



Notice of meeting of

West & City Centre Area Planning Sub-Committee

- To:** Councillors B Watson (Chair), Sue Galloway (Vice-Chair), Galvin, Gillies, Gunnell, Horton, Reid, Sunderland and Waller
- Date:** Thursday, 14 February 2008
- Time:** 3.00 pm
- Venue:** The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00 am on Wednesday 13th February 2008 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 - 14)

To approve and sign the minutes of the meetings of the West & City Centre Area Planning Sub-Committee held on 17 January 2008 and 29 January 2008.

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) 28 Severus Avenue (07/02511/FUL) (Pages 15 - 32)

Erection of 2no. two storey dwellings after demolition of existing dwelling (resubmission) [*Holgate Ward*]

b) 63 Hobgate (07/02852/OUT) (Pages 33 - 42)

Outline application for the erection of two storey detached dwelling adjacent to 63 Hobgate [*Holgate Ward*]

c) 68 Main Street Askham Bryan (07/02893/FUL) (Pages 43 - 50)

Variation of Condition 12 of permission 07/00663/FUL dated 23.05.2007 to allow the removal of two trees (resubmission) [*Rural West York Ward*]

d) Land to rear of 6-10 Dane Avenue (07/02738/FUL) (Pages 51 - 62)

Erection of 5 two-storey dwellings. [*Acomb Ward*]

e) The Bonding Warehouse - Full Application (07/02519/FUL) (Pages 63 - 82)

Use of upper floors as 9 residential units and ground floor as office (B1 use) including new mansard roof to southern building, erection of stair and lift access tower in courtyard and bridge link to Skeldergate [*Micklegate Ward*]

f) The Bonding Warehouse – Listed Building Consent (07/02520/LBC) (Pages 83 - 90)

Internal and external alterations including new windows, new mansard roof to southern building, erection of stair and lift access tower in courtyard and bridge link to Skeldergate in connection with

conversion of building to residential and office use [*Micklegate Ward*]

g) Poppleton Gate House (07/02720/FULM) (Pages 91 - 108)

Erection of two and three storey development comprising 14 flats and 5 houses [*Acomb 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
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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 13 February 2008****The bus for Members of the Sub Committee will depart Memorial gardens at 11.00am**

TIME (Approx)	SITE	ITEM
11.15	Poppleton Gate House, Millgates	4g
11.45	Land Rear of 6 to 10 Dane Avenue	4d
12.15	28 Severus Avenue	4a
12.45	63 Hobgate	4b
13.15	Bonding Warehouse, Skeldergate	4e and 4f

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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

Committee Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	17 JANUARY 2008
PRESENT	COUNCILLORS B WATSON (CHAIR), SUE GALLOWAY (VICE-CHAIR), GALVIN, HORTON, GILLIES, GUNNELL, REID AND SUNDERLAND
APOLOGIES	COUNCILLOR WALLER

67. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
45 Hillcrest Avenue	Councillors Brian Watson, Reid, Horton, Gillies and Sue Galloway	As objections had been received and the application was recommended for approval.
Somerfield Store, 6 Beagle Ridge Drive	Councillors Brian Watson, Reid, Horton, Gillies and Sue Galloway	At the request of Councillor Hudson.

68. DECLARATIONS OF INTEREST

At this point Members were asked to declare any personal or prejudicial interests they may have in the business on the agenda. None were declared.

69. EXCLUSION OF PRESS AND PUBLIC

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

70. MINUTES

RESOLVED: That the minutes of the meeting held on 27 November 2007 be approved and signed as a correct record.

71. PUBLIC PARTICIPATION

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

72. PLANS LIST

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

72a 45 Hillcrest Avenue (07/02729/FUL)

Members considered a full application, submitted by Mr S Murray, for a one and two storey pitched roof rear extension (resubmission).

There was no Officer update in relation to this application.

Representations, in objection, were received from a neighbouring resident who said that the amended proposal would still have an overbearing impact on his property by virtue of its size, scale, impact and bulk with an unacceptable level of overlooking and loss of privacy. The depth of the extension was nearly the same as in the previous proposal and the ridge of the roof moved closer which would cause an even greater loss of light into his property. There were now a total of five proposed windows (making a total of eight) that would overlook his existing side windows.

Representations were received from the owner of the property who stated that the revised proposal incorporated a lower ridge line and the extension was located further back. He felt that the character of the area would not be changed if the present proposals were approved. He did not feel that the proposals encroached on neighbouring dwellings and the extra windows did not jeopardise or reduce the privacy of the neighbours. The downstairs windows looked onto a 1.8m fence and would not affect the neighbour's privacy.

Members felt that an additional condition was required in relation to retention of the 1.8m fence.

RESOLVED: That the application be approved subject to the conditions outlined in the report and the following additional condition:¹

- The boundary treatment between 43 and 45 Hillcrest Avenue shall be maintained at a height of 1.8m and shall not be lowered, breached or

removed at any time without the prior written consent of the Local Planning Authority.

Reason: To protect the privacy of the respective occupants of the two adjacent properties at ground floor level.

REASON: That, the proposal, subject to the conditions outlined above and in the report would not cause undue harm to interests of acknowledged importance with particular reference to the design of the extension and its impact on the living conditions of the neighbours. As such the proposal complies with Policies GP1 and H7 of the City of York Development Control Local Plan April 2005, guidelines 10, 12, 17 and 19 of the Poppleton Village Design Statement Supplementary Planning Guidance August 2003 and the "Guide to extension and alterations to private dwelling houses" Supplementary Planning Guidance March 2001.

Action Required

1. To issue the decision notice and include on the weekly planning decision list within agreed timescales. JB

72b 6 Beagle Ridge Drive (07/02526/FUL)

Members considered a full application, submitted by Alliance & Leicester, for the Installation of an ATM with security Bollards.

Members requested that a litter bin be installed for disposal of receipts.

RESOLVED: That the application be approved subject to the conditions outlined in the report and the following Informative:¹

'It is recommended that a small wall mounted receipt bin be provided, the details of which should be discussed with the Local Planning Authority.'

REASON: That, subject to the conditions outlined in the report and the Informative above, the proposal would not cause undue harm to interests of acknowledged importance, with particular reference to visual/residential amenity and security. As such the proposal complies with Policies GP1 and GP3 of the City of York Development Control Draft Local Plan.

Action Required

1. To issue the decision notice and include on the weekly planning decision list within agreed timescales. JB

73. ENFORCEMENT CASES UPDATE

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

RESOLVED: That the reports be noted.

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

Cllr B Watson, Chair

[The meeting started at 3.00 pm and finished at 4.25 pm].

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	29 JANUARY 2008
PRESENT	COUNCILLORS B WATSON (CHAIR), SUE GALLOWAY (VICE-CHAIR), GALVIN, GILLIES, GUNNELL, HORTON, REID AND WALLER
APOLOGIES	COUNCILLOR SUNDERLAND

74. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
York City Art Gallery	Councillors B Watson, Gillies, Gunnell, Horton and Waller	At the request of Councillor B Watson

75. DECLARATIONS OF INTEREST

Members were invited to declare any personal or prejudicial interests they might have in the business on the agenda.

Councillor Reid declared a personal and prejudicial interest in Plans Item 4b (14 Copmanthorpe Lane) as she knew the parents of the contracted purchaser. She left the room and took no part in the debate.

76. MINUTES

RESOLVED: That the minutes of the Sub-Committee meeting held on 20 December 2007 be approved and signed by the Chair as a correct record.

77. PUBLIC PARTICIPATION

It was reported that nobody had registered to speak under the Council's Public Participation Scheme, on general issues within the remit of the Sub-Committee.

78. 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.

78a York City Art Gallery, Exhibition Square, York (07/02722/LBC)

Members considered a Listed Building Consent submitted by the York Museum's Trust for internal alterations and repairs to the south gallery, installation of a platform lift and demolition of a suspended ceiling.

Officers Updated that they had now received a response from the Guildhall Planning Panel who did not have any objections in relation to the proposals.

RESOLVED: That the application be approved subject to the conditions outlined in the report.¹

REASON: That, subject to the conditions set out in the report, the proposals would not cause undue harm to interests of acknowledged importance, with particular reference to the special historic interest of the listed building. As such the proposal complies with Policy HE4 of the City of York Local Plan Deposit Draft.

Action Required

1. To issue the decision notice and include on weekly planning decision list within agreed time scales. JB

78b 14 Copmanthorpe Lane, Bishopthorpe, York (07/02892/FUL)

Members considered a full application submitted by Mr and Mrs M Cross for the erection of a two storey detached dwelling and garage (resubmission).

Officers updated that five further letters of objection had been received. The following points had been made in the eight letters of objections now received:

- loss of privacy.
- loss of outlook for dwellings on Kirkwell.
- light pollution to dwellings in Kirkwell.
- Frontage measurement is wider than the previously refused scheme.
- Cars exiting the site will reverse into the road, causing potential danger to pedestrians; driveways of the dwellings opposite may be used when manoeuvring vehicles. Increase in the traffic within Kirkwell.
- Impact on the character and amenity of the environment and would appear 'shoehorned' into the site, overdevelopment of a highly constrained site.
- The proposed dwelling would create a sense of imbalance within Kirkwell that would impact negatively on the streetscene and would create a sense of enclosure within Kirkwell.
- The proposed dwelling would cause significant loss of light and overshadowing during the afternoon and evening to several dwellings in Kirkwell.

- The design of the dwelling would not be consistent with planning policy at local and national level, which requires that new development is of a high standard of design which respects and is compatible with its surroundings.
- The majority of the dwellings in the area are semi-detached with a smaller footprint.
- The site should be treated as a greenfield site as it has not previously been developed and therefore should be a presumption against its development.
- Important break between the properties of Kirkwell and New Lane.
- No consideration has been given to the ecological value of the site.
- Flood risk assessment is brief and this part of the village has experienced flooding in the past.

