at all.
- any on-street parking will restrict access along this narrow street.
- the number of parking spaces seems inadequate for the proposed thirteen units and there should be at least one space per unit with an additional element included for visitors, minimum 16 spaces. A reduction in the number of units would reduce this disparity.
- there is a potential impact on the future occupiers of the apartments from the adjacent premises (St. Williams College) which is a licensed premises used as a venue for weddings, discos, parties, conferences etc. This lawful activity must not be inhibited by the introduction of residential accommodation in the adjacent building.
- The scheme needs to take this issue more fully into account through the internal layout of the scheme, sound insulation measures, improved glazing and perhaps a noise assessment.
- part of the development has windows overlooking an enclosed yard within the college used as project yard by visiting schools and other groups. This raises issues of privacy, overlooking, noise nuisance and activity which could impact on the scheme.

- no additional openings should be permitted in the wall abutting St. Williams College.
- consideration should be given to the relationship of the new build apartments to the properties opposite, where the window to window distance is particularly close.
- access to adjacent land will be necessary to carry out the development and any nuisance should be minimised. The construction programme should be managed by condition.
- the development will bring more residents into an area where there is inadequate street lighting and difficult driving conditions.
- the road is very narrow in places and is frequently used by lorries on a daily basis making it impossible to pass. This will be exacerbated by 13 additional flats and a minimum of 13 extra cars.
- the wooden doors on the upper level existing warehouse building could be retained.
- some of the new windows are too small and horizontal and a vertical emphasis would be more appropriate.
- the new extension will bisect the south side of Ogleforth and hide part of the grouping of the old buildings to the rear.
- the elevation to Ogleforth is at best ordinary and needs further consideration.
- reclaimed bricks would be appropriate; the profile of the glazing bars should be carefully chosen.

N. B. Two letters have been received in response to the revised drawings, reiterating many of the previous points. The following additional points have been raised:

- the revisions show the warehouse buildings retaining or suggesting more of their earlier functions, which is an improvement.
- it is unfortunate that the small windows to be inserted in the blank arches nearest to St. Williams College have not been re-considered.
- The building on the Ogleforth frontage is worth retaining and its replacement is architecturally undistinguished.
- it is hoped that there are no plans to insert roof lights in the warehouse roof.

4.0 APPRAISAL

4.1 Key Issues

- principle of residential conversion/loss of employment site
- effect on character and appearance of the conservation area
- effect on neighbouring properties
- living conditions of future occupiers
- highway and parking issues

4.2 The application relates to the conversion of an existing vacant warehouse and associated offices to residential use. The site is within the Central Historic Core. When determining planning applications within conservation areas, the Council has a statutory duty to consider the desirability of preserving or enhancing the character or appearance of the area. A separate application for listed building consent has been submitted in respect of the proposal.

4.3 The site falls within the definition of "Previously Developed Land", that is "land which is or was occupied by a permanent structure, including the curtilage of the

developed land and any associated fixed surface infrastructure". Central Government advice in Planning Policy Statement 3 ("Housing - November 2006), from which this definition is taken, states that a key objective is that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed. The Approved North Yorkshire Structure Plan is the statutory development plan for the area. 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 in particular in and around the historic core of York, through permitting suitable new development and through the conversion of suitable existing property and vacant upper floorspace". Policy H4a of the Draft Local Plan states that planning permission will be granted for new residential development where the site is within the urban area and it involves infilling, redevelopment or conversion of existing buildings, where the site has good accessibility to jobs, shops and services by non-car modes of transport, and subject to the development being of an appropriate scale and density to the surrounding development. The site occupies a central (and sustainable) location within the city centre and has good accessibility to public transport, jobs and services. The development would provide a good mix of accommodation, consisting of 5 x one bedroom apartments and 5 x two bedroom apartments, with floor areas ranging from 34 sq metres to 128 sq metres.

4.4 Policy E3b states that 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, and b) unacceptable environmental problems exist, or 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. Although the majority of the buildings to be converted were previously in warehouse use, the proposal also includes the conversion of the offices associated with the former business use. Policy H12 of the Draft Local Plan states that planning permission will be granted for the conversion of redundant office space to residential use where a) there is a sufficient supply of offices to meet both immediate and longer term requirements over the plan period; and b) the proposal will not have an adverse impact on the vitality and viability of the City and District Centres; and c) it has no adverse effect on residential amenity.