One letter of support had been received which made the following points:

- In line with Council policies.
- Would not be overdevelopment of the site.
- Adjacent properties would not be overlooked.

Objections had now been received from Bishopthorpe Parish Council as follows:

- Would cause overlooking.
- Cause overshadowing to 12 Kirkwell and 2 New Lane.
- Construction is different from surrounding dwelling and does not enhance the environment.
- Would exacerbate the problems of parking and access to Kirkwell.
- No turning space within the site and cause manoeuvring problems within Kirkwell.
- Site too small for building materials to be stored, no place for construction traffic.
- Hedgerow will be broken to allow access, possibly an ancient hedgerow dating from the enclosures act.

Members asked Officers if the footprint size was different and they said that there was some ambiguity in relation to the size of the site but this proposal was approximately 10% smaller than the previous one.

Representations, in objection, were received from a local resident who lived opposite the proposed development who said that these proposals were closer to his property than the previous ones and had a longer frontage.

Representations were received in objection from Bishopthorpe Parish Council who agreed with the previous speaker. He also felt that there was cause for concern in relation to highway safety.

Representations were received, in support, from the contracted purchaser who said that the volume of the footprint had been reduced in accordance with Members' comments at a previous meeting. As the proposals were predominantly single storey he did not think that they were overbearing.

Members felt that the site was large enough to accommodate a unit but not one of the proposed size. They did not feel that the footprint had been reduced enough to allow them to support the application.

RESOLVED: That Officers be given the delegated authority to refuse the application on expiry of the consultation period.¹

REASON: The proposed dwelling by virtue of its design, scale and mass is considered to be detrimental to the character and amenity of the local environment, the proposed dwelling would have a cramped appearance on this site and when seen in context with the surrounding buildings result in overdevelopment of the site and therefore is contrary to Policies GP1, H4a and GP10 of the City of York Development Control Local Plan (2005); and national planning guidance Planning Policy Statement 1 “Delivering Sustainable Development and Planning Policy Statement 3 ‘Housing’”.

The proposed dwelling by virtue of its design, scale, mass and bulk is considered to be overbearing to the occupants of 10 and 12 Kirkwell and would also cause a loss of outlook from these dwellings resulting in a loss of residential amenity and therefore is contrary to Policies GP1 and GP10 of the City of York Development Control Local Plan (2005); and national planning guidance Planning Policy statement 1 “Delivering Sustainable Development and Planning Policy Statement 3 ‘Housing’”.

The proposed dwelling by virtue of the first floor window in the side elevation facing 14 and 16 Copmanthorpe Lane would result in overlooking and a loss of privacy to the rear gardens of these properties resulting in a loss of residential amenity and therefore is contrary to Policies GP1 and GP10 of the City of York Development Control Local Plan (2005); and national planning guidance Planning Policy Statement 1 “Delivering Sustainable Development and Planning Policy Statement 3 ‘Housing’”.

Action Required

1. To issue the decision notice and include on weekly planning decision list within agreed time scales. JB

78c Faith Cottage, 3 Low Green, Copmanthorpe, York (07/02903/FUL)

Members considered a full application submitted by Mr and Mrs J Corner-Walker for a part two storey, part first floor and pitched roof side extension.

Officers confirmed that they had no update for the Sub-Committee.

Representations were received, in support, from the Applicant's Agent who said that the proposals had been revised in accordance with Member's comments at a previous meeting.

Members felt that the new proposals had taken on board the concerns they had raised in relation to the previous application.

RESOLVED: That Authority to approve the application be delegated to Officers subject to the conditions outlined in the report.¹

REASON: That, subject to the conditions set out in the report, the proposal would not cause undue harm to interests of acknowledged importance, with particular reference to the residential amenity of neighbours, the visual amenity of the dwelling and the locality and highway safety. 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."

Action Required

1. To issue the decision notice and include on weekly planning decision list within agreed time scales.

JB

Councillor B Watson, Chair

[The meeting started at 12.05 pm and finished at 12.35 pm].

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Holgate
Date: 14 February 2008 **Parish:** No Parish

Reference: 07/02511/FUL
Application at: 28 Severus Avenue York YO24 4LY
For: Erection of 2no. two storey dwellings after demolition of existing dwelling (resubmission)
By: V V Partnership
Application Type: Full Application
Target Date: 18 December 2007

1.0 PROPOSAL

1.0.1 Planning permission is sought for the erection of 2 no. semi-detached 4 bedroomed dwellings and the alteration extension of the existing bungalow. The application also includes the formation of 2 new accesses to serve the proposed semi-detached dwellings.

1.0.2 The proposed dwellings are semi-detached, 2-storey dwellings with pitched roofs. The principal windows are to the front elevation (east) and rear (west) elevation. The length of the proposed dwellings is approximately 15.70 m at their longest point and 10.00 m at their shortest point, the cumulative width of the pair of semi-detached dwellings is 13.40 m and each dwelling is 6.70 m in width. The height to eaves level is 4.70 m and height to ridge level is 7.20 m.

1.0.3 The layout of each of the proposed semi-detached includes the formation of a single integral garage, entrance hall with W.C., utility, sitting room, kitchen and breakfast room at ground floor level. At first floor level, it is proposed to create 4 bedrooms (2 with en-suites) and a communal bathroom.

1.0.4 It is also proposed to extend and alter the existing bungalow. At present the bungalow provides ground floor accommodation with 1 bedroom located in the roofspace. It is proposed to create 2 larger bedrooms in the roof space (one with an en-suite) and also a separate bathroom. These alterations also include the formation of 2 no. dormer windows which look out onto the rear of the site and the alteration of an existing dormer looking onto 28a Severus Avenue. The applicants do not propose to increase the height of the bungalow.

1.0.5 At ground floor level, it is proposed to reduce the length of the south side of the bungalow and add a single storey extension at the rear. At present the bungalow is T-shaped, the offshoot measuring 11.50 m. The off-shoot extends towards the southern boundary of the site and no.24 Severus Avenue. It is proposed to reduce the length to 7.70 m to allow adequate space for erection of the 2 semi-detached dwellings. The remaining accommodation at ground floor level will consist of 2 attached single garage (also existing) hall, cloakroom, kitchen/dining room, utility room, 2 bedrooms (one with en-suite).

1.1 SITE

1.1.1 28 Severus Avenue is located in-between 24 and 28a Severus Avenue. This irregular shaped plot measures approximately 0.134 ha. The site is located close to Acomb centre. Severus Avenue is a long cul-de-sac with various house types, ranging from detached and semi-detached houses and bungalows. 28 Severus Avenue is, at present, a bungalow situated between 2 detached bungalows to either side. The materials used in the construction of the existing properties in the Severus Avenue are varied.

1.1.2 The site has a frontage of approximately 37.00 m however the width decreases to approximately 18.00m at the rear. The plot is bounded by dwellings to all boundaries. However neighbouring dwellings sited to the front (east) are separated by Severus Avenue.

1.1.3 A existing bungalow is sited to the northern side of the site. This bungalow appears to have been built in the 1920's and appears to be typical design of that era. The building is not nationally or locally listed. The property has an existing drive and attached single garage.

1.1.4 The bungalow accommodates the smaller northern section of the plot. The southern section (where the dwellings are proposed to be erected) is at present, garden area. The site is bounded by high laurel hedging to east and west boundaries (adjacent 24 Severus Avenue and 31-39 Carr Lane respectively).

1.2 HISTORY

06/02443/FUL - Erection of 5 no. two-storey dwellings and 5 garages after demolition of existing dwelling - Application withdrawn - 15.12.2006

1.3 Councillor Request

This application has been called in by Councillor Bowgett as objections have been received from local residents.

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

CYGP4A
Sustainability

CYGP10
Subdivision of gardens and infill devt

CYGP9
Landscaping

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYT4
Cycle parking standards

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

3.0.1 ENVIRONMENTAL PROTECTION UNIT advise the imposition of conditions relating to recommended hours for carrying out construction work, contaminated material and an informative relating to the carrying out of works on site.

3.0.2 HIGHWAY NETWORK MANAGEMENT (HNM) made the following comments:-

- The proposed lay-by cannot be supported;
- The proposed entrance is not wide enough;
- Kerbs should be tapered and not radius;
- Poor layout and lack of visibility would create need for excessive manoeuvring within the site; and
- On-site parking should be reduced.

The scheme was amended and Highway Network Management were re-consulted on 12/11/2007. The HNM officer raised no objection to the development but advised that the proposed dwellings should be set back 6.00m from the patio instead of 4.00m to allow adequate off street parking.

3.0.3 LIFE LONG LEARNING AND LEISURE (LLL) advise that, should the application be approved, a condition should be added requiring the applicant to forward funds for the provision of open space within the York area.

3.0.4 THE COUNCIL'S LANDSCAPE ARCHITECT commented that the trees are not worthy of protection, as they have limited useful life expectancy and are also relatively short lived species. The officer recommends the imposition of a condition requiring replacement planting.

3.0.5 THE COUNCIL'S COUNTRYSIDE OFFICER recommends a bat survey should be carried out prior to development commencing. The officer further adds that a bat box could be attached to the garage to enhance the habitat in the area.

3.0.6 THE COUNCIL'S EDUCATION DEPARTMENT seek no contribution towards school places as the net gain of dwellings falls below the threshold for contributions.

EXTERNAL

3.1.1 DRINGHOUSES/WOODTHORPE PLANNING PANEL – Raised no objections

3.1.2 NEIGHBOURS - A site notice was posted on the 02/11/2007. Objections were received from 36 interested neighbours. A petition was also received with 101 signatures. The issues raised in the neighbour objections letter and petition raised the following points:-

Traffic nuisance

- (i) An increase in vehicular traffic would cause an increased danger to pedestrians and road traffic and complicate manoeuvring for the existing residents of Severus Avenue and also complicate access for emergency vehicles;
- (ii) Additional dwellings would also create undue noise pollution and parking congestion;
- (iii) Additional bin storage and collection of waste may cause undue congestion within the avenue;
- (iv) The proposed lay-by is unacceptable, the traditional verge cannot be allowed to be destroyed;
- (v) People use Severus Avenue to park their vehicles in when shopping in Acomb. The avenue effectively becomes single carriage due to parked cars. The avenue is therefore already overly congested and this scheme would further add to existing congestion;
- (vi) The drive between the proposed dwellings is not wide enough to safely accommodate traffic, pedestrians and vehicular movements;
- (vii) Emergency vehicles would struggle to gain access to the site and existing houses;
- (viii) Severus Avenue is a cul-de-sac; and
- (ix) The rear car-park is too small to accommodate the proposed cars.

Out of character

- (i) The proposed scheme is a cramped over-development of the site and would detract from the appearance and character of the area. It is also not in proportion with neighbouring properties or the density of the area;
- (ii) Yet another style of house will be introduced into the street which is unsympathetic to the character of the street;
- (iii) The loss of the existing bungalow and the space would impact upon the character of the street; and

(iv) Parking at the rear of the site is uncharacteristic to the area.

Amenity

- (i) The proposed new dwellings adjacent 28a Severus Avenue would overshadow their property and block out natural light;
- (ii) 28a Severus Avenue is orientated in such a manner that effectively the principal elevation to the dwelling faces no.28a and not Severus Avenue;
- (iii) The new dwelling (plot 4) would be 0.40 m closer to no.28a and not further away as the developer states within the application; and
- (iv) The design of the proposed dwelling is such that it would impact upon the amenity of neighbouring dwellings.

Loss of natural screening and impact upon wildlife and trees:-

- (i) The proposal would have a detrimental impact upon wildlife, trees and plants;
- (ii) Established hedging would also be lost.

Sustainability

- (i) It not sustainable to demolish a perfectly good bungalow and erect a replacement dwelling. The original dwelling should be developed;
- (ii) It is proposed to heat the houses using oil. Gas is a more sustainable source of fuel; and
- (iii) Delivery of oil is unsustainable and would cause traffic congestion;

Other

- (i) Devalue existing properties in the avenue;
- (ii) Water pressure not sufficient for fire brigade;
- (iii) No details of the oil tanks or solar panels indicated on plans;
- (iv) Development of the site would create noise, disturbance and associated mess for neighbouring properties;
- (v) The maintenance of the hedge is issue;
- (vi) Criminal and anti-social behaviour could be encouraged due to the design of the proposed rear parking area;
- (vii) The development will encourage spread of fire; and
- (viii) There is not enough garden space provided for future residents of the proposed houses.

3.4.3 The scheme was amended and interested neighbours were re-consulted on 12/11/2007. 7 letters of objection were received from interested neighbours. These related to:-

- Only 1 house should be built on the adjacent plot to no.28;
- The proposal will still cause traffic congestion in the avenue;
- There is inadequate space to provide car-parking at the front of the site;
- The original bungalow should be altered carefully;
- Where will the oil tankers for the boilers be sited?
- Dimensions of the plans are inaccurate and should be checked;
- The extension to the rear of the bungalow will block out sunlight to 28a;
- Condition the height of the bungalow should not be increased;
- Condition the size of the dormer window overlooking 28a;

- The creation of space at the front of the proposed dwellings would allow for deliveries to be dropped off.

4.0 APPRAISAL

4.1 The main considerations are:

- Principle of development;
- Design and scale;
- Impact on residential amenity;
- Impact on visual amenity of area; and
- Open space and education.

4.2 POLICY

4.2.1 Planning Policy Statement 1 - 'Planning for Sustainable Development' (PPS1) aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.2.2 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

4.2.3 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.

4.2.4 Policy GP10 'Subdivision of Gardens and Infill Development' of the City of York Local Plan (Deposit Draft) 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.

4.2.5 Policy GP9 'Landscaping' of the City of York Local Plan (Deposit Draft) states that where appropriate development proposals will be required to incorporate a suitable landscaping scheme, and this must: a) be planned as an integral part of the proposals; and b) include an appropriate range of indigenous species; and c) reflect the character of the locality and surrounding development; and d) form a long term edge to developments adjoining or in open countryside.

4.2.6 Policy H4a 'Housing Windfalls ' of the City of York Local Plan (Deposit Draft) suggests that a proposals for residential development on land within the urban area would be a acceptable, where "the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings." However, any development must be of an appropriate design and must be sustainable e.g. good links to jobs, shops and services.

4.2.7 Policy L1c 'Provision of New Open Space in Development' of the City of York Local Plan (Deposit Draft) requires proposals for less than 10 dwellings to contribute towards the provision of open space (including sport, amenity and children's play provision) by way of a commuted sum.

4.2.8 Policy T4 'Cycle Parking Standards' of the City of York Local Plan (Deposit Draft) requires that all new developments provide adequate cycle parking provision. In the case of affordable housing or dwellings without a garage this should be 1 covered space per ½ bedroom dwelling. For dwellings with garages the requirement is the same but cycle parking provision could be accommodated within the garage depending upon the garage size.

4.3 PRINCIPLE OF DEVELOPMENT

4.3.1 The site lies within the defined settlement boundary of York. There are no other relevant statutory constraints i.e. Conservation Area, etc. Central Government guidance regarding new housing is contained within Planning Policy Statement 3 (Housing), policies H4a and H5a of the Draft Local Plan are also relevant. The key aim of local and national policy is to locate new housing on brownfield land in sustainable locations. PPS3 sets out a sequential test which favours the re-use of previously developed land within urban areas, then urban extensions and finally new development around nodes in good public transport corridors. Policy H4a deals with housing developments within existing settlements and says that permission will be granted within defined settlement limits for new housing developments on land not already allocated on the proposals map, where the site is vacant, derelict or underused land where it involves infilling, redevelopment or conversion of existing buildings. The scheme must be of an appropriate scale and density to surrounding development and should not have a detrimental impact on landscape features. Policy H5a says a density of 30 dwellings per hectare should be achieved on this site subject to the scale and design of the development being compatible with the character of the surrounding area and that there is no harm to local amenity.

4.3.2 Due to the location of the site and its proximity to local facilities and accessibility it is considered to be a sustainable location and therefore acceptable in principle.

4.4 DESIGN AND SCALE

4.4.1 This proposal involves the erection of a pair of semi-detached 2-storey dwellings and the extension and alteration of the existing bungalow. The setting of Severus Avenue is that of a suburban residential area. At present, the street comprises of various types of dwelling ranging from detached bungalows, 2-storey

semi-detached dwellings and detached dwellings. This existing bungalow appears to be the earliest dated property within the avenue. It is considered that it contributes to the architectural quality of the street. However, as mentioned previously the building is not nationally or locally listed.

4.3.2 A previous application (on this site) was withdrawn in 2007 (06/02443/FUL). Previously the applicant sought to demolish the bungalow and erect 5 dwellings. The applicant was advised that such a scheme was not acceptable due to impact upon adjacent neighbours, impact upon the street scene (loss of the bungalow) and highways matters (principally relating to access and egress to parking at the rear of the site).

4.3.3 The applicant subsequently submitted a revised scheme in October 2007 which sought permission for the erection of 4 dwellings. This application still included the demolition of the bungalow. After further negotiations the applicant revised the scheme a final time. This is the scheme which is being presented and includes the retention and minor alteration and extension of the existing bungalow and the erection of a pair of semi-detached dwellings with integral garages.

4.3.4 The emphasis of both PPS3 and relevant local plan policies is that development should maximise use of existing sites but that development should respect the character of the site and its surroundings. It is considered that this amended proposal satisfies all relevant policy requirements and is therefore acceptable in terms of visual appearance.

4.3.5 The scheme has been significantly amended since the initial proposal for 5 dwellings, which included the demolition of the existing bungalow. It is considered that the design and scale of the development proposed is acceptable and would not have a detrimental effect upon the character of this well established suburban avenue.

4.4 IMPACT ON RESIDENTIAL AMENITY

4.4.1 Previously objections were received from the immediate adjacent neighbours to the north (28a Severus Avenue). Their objections concerned loss of light, shading and loss of privacy.

4.4.2 This amended scheme attempts to address their previous concerns. Due to the orientation and layout of 28a, the principal aspect of their dwelling is south (towards 28 Severus Avenue) and not east (fronting the Severus Avenue) like the majority of dwellings in the avenue. As a consequence any raising of the ridge height or height of development adjacent to this joint boundary would have a significant impact upon their amenity in terms of loss of light and shading to their living room and a bedroom.

4.4.3 As previously mentioned, the applicants now propose to retain the bungalow and create additional living accommodation in the roof space including minor alterations. The residents of no. 28a were consulted upon the amended scheme. They welcomed the retention of the bungalow but objected to the rear extension. They consider it would reduce light to their rear garden and living room.

4.4.4 The proposed rear extension measures approximately 2.80 m in length x 5.60 m (existing width of the bungalow) x 6.00 m in height (existing height of the bungalow). The extension will be approximately 5.50 m from the nearest point of no.28a.

4.4.5 There is an existing single storey garage attached to no. 28. The garage is approximately 3.50 m away from the nearest point of no. 28a and is 3.70 m in height. The difference in height between the proposed rear extension and the garage (taking into account a slight raise in land levels) is 1.90 m. It should also be noted that no.28's lounge is served by 2 large picture windows. One which faces the proposed extension and another which faces west into the garden. As a consequence, whilst it is acknowledged that the proposed single storey rear extension would have some impact upon no.28a, due to the comparatively modest size of the rear extension, distance from no.28a and the axis of the sun in relation to these rooms, it is considered that the proportion of development which would have an impact upon the amenity of no.28a is not sufficient to warrant refusal on the grounds of loss of light to no.28's garden or lounge.