4.5 It is considered that the site is not well suited to a warehousing use, being located on a narrow historic street with poor access to the primary road network. Warehousing uses are generally better located within purpose built accommodation on serviced sites with good access to the road network (e.g. York Business Park). The conversion of the building to residential use is supported by highways officers for the reason that it would remove the passage of large commercial vehicles from the narrow streets in the vicinity of the site. In addition, there are a number of residential properties in close proximity to the site, and it is considered that the amenity and living conditions of the occupiers of these properties would benefit from the removal of a potentially harmful commercial use from the street.

4.6 The alteration of the building to accommodate an alternative employment use, such as offices, would be unlikely to provide a workable solution. Access into the building and internal circulation do not meet modern requirements, and the layout of

the building does not lend itself to alterations to meet these requirements. The listed status of the building also limits the scope for alterations to make the building more suitable for office use, e.g. cabling, ducting and service runs to accommodate modern IT equipment. It is considered that the poor access, circulation and staff facilities within the building, together with the availability of vacant, more practical office accommodation elsewhere in the city centre, would make the building difficult to let or sell as offices. It is concluded, therefore, that in both quantitative and qualitative terms, the change of use of the building to residential use would not be unduly harmful to the overall supply of employment sites in the city centre or wider area.

4.7 The property to which the application relates is a Grade II listed building which was originally occupied by Thackwrays Brewery and continued in this use when the ownership changed to Samuel Smiths. Central Government advice in Planning Policy Guidance Note 15: "Planning and the Historic Environment" (PPG15) states that generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. It also states that the best use will very often be the use for which the building was originally designed, and the continuation or reinstatement of that use should certainly be the first option when the future of a building is considered. Clearly, the reinstatement of the original use is not a realistic option in this case, and the continued use of the building as a warehouse, or its conversion to offices, are not suited to the location of the site or the internal layout of the building. It is considered that the conversion of the building to apartments would constitute an acceptable alternative use, and through the imaginative use of existing spaces, the creation of new spaces through the insertion of mezzanine floors where floor to ceiling heights allow, and the retention of existing features of architectural and historic significance, would not be unduly harmful to the fabric of the building. In particular, the proposal would greatly assist in securing the future upkeep of the building by retaining it in active use, in accordance with the advice in PPG15. In addition, the application site is readily accessible on foot to all city centre facilities and amenities and its reuse for residential purposes is consistent with the basic principles of sustainability. On this basis, it is considered that the principle of the conversion of the building to residential use is one which could be supported.

4.8 Policy E4 of the Approved North Yorkshire Structure Plan states that buildings and areas of special townscape, architectural or historic interest (e.g. conservation areas, listed buildings) will be afforded the strictest protection. Policy HE2 of the City of York Draft Local Plan states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks, and other townscape elements which contribute to the character or appearance of the area. The application relates to the conversion of the existing range of buildings, with use being made of existing openings in the external elevations of the buildings. Internal features of interest, such as fireplaces, cranes, pulleys and hoists would also be retained.

4.9 The application also incorporates the demolition of an early twentieth century extension fronting onto Ogleforth. Although this single storey building has some interesting architectural features, it is not of the same quality as the main warehouse buildings to the rear. A structural report has been submitted which states that the

building is in a poor state of repair, including a wall that is notably out of plumb, vertical and horizontal cracks and water ingress, all of which are considered to be significant enough to reduce the structural integrity of the building. The report concludes that the repair of the building is not economically viable. Significant sections of walling would have to be taken down and rebuilt, and all structural elements completely refurbished and repaired to ensure an adequate lifespan for the building. The applicants agent considers that the retention of this structure, by the very nature of its structural condition and fenestration, would produce an inferior property and have an adverse effect on the whole scheme to a point of jeopardising its financial viability.

4.10 It is proposed to replace this building with an extension on a narrower footprint than the existing but with accommodation on three floors, with a gable directly onto the street. The extension would contain 2 x two bedroom apartments and 1 x one bedroom apartment. The revised drawings reduce the height of the new extension so that it is better related in massing and scale both to the listed Dutch House to the southeast and to the streetscene in general. The revised scheme also acknowledges and incorporates many of the existing architectural features of the existing warehouse buildings, both internal and external. A further drawing has been submitted incorporating a revised fenestration pattern, creating a more pleasing appearance to the Ogleforth frontage of the extension. Subject to conditions relating to materials and the submission of large scale architectural details, the Conservation Architect is satisfied that the effect of the conversion on the special architectural and historic interest of the building is acceptable. It is also considered that the scheme would not be harmful to the overall character and appearance of the conservation area.