4.4.6 The residents of no. 28a also expressed concern regarding the height of the bungalow. The developer have also confirmed that the height of the bungalow will not be increased. It is suggested that a condition is added, should the application be approved, which ensures that height of the roof is not increased.

4.4.7 The residents of no. 28a also expressed concern regarding the scale of the dormer window adjacent their dwelling. They request that this is not be increased in scale. At present the dormer window has a flat roof. The developer proposes to replace the flat roof with a small pitched tile roof. Apart from this alteration, the overall dimensions are similar, if not moderately smaller than the existing dormer window. The existing dormer window also serves an existing bedroom. If development is approved, the dormer opening would serve a stairwell/landing. Taking these matters into consideration, it is considered unreasonable to impose any conditions or restrictions upon this dormer window.

4.4.8 With regard to the boundary detail between the proposed 2-storey semi-detached dwellings and no.24 Severus Avenue, it is considered appropriate to add a condition controlling the retention and height of the laurel hedge. A 2.00m high hedge would allow each dwelling adequate privacy whilst retaining/enhancing the character of the scheme. If this boundary detail is not conditioned, the hedge could be removed altogether or reduced below 2.00m. It is also considered appropriate to seek the retention of the hedge to the rear of the side of the site for similar reasons.

4.4.9 Finally it is considered that the pair of semi-detached 2-storey dwellings would not have a detrimental impact upon the amenity of the no.24, in terms of being overbearing or overshadowing the property and/or their rear garden. This is due to:-

- The orientation of the buildings and the axis of the sun – the proposed buildings do not bisect the 45° line of acceptance if determining whether they would create loss of light or shadowing for no.24;

- The position of windows (on the no.24 and the proposed dwellings) – No windows are proposed (at first floor level) in the elevation adjacent no.24 apart from a small window serving a bathroom. Whilst such windows are usually obscurely glazed, it is recommended a condition is attached to secure this; and
- The existing hedge – the hedge provides adequate screening at ground floor level between each property.

4.4.10 Due to the aforementioned reasons and taking into account that the alterations to the scheme, it is considered that the proposal is acceptable and would not have such a detrimental impact upon adjacent neighbours as to refuse planning permission.

4.5 VISUAL AMENITY

4.5.1 It is considered that the proposed dwellings would have a neutral impact on the street scene and on the visual amenity in the locality due to their design and siting. They certainly would not have a detrimental impact upon the avenue. The alterations to the bungalow are also considered to be acceptable.

4.6 HIGHWAYS ISSUES

4.6.1 Previously the applicant proposed to create an access between each pair of semi-detached dwellings to allow access to the rear of the site for car-parking. This element has been removed from the scheme. It was considered that such an arrangement was awkward, would create nuisance at the rear of the site and reduce the private garden space for the new dwellings.

4.6.2 Comments from both the Council's Highway Engineer and neighbours highlight the inadequate length of the proposed drives for the semi-detached dwellings. It is considered that each driveway should be increased by 2.00m. Such an amendment would satisfy highway concerns and allow a car to be parked off road, whilst another could be garaged.

4.6.3 The impact of the these buildings, being moved an additional 2.00 m into the site, upon no.24 Severus Avenue has been assessed previously on site. It is considered that no.24 wouldn't suffer any additional loss of amenity by this amendment.

4.6.4 Other concerns were raised by residents regarding parking congestion being worsened within the avenue if permission is granted for this development. The Council's Highway Engineer however raised no objection on these grounds. As a consequence this particular element of the scheme is considered acceptable.

4.7 OTHER MATTERS

4.7.1 A number of residents have raised concerns regarding the lack of information provided concerning the oil tanks proposed for the dwellings. It is considered acceptable to seek details of the tanks by the imposition of a suitable condition.

However, it is recommended that the applicant investigates connecting services to existing gas and electrical utilities instead of using oil.

4.8 OPEN SPACE:

4.8.1 Under Policy L1c there is an open space provision requirement for this site. The provision of open space has been addressed by condition.

5.0 CONCLUSION

5.0.1 It is the opinion of the Local Planning Authority that the proposed detached dwellings and alterations to the existing bungalow are acceptable in terms of design, scale and appearance and would not detrimentally impact on the amenity of the neighbouring residents or the character of Severus Avenue. As a consequence the proposed works are considered acceptable and are recommended for approval, in accordance with policies GP1, H4a and L1c of the City of York Development Control Draft Local Plan and National Planning Guidance PPG1 and PPG3.

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:-

- (1) Existing site layout - Revised Plan;
- (2) Proposed site plan – Revised Plan;
- (3) Proposed plans and elevations (semi-detached dwellings) - Revised Plan;
- (4) Proposed plans and elevations (bungalow) - Revised Plan.

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 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.

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 doors, windows or other opening additional to those shown on the

approved plans shall at any time be inserted into the external elevations of the dwelling hereby approved.

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

6 PD1 IN Rem of specific Perm Dev rights

7 The existing rear boundary hedge, which bounds 24 Severus Avenue and 31-37 Carr Lane, shall not be removed, wilfully damaged or reduced in height below 2.00 m in height, without prior written consent of the Local Planning Authority. Should the hedge be damaged, die back or be removed, details of its replacement should be submitted to the Local Planning Department within 3 months of the date of its failure/removal and thereafter be so retained.

Reason: In order to preserve the amenity of adjacent neighbours.

8 Notwithstanding the information contained on the approved plans, the height of the bungalow shall not exceed 6.10 m and the pair of semi-detached dwellings should not exceed 7.20m, 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.

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

Reason: In order to comply with the provisions of Policy L1 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 £6,012.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of

the local planning authority's enforcement powers in this regard

- 10 HWAY10 Vehicular areas surfaced, details reqd
- 11 HWAY19 Car and cycle parking laid out
- 12 HWAY29 IN No gate etc to open in highway
- 13 HWAY31 No mud on highway during construction

14 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 to replace the trees to be removed adjacent the front boundary;. 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.

- 15 TREE8 Wildlife and Countryside Act 1981

16 No works shall take place on site until a survey has been carried out of the existing bungalow to be altered to ascertain if there are any bats or bat roosts on site. Provision shall be made to amend the nature of the works to accommodate any bats or roosts found on site. Any variations to approved works required shall be submitted to the local planning authority for approval in writing.

Reason: to safeguard the area's bat population

17 Prior to commencement of commencing on site, written details regarding the proposed solar panel system shall be submitted to the Local Planning Department for approval. Work shall then be carried out in strict accordance with the details of approved in writing by the Local Planning Department.

Reason: In the interest of visual amenity.

18 Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund.

Reason: to prevent pollution of the surrounding environment.

19 Prior to development commencing, written details shall be submitted and approved in writing by the Local Planning Authority concerning the position, scale and appearance of the oil tanks required to service the proposed new dwellings. Development shall then be carried out in strict accordance with the approved details and thereafter so retained.

Reason: To ensure the oil tanks are sited in a suitable position to safeguard neighbour amenity and the visual appearance of the avenue.

20 The first floor bathroom window indicated in the south elevation of plot 1, shall be obscurely glazed and permanently fixed prior to the development hereby permitted being occupied and shall thereafter be so retained.

Reason: To protect the residential amenity of surrounding residents.

21 The design of the hereby approved scheme shall be in accordance with the contents of the design and access statement dated 8th June 2007 submitted by the applicants' agent and date stamped 22nd October 2007, which will satisfy the requirements of policy GP4a.

Reason: In the interests of sustainable development

22 DRAIN1 Drainage details to be agreed

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, the visual amenity of the locality, highway safety. As such, the proposal complies with Policies H3c, H4a, H5a, T4 and GP1 of the City of York Local Plan Deposit Draft; national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development " and Planning Policy Statement 3 " Housing.

2. 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:

i. 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.

ii. 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".

iii. 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.

iv. 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.

v. 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.

vi. There shall be no bonfires on the site

3. The Council's Countryside Officer recommends a bat box could be attached to the garage to enhance the habitat for bats in the area.

4. 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:

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

Cafe Licence - Section 115 - Heather Hunter or Anne-Marie Howarth (01904) 551418

Contact details:

Author: Richard Beal Development Control Officer

Tel No: 01904 551610

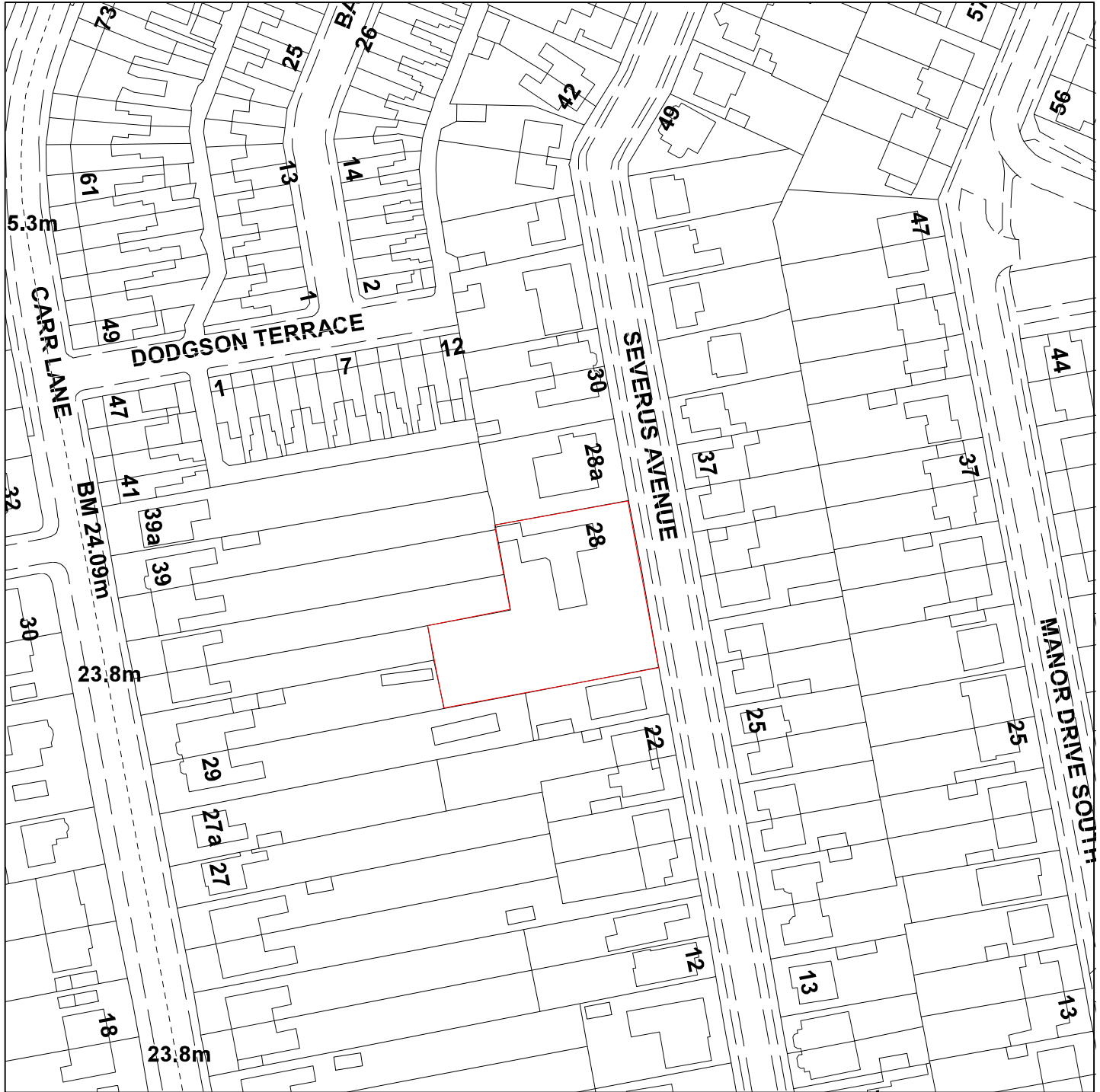
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28 Severus Avenue, York YO24 4LY

07/02511/FUL



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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	04 February 2008
SLA Number	Not set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Holgate
Date: 14 February 2008 **Parish:** No Parish

Reference: 07/02852/OUT
Application at: 63 Hobgate York YO24 4HW
For: Outline application for the erection of two storey detached dwelling adjacent 63 Hobgate
By: Mr P Tinker
Application Type: Outline Application
Target Date: 29 January 2008

1.0 PROPOSAL

1.1 The application relates to a landscaped side garden containing a brick build garage. The application site is located within a cul-de-sac. The majority of the dwelling houses are detached and have been extended to varying degrees. The compact layout is a prominent feature of this particular streetscene.

1.2 Cllr. B. Watson requested that the application should be considered by the Planning (West and City Centre Area) Sub Committee as the space between the dwellings looked to be close.

1.3 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:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Schools Acomb Primary 0182

2.2 Policies:

CYGP1
Design

CYH4A
Housing Windfalls

CYL1C
Provision of New Open Space in Development

CYGP4A
Sustainability

3.0 CONSULTATIONS

INTERNAL

YORK CONSULTANCY

3.1 No Objections "Subject to provision of full drainage details prior to commencement on site."

HIGHWAY NETWORK MANAGEMENT

3.2 No Objections - Conditions Included.

LIFELONG LEISURE AND LEARNING

3.3 No Objections.

ENVIRONMENTAL PROTECTION UNIT

3.4 No Objections.

EXTERNAL

3.5 One letter of objection has been received. The letter raises the following concerns.

- * blatant infilling.
- * loss of garden area.

4.0 APPRAISAL

KEY ISSUES

- * Policy Context
- * Principle of Development
- * Visual and Residential Amenity
- * Highway Issues

PLANNING CONTEXT

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 a acceptable, where "the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings." However, any development must be of an appropriate design and must be sustainable e.g. good links to jobs, shops and services.

4.3 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.

4.5 GP4a "Sustainability" Policy GP4a - proposals for all development should have regard to the principles of sustainable development .

All commercial and residential developments will be required to be accompanied by a sustainability statement. The document should describe how the proposal fits with the criteria listed below and will be judged on its suitability in these terms.

PRINCIPLE OF THE DEVELOPMENT

4.6 The applicant has applied for outline approval to ascertain whether the principle of developing this particular site with a detached dwelling would be acceptable. Policies H4a and GP10 are particular prevalent in this instance as the applicant proposes to sub divide an existing garden area, which can be accessed from an existing driveway. All issues relating to siting, design, external appearance, access and landscaping will be dealt with in an subsequent reserved matters application. The Local Authority will recommend conditions at this stage to ensure that any material issues are appropriately addressed at the reserved matters stage.

VISUAL AND RESIDENTIAL AMENITY

4.7 A distance of approx. 19.4 metres is provided to the northern boundary, which adjoins the playing field of a neighbouring primary school. Approximately 1.1 metres has been provided to the western and eastern boundaries, although the latter provision appears minimal, they are comparable with the "gaps between dwellings" at No's 57/59 and 60/62. The overall impact is further mitigated by the existence of only tertiary windows within the western elevation of No.63 Hobgate, therefore the proposals represent little harm to the existing amenity provisions currently enjoyed by these properties.

4.8 A condition has also been recommended to ensure that any openings in the dwellings western and southern elevations are obscurely glazed, mitigating any overlooking or the perception of being overlooked.

4.9 Heights to eaves and ridgelines have not been specified at the outline stage, however to mitigate any amenity impact a condition and informative have been recommended to secure the roof type (hipped) and height of the proposed dwelling respectively. The proposed dwelling will not be higher than No's 59 or 63, Hobgate, maintain an element of space between buildings.

4.10 The proposed rear garden area of the proposed dwelling; although smaller than those neighbouring (19.4 metres x 10.2 metres) is considered to compliment the dwellings footprint, providing a useable amenity space.

HIGHWAY ISSUES

4.10 Highway Network Management have raised no objections. Conditions are included requiring the applicant to provide parking layout, cycle storage and kerbing/footway details prior to the commencement of development.

5.0 CONCLUSION

5.1 The applicants' proposals are considered to be acceptable in this instance and in general compliance with the policies of the Development Control Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 OUT1 Approval of Reserved Matters

2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details:

Details to be submitted: appearance (showing a hipped roof), landscaping, layout and scale of the proposed development to be carried out, including a schedule of all external materials to be used.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006

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

Site Plan - Stamp Dated 04.12.2007

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

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

4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A to E 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 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 £360 (1 x bedroom dwelling), £1242 (2 x bedroom dwelling), £2154 (3 x bedroom dwelling), £3006 (4 x bedroom dwelling) and £3888 (5 x bedroom dwelling)

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.

6 HWAY10 Vehicular areas surfaced, details reqd

7 The development shall not come into use until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerbing and footway to match adjacent levels.

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

8 HWAY29 IN No gate etc to open in highway

9 Prior to the commencement of development a sustainability statement addressing criteria set out in Policy GP4a of the Local Plan and the "Code for

Sustainable Homes", shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

10 Prior to the commencement of development on site, full drainage details shall be submitted to and approved in writing by the Local Planning Authority.

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

11 HWAY18 Cycle parking details to be agreed

12 Car parking provision in accordance with the approved plans must be provided before the use commences and thereafter retained for the sole use of the occupants of, and their visitors to, the development hereby approved.

Reason: To comply with the Local Planning Authority's parking standards in the interests of highway and pedestrian safety and 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 Policies GP1, GP4a, H4a and L1c of the City of York Development Control Draft Local Plan.

2. INFORMATIVE:

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

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

3. 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 remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA

of the Environmental Protection Act 1990.

The developer's attention is 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:

a. 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.	

b. 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".

c. 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.

d. 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.

e. 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.

f. There shall be no bonfires on the site.

4. You are advised that the details of the scale of the development required of condition 2 should show the ridgeline of the detached dwelling not exceeding the height of adjacent properties; No.59 and No61, Hobgate, with those properties shown in outline on the submitted drawing.