4.11 The Environmental Protection Unit originally raised concerns regarding the impact of noise from the adjacent premises (Maclagan Hall - part of St. Williams College) on the amenity of future occupants of the proposed development. Functions including weddings and seasonal events/parties are held on a regular basis in Maclagan Hall, which directly adjoins and at one point is physically attached to part of the warehouse buildings. There are a number of windows in both the development site and Maclagan Hall in close proximity to each other which would allow the transmission of noise. Further concerns arise due the proximity of an outdoor activity yard within the curtilage of St Williams College to the rear of the warehouse complex. Again there is the potential for noise generated by groups using the activity area (including children of all school ages) causing nuisance and disturbance to occupants of the adjacent apartments. Other potential noise sources include deliveries/collections from the area at the rear of St. Williams College, disposal of empty bottles during or after late night functions, and kitchen extract/air conditioning units, all located within relatively close proximity to the north west facing elevation of the warehouse buildings.

4.12 A Noise Impact Assessment was subsequently carried out by an independent consultant on 15th December 2006 when a disco/dance function was taking place within Maclagan Hall. The report makes several recommendations regarding glazing and air gap specifications, in addition to sound insulation to party walls which directly abut the Hall. In addition, the internal layout of the apartments has been amended so that the majority of bedroom windows would be orientated away from the principle noise sources. Two of the twelve apartments would have bedroom windows

overlooking the activity yard referred to above, but this would not normally be in use when the bedrooms are occupied. It is considered that the insulation of these and other affected windows in accordance with the recommendations of the Noise Impact Assessment, together with the use of mechanical ventilation where required, would adequately protect the amenity of future occupants of the apartments.

4.13 No highway objections are raised to the principal of the proposal, indeed the conversion of the warehouse to residential use is welcomed from a highway standpoint as it would result of the removal of large commercial vehicles from the surrounding narrow, historic streets. A total of seven parking spaces would be provided for the 12 apartments (13 if the conversion of the adjacent Dutch House is also included), which together with the proposed cycle parking is considered to be acceptable in this city centre location. Indeed, the proposal would result in a reduction in the number of parking spaces currently available at the site, which in terms of encouraging sustainable travel patterns by means other than the private car is to be welcomed. So far as the number of parking spaces is concerned, Central Government advice in PPG13 states that local authorities should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances, such as where there are significant implications for road safety which cannot be resolved through on-street parking controls. On-street parking restrictions are in existence throughout the length of Ogleforth, in the form of double yellow lines. Although visibility at the site entrances is restricted, this is considered to be acceptable bearing in mind the low levels of traffic within the street and its limited speed.

4.14 The site would be provided with good levels of security, there being 2.5 metre (8 feet 2 inches approx) brick boundary walls on either side of the site. These would be continued around the front of the site where there are gaps, other than at the site entrances, where electronic security gates would be provided. The nature and scale of the proposed development will attract a requirement for commuted sum payments to be made in respect of education and open space provision, in order to comply with Policies C6 and L1c of the City of York Draft Local Plan respectively. Based on the number of units/bedrooms proposed, these payments have been calculated at £15,531 for the funding of one secondary school place, and £5,658 towards the upgrading of off-site open space in the locality. These payments could be secured by the applicant entering into an Agreement under Section 106 of the Town and Country Planning Act 1990.

5.0 CONCLUSION

5.1 It is considered that the principle of the conversion of these vacant commercial buildings to apartments is acceptable. The detailed proposals, including the demolition and replacement of the building on the Ogleforth frontage, would respect the character of this historic group of listed buildings, and would not be harmful to the overall character or appearance of the wider conservation area. The amenity of neighbouring properties would be respected, in particular through the reduction in height of the new extension on the Ogleforth frontage of the site. The mitigation measures contained within the Noise Assessment Report demonstrate that the amenity of future occupants of the apartments would not be unduly affected by noise from Maclagan Hall, directly adjacent to the proposed development. Although only a limited amount of car parking would be provided in association with the development,

secure cycle parking would be provided and the site is in a central, sustainable location within walking distance of the city centre and with good access to public transport. As such, the proposal is considered to be satisfactory subject to the imposition of appropriate conditions.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing no. 05:38:23 Rev D received on 2 August 2007 (Proposed floor plans)

Drawing no. 05:38:24 Rev C received on 2 August 2007 (Proposed floor plans)

Drawing no. 05:38:25 Rev C received on 2 August 2007 (Proposed elevations)

Drawing no. 05:38:30 received on 20 March 2007 (Proposed section)

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

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

3 VISQ8 Samples of exterior materials to be app

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

Windows, doors and reveals within new extension.

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

5 HWAY19 Car and cycle parking laid out

6 No window shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

7 ARCH1 Archaeological programme required

8 ARCH2 Watching brief required

9 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 trees and shrubs together with details of associated hard landscaping. 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, and the associated hard landscaping.

10 Prior to the commencement of the development, proposals for the inclusion of features suitable for wildlife in the buildings, and in particular bats and swifts, shall be submitted to and approved in writing by the Local Planning Authority. The proposals shall be carried out as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the biodiversity of the area.

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

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

Reason: In the interests of the amenity of adjacent occupiers.

12 Prior to the commencement of the development, details of the proposed means of sound insulation of the building structure and windows shall be submitted to and approved in writing by the Local Planning Authority. The agreed means of insulation shall be fully implemented and installed prior to first occupation of the development and shall be thereafter maintained.

Reason: In the interests of the amenity of future occupants of the proposed apartments.

13 Prior to the commencement of the development, a scheme of mechanical ventilation serving the three bedrooms adjacent to St. Williams College (the southeast facing windows in the southwest corner of the application site) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of future occupants of the proposed apartments.

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

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

Local Plan.

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £5,658.

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

15 No development shall commence unless and until a scheme to ensure the provision of adequate secondary school places within the local catchment area has been submitted to and approved by the local planning authority.

Reason: The education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in the interests of the sustainable development of the city in accordance with Policy C6 of the City of York Draft Local Plan and the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

INFORMATIVE:

The provisions of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, The obligation should provide for a financial contribution calculated at £15,531. The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

No development can take place on this site until the condition has been has been discharged and you are reminded of the Local Planning Authority's enforcement powers in this regard.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

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

- principle of residential conversion/loss of employment site
- effect on character and appearance of the conservation area
- effect on neighbouring properties
- living conditions of future occupiers
- highway and parking issues

As such the proposal complies with Policies E4 and H9 of the North Yorkshire

County Structure Plan (Alteration No.3 Adopted 1995) and Policies H4, E3, H12 and HE2 of the City of York Local Plan Deposit Draft.

2. 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.

3. The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be noted:

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

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

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

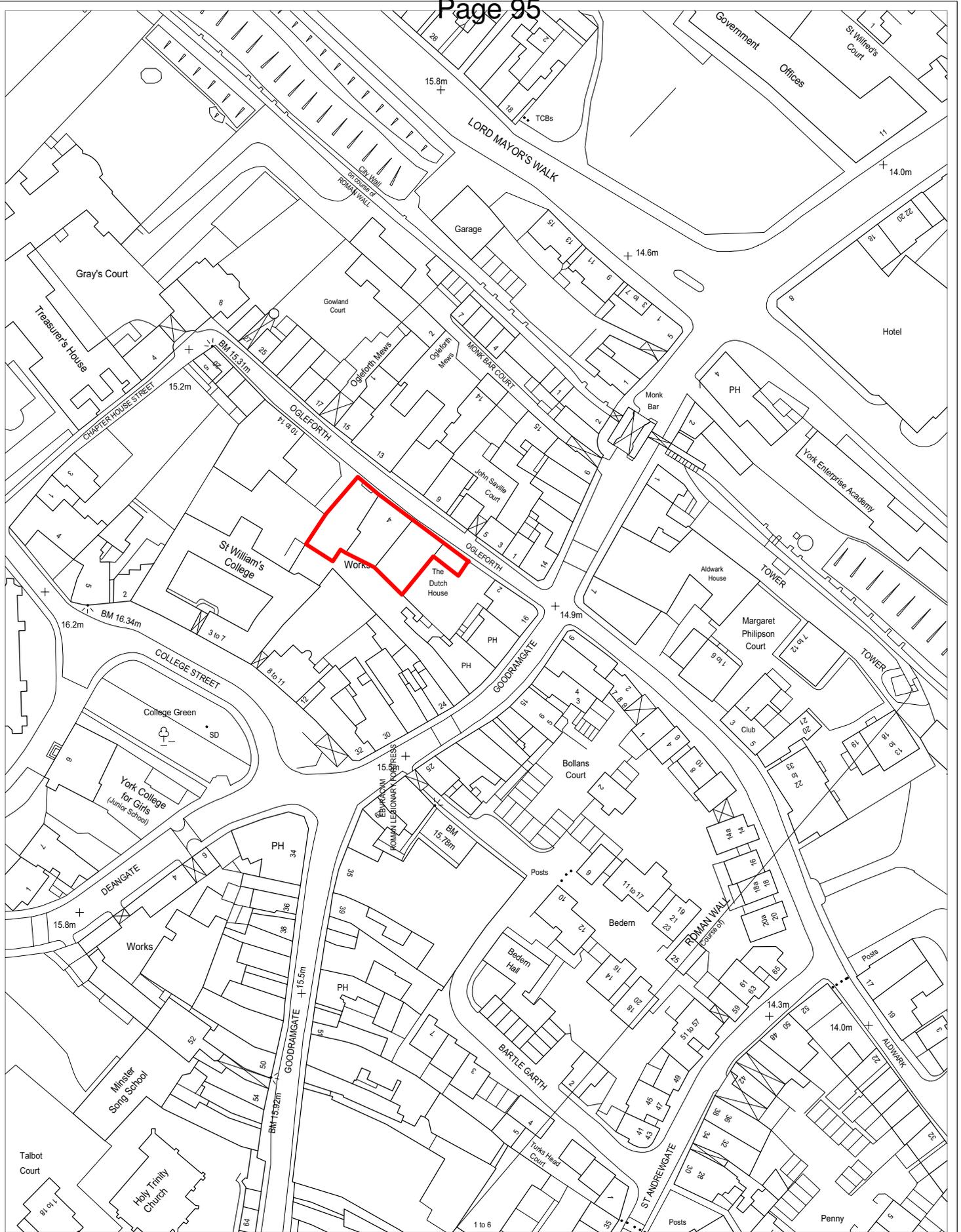
(iv) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