Contact details:

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

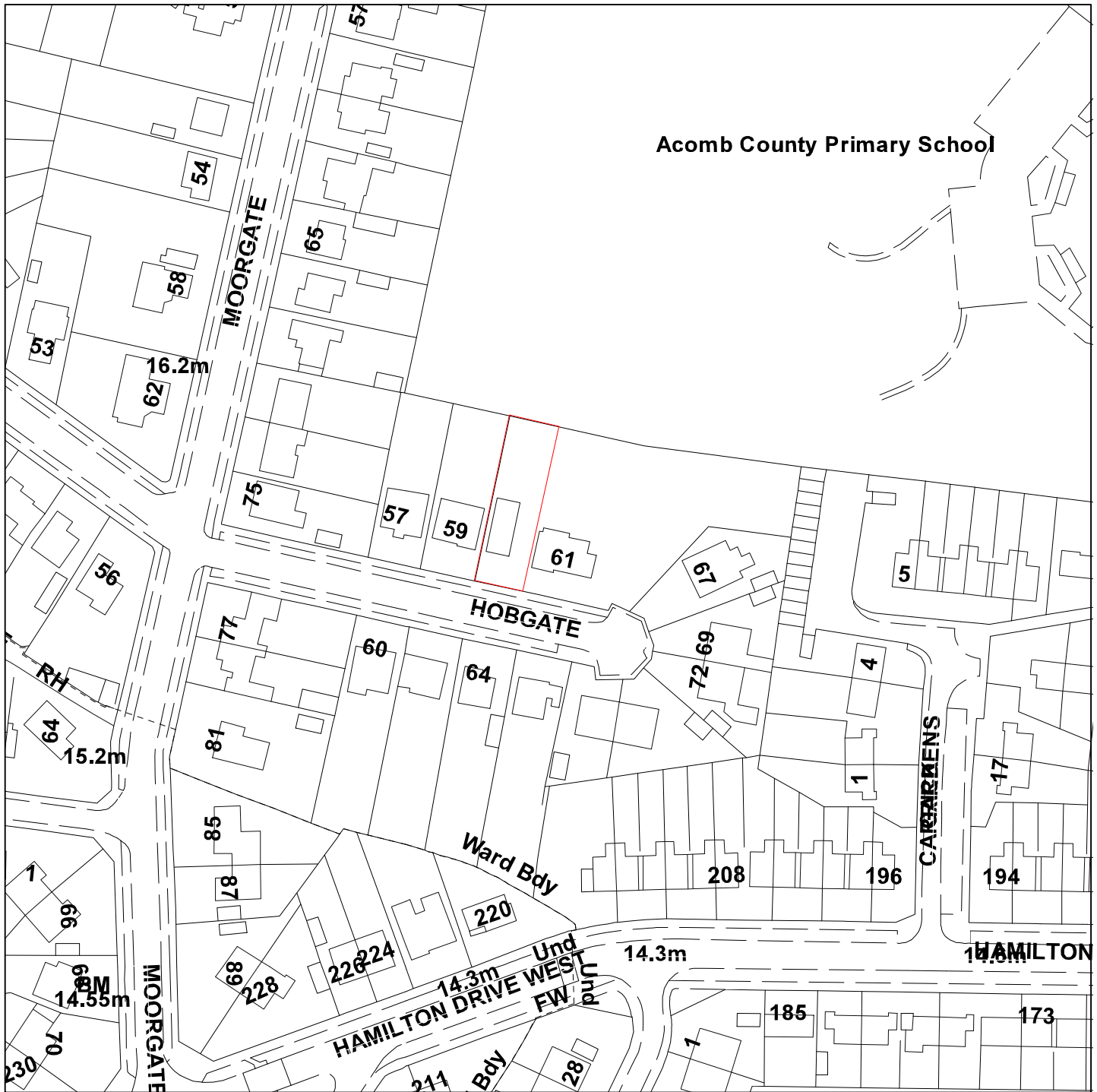
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63 Hobgate, York, YO24 4HW

07/02852/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	04 February 2008
SLA Number	Not set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Rural West York
Date: 14 February 2008 **Parish:** Askham Bryan Parish Council

Reference: 07/02893/FUL
Application at: Cherry Tree House 68 Main Street Askham Bryan York YO23 3QS
For: Variation of Condition 12 of permission 07/00663/FUL dated 23.05.2007 to allow the removal of two trees (resubmission)
By: Mr R Urwin
Application Type: Full Application
Target Date: 5 February 2008

1.0 PROPOSAL

1.0.1 Planning permission is sought for the removal of condition 12 of planning permission 07/00663/FUL to allow the removal of a number of sycamore trees, adjacent the boundary between the proposed dwelling and 70 Main Street, Askham Bryan.

1.1 SITE

1.1.1 The site is located within the Askham Bryan Conservation Area. This irregular shaped site measures 0.62ha. Cherry Tree House (no.68 Main Street) is located adjacent Main Street but is set back from the road by approximately 70.00 m. Planning permission has been granted for its demolition and the erection of a replacement dwelling. There is an existing vehicular access (3.00 m wide) which serves Cherry Tree House. The site falls away by approximately 2.00 - 2.50 m from front to the rear. There are a number of mature trees which bound the site to the north and south elevations, including the sycamore trees which separate no.68 from no.70.

1.2 HISTORY

1.2.1 The application was brought before the Council's Planning Sub-Committee in May 2007. Members may recall the application was approved, subject to the imposition of an additional condition. Members considered that the belt of sycamore trees between no.68 and no.70 should be retained to protect the amenity of the occupants of no.70 and prevent overlooking.

1.2.2 07/00663FUL and 07/00669/CAC. The re-submitted planning application and corresponding application for Conservation Area Consent to demolish the existing dwelling were approved by committee on the 22/05/2007.

1.2.3 07/01739/FUL - Removal of Condition 12 of planning permission 07/00663/FUL for erection of replacement dwelling to allow Sycamores to be felled and replace - Refused - 17.09.2007

1.3 REASON FOR REFERRAL TO COMMITTEE

1.3.1 The application is being presented to planning committee as the previous application was decided by committee after the benefit of a site visit.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

Conservation Area Askham Bryan 0023

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

CYNE1
Trees, woodlands, hedgerows

CYHE3
Conservation Areas

3.0 CONSULTATIONS

INTERNAL

3.1 URBAN DESIGN AND CONSERVATION - LANDSCAPE ARCHITECT - The Council's Landscape Architect commented that she does not object to the removal of this condition. She recommends a condition requiring a planting plan be imposed, detailing replacement tree planting along the southern boundary abutting the neighbouring property, should the application be approved.

3.1.1 She further mentions acceptable varieties of trees and means of watering them, should the application be approved.

EXTERNAL

3.2 ASKHAM BRYAN PARISH COUNCIL - The Parish Council raise no objections to this proposal. However they commented that replanting should be a condition of approval.

3.2.1 NEIGHBOURS - A site notice was posted regarding this proposal. 2 objections have been received from adjacent neighbours. Their comments related to:-

- 2 large sycamores have already been removed, if a further 2 are removed, there would be no screen between no.68 and no.70's private garden space;
- Surely the large house could be amended to allow the trees to remain; and
- The trees are essential to screen the large house.

4.0 APPRAISAL

4.1 The main considerations are:

- Impact on visual amenity of area; and
- Impact on residential amenity.

4.2 POLICY

4.2.1 Draft local plan 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.

4.2.2 Policy NE1 'Trees, Woodlands and Hedgerows' of the City of York Local Plan states that trees which are of landscape or amenity value will be protected by refusing development proposals which will result in their loss or damage. Trees or hedgerows which are being retained on development sites should also be adequately protected during any site works. All proposals to remove trees or hedgerows will be required to include a site survey indicating the relative merits of individual specimens. An undertaking will also be required that appropriate replacement planting with locally indigenous species will take place to mitigate against the loss of any existing trees or hedgerows. Developments should make proper provision for the planting of new trees and other vegetation including significant highway verges as part of any landscaping scheme.

4.2.3 Draft local plan policy HE3 states that development within conservation areas will only be permitted where there is no adverse effect on the character and appearance of the area.

4.2.4 Askham Bryan Village Design Statement states that all developments should retain and enhance site features and should be carried out with great sensitivity, to respect the villages historic buildings and their settings.

4.2.5 Policy E8 of the North Yorkshire County Structure Plan establishes a Green Belt around the City of York. The boundaries of the Green Belt are detailed on the Proposals Map of the City of York Council Development Control Local Plan (CYCDCLP) and this site clearly falls within the Green Belt.

4.3 IMPACT ON VISUAL AMENITY/ CHARACTER OF THE CONSERVATION AREA

4.3.1 The proposal is linked to the demolition of the existing house on the site and the erection of a larger replacement. Whilst the trees are not prominent from the street, they do however provide a green backdrop. It is considered that the removal of the trees in the short-term would have an impact upon the Conservation Area until the replacement plantings mature. However policy NE1 supports the removal of trees on the understanding that appropriate replacement planting with locally indigenous species will take place, to mitigate against the loss of any existing trees.

4.4 IMPACT ON RESIDENTIAL AMENITY

4.4.1 The principle concern regarding this application is the impact the proposal would have upon neighbouring residents, in particular the occupants of 70 Main Street.

4.4.2 As members may recall, condition 12 was imposed at the West and City Centre Planning Committee meeting on 22/05/2007, to protect the private residential amenity of the residents of no.70. The separation distance between the proposed new dwelling and the garden of no.70 is approximately 13.00 m. At present 3 sycamore trees remain on the border (within no.68's curtilage). A further 2 smaller silver birch trees are sited within no.70's curtilage and close to the boundary with no.68. If permission is granted, allowing the removal of 2 sycamore trees, only 1 mature sycamore will be kept.

4.4.3 It is considered that if a further 2 sycamore trees were removed, this would result in overlooking onto no.70's private amenity space. Overlooking would occur from the 8 landing windows and to a lesser extent from the south east section of the building which incorporates a music room at ground floor level and a bedroom at first floor level. The trees also provide a natural barrier between each dwelling, breaking up views and softening the appearance of the proposed dwelling which would, to a certain extent, dominate no.70's garden if not screened. The trees also act as a natural barrier between the properties in terms of reducing noise and add benefit to each dwelling in terms of visual amenity. Whilst some planting is to be kept, which contributes a certain level of screening, the loss of these large sycamores would be too great.

4.4.4 As such, it is considered that the proposed removal of 2 trees, as protected by condition 12, would unacceptably reduce the amenities currently enjoyed by the adjoining neighbours (in particular the privacy) of no.70 Main Street. As a consequence the proposal fails to satisfy policy GP1 of the Local Plan.

5.0 CONCLUSION

5.0.1 It is considered that the development is un-acceptable as the removal of 2 Sycamore trees would have a significant detrimental impact on the private amenity currently enjoyed by adjacent residents at no.70 Main Street and would, in the short term, have a detrimental impact upon the Conservation Area, in terms of amenity and appearance. In addition the trees obscure no.68 from no.70. If they were removed no.70 would create an un-neighbourly feature by dominating no.70's rear garden.