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

Contact details:

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CITY OF
YORK
COUNCIL

4 OGLEFORTH - 06/02042/FULM

SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 10/9/2007
Drawing No.

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

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City of York Council LA 1000 20818

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COMMITTEE REPORT

Committee: Central Area **Ward:** Guildhall
Date: 20 September 2007 **Parish:** Guildhall Planning Panel

Reference: 06/02052/LBC
Application at: 4 Ogleforth York YO1 7JG
For: Listed building consent for conversion, part demolition and extension of vacant warehousing and offices to form 12 no. apartments
By: House And Son Ltd
Application Type: Listed Building Consent
Target Date: 13 November 2006

1.0 PROPOSAL

1.1 The introductory comments in relation to application ref: 06/02042/FULM also apply to this parallel application for listed building consent.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Listed Buildings Grade 1; St Williams College York 0742

Listed Buildings Grade 2_; The Dutch House Ogleforth 0990

Scheduled Ancient Monuments SMR 13280 York Minster Precinct Inc. Section Of City Walls

Schools St. Wilfrid's RC Primary 0230

2.2 Policies:

CYHE4
Listed Buildings

3.0 CONSULTATIONS

3.1 INTERNAL

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

Conservation

An independent historic buildings assessment was compiled in May 2006 to inform debate about proposals for the site and its buildings.

The buildings are situated within the Central Historic Core conservation area close to the Minster precinct. There are a significant number of high status buildings in the vicinity, including St William's College (grade I) to the immediate NW of no 8 Ogleforth, and Cromwell House at no 13 Ogleforth (grade II*) immediately opposite the site. Buildings on the NE side of the street form a continuous building line of 2 & 3 storeys, with the occasional modest gated opening allowing access to the rear. Houses are mostly in residential use, although Cromwell House and Adam House were recently used for offices. The SW side of the street is more open, with yards for servicing and car-parking being visually open to the street. The earlier buildings remaining on the street are of modest height and domestic scale, smaller than the buildings opposite. The early C20th former coach works, now offices, is much larger, as are the 19th century brewery buildings which are set well back from the street. The roof of the 4 storey brewery buildings interrupts the historic skyline.

The report outlines the development of the buildings and draws attention to the main elements of significance. The buildings are empty at present and their reuse would be welcome. It is important to respect the following principles in the conversion:

- 1) to retain the appearance of the building as an industrial building in the envelope
- 2) to maintain the openness of the spaces as far as would be compatible with the conversion to dwellings
- 3) to retain the remaining fixed equipment and built-in evidence of industrial use
- 4) to address the scale of the street bearing in mind the orientation

Proposals show the buildings would be converted to 12 apartments with the two storey early 20th century element replaced by a three storey block (partially within the roof). Please see below for comment:

Industrial character

We welcome the removal of the uncharacteristic lift shaft and canopy. The demolition of the other ancillary elements, including the replacement concrete access to no 8, would not appear to adversely affect the special historic and architectural interest of the building. However the vertical line of "taking in doors" and the sliding door should remain. Openings shown on drawings should be amended to reflect this. New windows/doors in these locations should be designed to be as robust as existing whilst allowing for requirements of additional light and safety measures. Details would be conditioned. We welcome the removal of the uncharacteristic windows.

Internal Spaces

The new layout for no 8 Ogleforth maintains the inherited plan configuration. Clarification is sought regarding the nature of the cornice at basement level where the bathroom wall has been introduced.

Subdivision of apartments within the remaining building uses the principal structural walls to demarcate individual flats. Service accommodation and circulation has been moved to the rear of the building as there is no light from this direction. Some of the spaces have mezzanine floors and a reasonable greater degree of openness has been retained given the constraints of the building.

Given the requirement to upgrade floor zones for sound and fire resistance it is important to agree the approach at this stage. Truss positions should be marked on the "as proposed" drawings, and further information should be provided by way of indicative sections to show how they integrate with the floor zone and with the introduced partitions.

Thermal insulation measures should be indicated so that their impact on the structure and in particular the windows can be assessed.

Procedures for blocking previous openings whilst retaining evidence of their presence can be agreed by way of condition

Equipment and other evidence

Equipment has been noted on the drawings. It will be important to fully record the building and its details prior to any work commencing. Measures for protecting elements such as the bearing box should be agreed. A schedule of finishes should also be provided for approval and this should allow the fireproofed construction to be exposed.

New Build

English Heritage and we have accepted the loss of the early 20th century extension onto Ogleforth from an early stage. The building is constructionally and architecturally more interesting than the one proposed and it offers a more comfortable mass and height to the street. Whilst the simpler architectural format would be acceptable the increased height (over 3.5m) would adversely affect residential amenity, in terms of sunlight and privacy in this narrow street (6.5m wide). It would be inappropriate to reintroduce buildings of the scale already demolished as expectations nowadays are of a higher level of amenity. This part of the scheme should be revisited.

The details of some of the above requirements could be covered by condition. However it would be reassuring to agree the various approaches at this stage to ensure that the historic and architectural interest of the buildings can be maintained at detailed development stage.

Comments on revised drawings:

The revised scheme addresses the issues as follows:

- 1) The vertical line of "taking-in doors" has been acknowledged
- 2) The sliding door has been retained
- 3) The layout in apartment 8 has been reassessed and the problem with the existing cornice has been avoided as the area is no longer sub-divided

- 4) Indicative sections have been submitted showing equipment retained in-situ. Trusses have not been marked on the plans but it will be expected that they should be retained, and repaired if necessary
- 5) The acoustic report suggests secondary glazing the window onto St Williams College, lining the party wall, and providing additional linings on the ceilings
- 6) There has been a reduction in the overall scale of the new build element.

It is considered that the effect of the conversion on the special architectural and historic interest of the building is acceptable. It is also considered that the scheme would not be harmful to the conservation area.

Should the scheme be approved please add conditions covering:

- 1) brickwork for the new build
- 2) new windows, doors and all reveals on the new build
- 3) details of all windows and doors and any adaptations, secondary glazing etc
- 4) details of upgrading for fire and sound
- 5) details where previous doorways to be blocked in (the opening must still read
- 6) measures for retaining and protecting beam bearing box, and all fixed equipment in the building
- 7) details of mezzanine floors, new stairs and balustrading

CONSERVATION AREA ADVISORY PANEL - The panel supports this application, but request that the taking in doors are recognised, possibly by the introduction of a void below the cill. It was felt however that a contemporary design rather than a pastiche might be a better solution for the new build element.

3.2 EXTERNAL

GUILDHALL PLANNING PANEL - No objections but make the following comments:

- boundary treatment - walls to Ogleforth should be higher and articulated.
- general concern that the design is mundane and bland.
- opportunity should be sought for more varied design and roofscape.

N. B. Comments on revised drawings: Re-affirm previous comments

ENGLISH HERITAGE - We consider that the massing of the new build has greatly improved. We suggest the street elevation may benefit from having one central window to ground and first floor (possibly on the lines of a Serlian window) rather than the pairs of windows now proposed. We recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

N.B. The same comments have been made in respect of the revised drawings.

YORK CIVIC TRUST - Comments as follows:

1. Concern is expressed that the height of the replacement building is excessive and would have an overpowering effect on the buildings opposite.