5.0.2 As a consequence the proposal to delete condition 12, to allow the 2 sycamore trees to be removed, is unacceptable. The proposal fails to satisfy policy GP1 of the City of York Development Control Draft Local Plan and the Askham Bryan Village Design Statement.

6.0 RECOMMENDATION: Refuse

1 The removal of condition 12 and consequently 2 sycamore trees between no.68 and no.70 Main Street, would reduce the privacy of no.70 to an unacceptable level by way of overlooking from no.68. The proposal therefore fails to satisfy policy GP1 of the City of York Development Control Draft Local Plan and the Askham Bryan Village Design Statement.

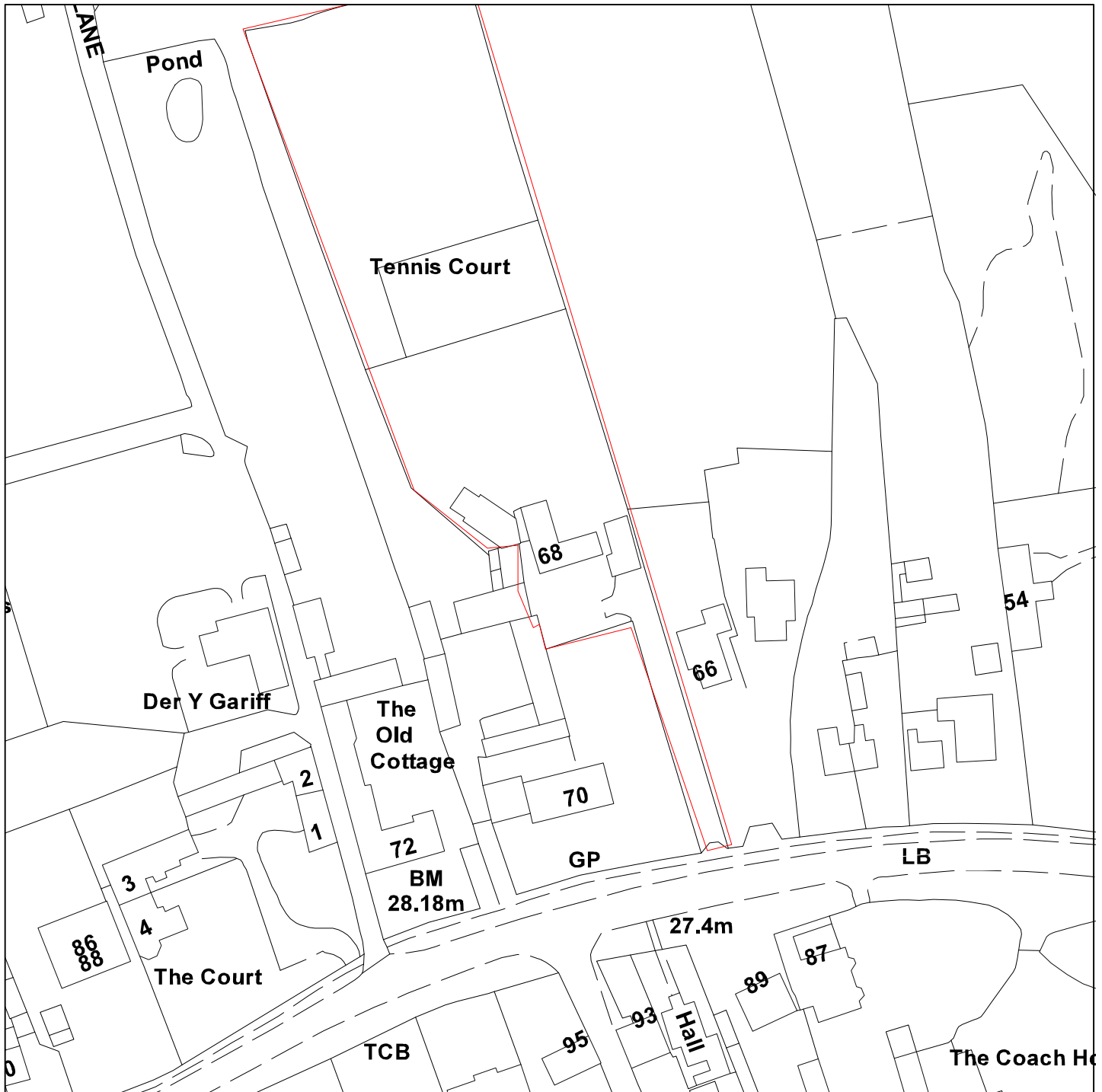
Contact details:

Author: Richard Beal Development Control Officer
Tel No: 01904 551610

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Cherry Tree Cottage, 68 Main Street, Askham Bryan

07/02893/FUL



Scale : 1:1250

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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	04 February 2008
SLA Number	Not set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Acomb
Date: 14 February 2007 **Parish:** Acomb Planning Panel

Reference: 07/02738/FUL
Application at: Land Lying To The Rear Of 6 To 10 Dane Avenue York
For: Erection of 5no. two storey dwellings
By: Yorkshire Housing
Application Type: Full Application
Target Date: 15 January 2008

1.0 PROPOSAL

1.1 The application relates to an area of enclosed grassland, which can be accessed from Dane Avenue. The site is surrounded by semi detached and terraced brick build properties. Boundary treatment is dominated by wooden fencing approx. 2 metres in height and mixed shrub/tree planting. A number of semi mature trees have been planted within the site. Properties on Courcey Grove are set down well below the application site.

1.2 The application at Dane Avenue is for a scheme developed in partnership with City of York Council as part of the 2006-2008 Approved Development Programme (ADP). It has been developed in conjunction with the Housing Corporation and Yorkshire Housing to develop 5 family houses, all for social rent.

1.3 The properties will be built by Yorkshire Housing with City of York Council benefiting from 100% nomination rights on first lets, with 75% nomination rights on subsequent re-lets. These homes will help to meet the demand for family housing identified by the Housing Market Assessment (HMA), released in July 2007.

1.4 The proposals are funded with Social Housing Grant (SHG) from the Housing Corporation. As part of the requirement of receiving SHG the homes must be built to Scheme Development Standards (SDS) and Eco-Homes Very Good, which has influenced the design and aesthetics of the scheme.

1.5 Cllr. D. Horton requested that the application should be considered by the Planning (West and City Centre Area) Sub Committee due to its potential impact upon neighbours.

1.6 A committee site visit is to take place as comments have been received and the application is recommended for approval.

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

CYGP10
Subdivision of gardens and infill devt

CYGP4A
Sustainability

CYH2A
Affordable Housing

CYH4A
Housing Windfalls

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

Internal

3.1 York Consultancy - No Objections - Conditions Included.

3.2 Highway Network Management - No Objections - Conditions Included.

3.3 Lifelong Leisure and Learning - No Objections - Conditions Included.

3.4 Environmental Protection Unit - No Objections - Informative Included.

3.5 Education - No Objections

"requires no contributions as the local schools Carr Infant and York High have spare capacity"

3.6 Housing and Adult Social Services - Supports the Application.

External

3.7 Acomb Planning Panel - do not object - comments

"car parking provision is limited, will cause cars to be parked in access road or turning area"

3.8 Two letters of comment have been received in response to the applicants' proposals. The letters raise the following issues:-

- * Access to maintain Leylandii hedging.
- * Concerns about surface run off.

4.0 APPRAISAL

4.1 KEY ISSUES:-

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

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.

4.5 GP4a "Sustainability" Policy GP4a - proposals for all development should have regard to the principles of sustainable development .

All commercial and residential developments will be required to be accompanied by a sustainability statement. The document should describe how the proposal fits with the criteria listed below and will be judged on its suitability in these terms.

PRINCIPLE OF DEVELOPMENT

4.6 The applicant proposes to create a high density (considering the constraints of the site) infill development, with a 100% affordable housing provision on an area of informal open space. The site will be accessed from Dane Avenue and has a layout designed to provide sufficient vehicular turning and manoeuvring space for both the future residents and any servicing/emergency vehicles. Drainage issues associated with changing gradients will be considered from the outset Large garden areas are a key feature of the proposal.

DENSITY/LAYOUT/IMPACT ON NEIGHBOURS

4.7 As submitted the applicant proposes to erect 5 no. two storey dwellings, giving a density of 29.4 dwellings per hectare. Policy H5a expects that in urban areas residential densities should generally be greater than 40 dwellings per hectare, however this is dependant on site circumstances and an overarching requirement that densities should be compatible with the surrounding area. In this instance the site boundaries restrict the design configurations available to the applicant. The "dwellings per hectare" provision is considered to be acceptable in this instance as the overall layout in conjunction with the aforementioned density is comparable with properties, which border the application site.

4.8 The mix of house types are as follows

- * 5 No.2 bed dwellings with 1 or 2 parking spaces.

4.9 Dwellings have been arranged to minimise overlooking. Although some overlooking will exist from first floor windows, the 45 degree ruling ensures that none of the main amenity areas of neighbouring properties (e.g. rear windows and patio areas) will be directly impacted upon. This is particular pertinent when distance provisions are also taken into consideration.

4.10 Between 21.4 and 35.2 metres have been provided from the rear of existing dwellings on Jute Road (located to the south and south west) to both the gable and rear elevations of Block A.

4.11 Between 29 and 42 metres have been provided between the proposed front elevations of Plots A and B to the rear elevations of dwellings on Dane Avenue.

4.12 A provision of 21 metres is generally required between facing two storey elevations, therefore the provisions for both Plots A and B are considered to be compliant.

4.13 The location of Block B by virtue of changing gradients needs particular consideration. The existing ground floor and ridgeline levels of properties on Courcey Road will be 1.5 metres and 3.3 metres lower, respectively, than those proposed for Plot B, therefore the potential for existing amenities to be impacted upon is significant.