2. There is no indication that patched brickwork will be carried out using matching bricks, mortar joints and bonding.

3. Whilst there are no objections to the demolition of the building fronting Ogleforth, it is important to note that its demolition requires Conservation Area Consent.

ADJACENT OCCUPIERS - One letter has been received in response to the revised drawings, raising the following issues in relation to the application for listed building consent:

- the revisions show the warehouse buildings retaining or suggesting more of their earlier functions, which is an improvement.

- it is unfortunate that the small windows to be inserted in the blank arches nearest to St. Williams College have not been re-considered.

- The building on the Ogleforth frontage is worth retaining and its replacement is architecturally undistinguished.

- it is hoped that there are no plans to insert roof lights in the warehouse roof.

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 a former warehouse and ancillary offices to 12 apartments. The property is a Grade II listed building which was previously used for warehousing with ancillary offices, having originally been constructed as a brewery. 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 Deposit Draft Local Plan relates specifically to listed buildings and states that consent will only be granted for development involving internal alterations where there is no adverse effect on the character, appearance or setting of the building.

4.3 Central Government advice in relation to listed building control is contained within Planning Policy Guidance Note 15: "Planning and the Historic Environment" (PPG15). This states that 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". PPG15 states that generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. It also states that many listed buildings can sustain some degree of sensitive alteration or extension to accommodate continuing or new uses.

4.4 The application relates to the conversion of the existing range of buildings, with use being made of existing openings in the external elevations of the buildings. Internal features of interest, such as fireplaces, cranes, pulleys and hoists would also be retained. It is considered that the conversion of the building to apartments would constitute an acceptable alternative use for the buildings, and through the imaginative use of existing spaces, the creation of new spaces through the insertion

of mezzanine floors where floor to ceiling heights allow, and the retention of existing features of architectural and historic significance, would not be unduly harmful to the fabric of the building. In particular, the proposal would greatly assist in securing the future upkeep of the building by retaining it in active use, in accordance with the advice in PPG15.

4.5 The application also incorporates the demolition of an early twentieth century extension fronting onto Ogleforth. Although this single storey building has some interesting architectural features, it is not of the same quality as the main warehouse buildings to the rear. A structural report has been submitted which states that the building is in a poor state of repair, including a wall that is notably out of plumb, vertical and horizontal cracks and water ingress, all of which are considered to be significant enough to reduce the structural integrity of the building. The report concludes that the repair of the building is not economically viable. Significant sections of walling would have to be taken down and rebuilt, and all structural elements completely refurbished and repaired to ensure an adequate lifespan for the building. The applicants agent considers that the retention of this structure, by the very nature of its structural condition and fenestration, would produce an inferior property and have an adverse effect on the whole scheme to a point of jeopardising its financial viability.

4.6 It is proposed to replace this building with an extension on a narrower footprint than the existing but with accommodation on three floors, with a gable directly onto the street. The extension would contain 2 x two bedroom apartments and 1 x one bedroom apartment. The revised drawings reduce the height of the new extension so that it is better related in massing and scale both to the listed Dutch House to the southeast and to the streetscene in general. The revised scheme also acknowledges and incorporates many of the existing architectural features of the existing warehouse buildings, both internal and external. Subject to conditions relating to materials and the submission of large scale architectural details, the Conservation Architect is now satisfied that the effect of the conversion on the special architectural and historic interest of the building is acceptable.

5.0 CONCLUSION

5.1 It is considered that the principle of the conversion of these vacant commercial buildings to apartments is acceptable and that the detailed proposals, including the demolition and replacement of the building on the Ogleforth frontage, would respect the character of this historic group of listed buildings. As such, the proposal is considered to be satisfactory subject to the imposition of appropriate conditions.

6.0 RECOMMENDATION: Approve

1 TIMEL2 Development start within 3 yrs (LBC/CAC)

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

Drawing no. 05:38:23 Rev D received on 2 August 2007 (Proposed floor plans)

Drawing no. 05:38:24 Rev C received on 2 August 2007 (Proposed floor plans)
Drawing no. 05:38:25 Rev C received on 2 August 2007 (Proposed elevations)
Drawing no. 05:38:30 received on 20 March 2007 (Proposed section)

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

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

3 VISQ8 Samples of exterior materials to be app

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

Mezzanine floors, new stairs and balustrading
Adaptations to all existing windows and doors, including any secondary glazing
Windows, doors and reveals within new extension

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

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

Reason: In order to protect the historic character of the building.

6 Prior to the commencement of the development, details of the blocking in of any existing openings shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the historic character of the building

N.B. The details shall enable the openings to be "read" after being blocked in.

7 Measures for the retention and protection of the beam bearing box and all fixed equipment within the building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The measures shall be implemented in their entirety throughout the implementation of the development and following its completion.

Reason: In order to protect the historic character of the development.

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:

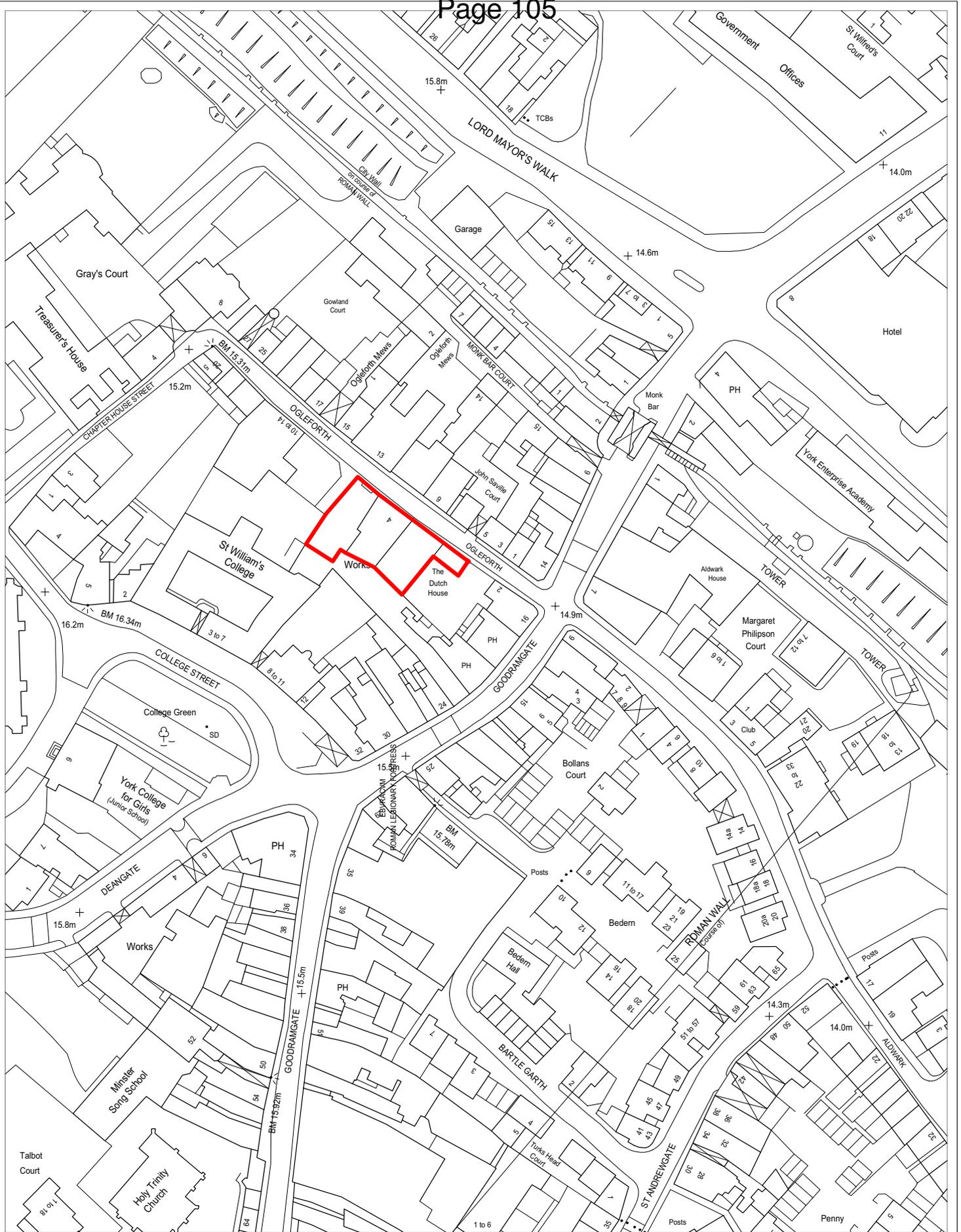
- impact on the special architectural and historic character of the listed building

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

Contact details:

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CITY OF
YORK
COUNCIL

4 OGLEFORTH - 06/02052/LBC

SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 10/9/2007
Drawing No.



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