4.14 Plot B has been positioned so the eastern gable faces an existing gap between No's 2 and 3, Courcey Road. Normally, a distance of 12 metres would be required between a proposed gable and habitable ground floor windows of any neighbouring property, in this instance only 11 metres exists. Although not wholly compliant with relevant guidance, the proposals are considered acceptable for the following reasons.

4.15 Firstly, No's 2 and 3, Courcey Road are orientated in a westerly and north westerly direction respectively, therefore neither first floor or ground floor windows directly overlook the elevated western gable of Plot B. Secondly the highest point of Plot B runs in line with the shared boundary between No's 2 and 3, Courcey Close and although being approx. 9.9 metres higher than the lowest garden level the gable is not considered to significantly impact upon the main amenity areas of the aforementioned properties.

4.16 Within the site, the western facing gable of Unit 4, by virtue of its orientation and close proximity to the shared boundary with Unit 3, results in a significant loss of light during the early morning. However, it must be noted that this property and those adjoining will enjoy uninterrupted sunlight for the majority of the day.

4.17 The whole site will be contained by a 1.8 metre high wooden fence, with both 1.2 metre high wooden and metal fences dividing the front and rear amenity spaces.

HIGHWAY ISSUES

4.18 Highway Network Management on receipt of revised layout details have no objections to the proposed access and site layout, subject to the inclusion of conditions.

AFFORDABLE HOUSING

4.19 Please note paragraphs 1.2 to 1.5.

Education and Open Space Contribution

4.20 No financial contribution is required by education as the both local schools (Carr Infant and York High have spare capacity.

4.21 Under Policy L1c "Provision for New Open Space in Development" the applicant is required to provide a financial contribution of £6,210, which will be used to improve local amenity open space, play space and sports pitches.

Sustainability

4.22 As required by Policy GP4a, the applicants' have submitted a sustainability statement. The applicant aims to achieve a BREEAM "VERY GOOD" standard.

Drainage

4.23 Additional comments are being sought; members will be updated. Discussion with York Consultancy "Drainage" suggest that all drainage issues can be addressed prior to the commencement of development by the inclusion of conditions.

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 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:-

- P03 - Proposed Floor Plans - Block 1
- P04 - Proposed Floor Plans - Block 2
- P05 - Proposed Elevations - Block 1
- P10 - Site Section

P07 - Proposed Boundary Treatments.
P06 - Proposed Elevations - Block 2.
P02 (Revision A) - Proposed Site Layout.
P09 - Topographical Survey.
P08 - Boundary Key.

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

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

3 VISQ8 Samples of exterior materials to be app

4 Prior to the commencement of the development hereby permitted details shall be submitted to and approved in writing by the LPA of the layout and construction of the private roadways, footways, turning areas, street lighting and surface water drainage within the site. Such communal areas shall be constructed in all respects in accordance with the approved plans prior to the occupation of any dwelling on the site and thereafter shall be retained and maintained free of all obstructions that would prohibit their intended use.

Reason - In the general interest of safety, security and amenity of the occupants of the site

5 HWAY14 Access to be approved, details reqd

6 HWAY19 Car and cycle parking laid out

7 HWAY31 No mud on highway during construction

8 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 dwellings hereby approved.

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

9 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

10 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

11 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 E 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

12 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 £6210.

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.

13 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 8.6 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 Prior to the commencement of development, a sustainability statement addressing criteria set out in Policy GP4a of the Local Plan and the "Code for Sustainable Homes", shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development

15 The design of all dwellings shall be in accordance with the contents of the sustainability statement stamp dated 25.01.2008 submitted by the applicants' agent, which will satisfy the requirements of Policy GP4a and aims to achieve a full BREEAM rating of "Very Good".

Reason: In the interests of sustainable development and Policy GP4a

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual/residential amenity, affordable housing provision and highway issues. As such the proposal complies with Policies GP1, GP10, GP4a, H2a, H4a and L1c of the City of York Development Control Draft Local Plan.

2. Demolition and Construction - Informative

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

The developer's attention 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:

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08.00 to 18.00

Saturday 09.00 to 13.00
Not at all on Sundays and Bank Holidays.

2. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".
3. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.
4. The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.
5. All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.
6. There shall be no bonfires on the site.

3. 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:

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

Contact details:

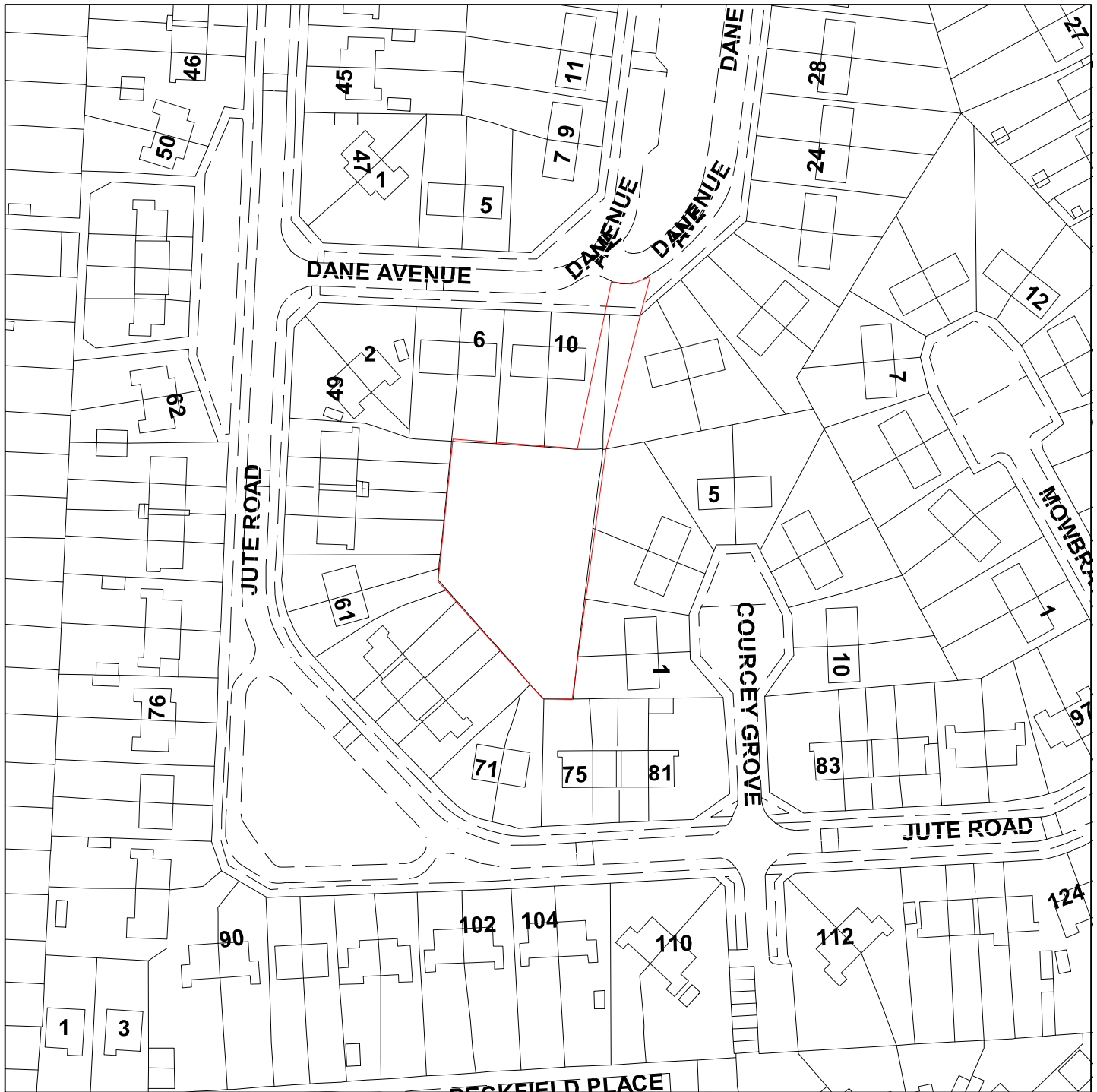
Author: Richard Mowat Development Control Officer
Tel No: 01904 551416

Land to rear of 6 to 10 Dane Avenue, York

07/02738/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	04 February 2008
SLA Number	Not set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Micklegate
Date: 14 February 2008 **Parish:** Micklegate Planning Panel

Reference: 07/02519/FUL
Application at: The Bonding Warehouse Skeldergate York YO1 6DH
For: Use of upper floors as 9no. residential units and ground floor as office (B1 use) including new mansard roof to southern building, erection of stair and lift access tower in courtyard and bridge link to Skeldergate
By: Mr W Legard
Application Type: Full Application
Target Date: 18 December 2007

1.0 PROPOSAL

1.1 The Bonding Warehouse is one of the few surviving warehouses on the west bank of the River Ouse and as such it marks the earlier industrial and commercial role of former wharfs in this area. From the late medieval period the south west bank of the Ouse was one of the principal dock areas of York. The building itself was built around 1875 by the Corporation of York, replacing an earlier smaller warehouse which had been built over the line of the former medieval city wall. It pre-dates Skeldergate Bridge by less than 10 years. Both structures are listed grade 11 and are situated within the Central Historic Core conservation area.

1.2 The warehouse is L-shaped on plan encompassing a yard enclosed by walls, gate-piers and railings which are also mentioned in the list title. There are two sections of different heights (3 storeys and 2 storeys) with separate roof forms. Cast iron columns support the open floor spans and the lower floors have brick vaulted fire-proof construction. The river frontage has been designed as the principal architectural frontage, forming the river wall at its base.

1.3 Planning permission is sought for the conversion of the Bonding Warehouse to office and residential use (9 flats). External alterations include a new mansard roof storey to the existing two storey eastern section of the building, a stair and lift tower and a bridge link over Terry Avenue to Skeldergate. A companion listed building consent application (07/02520/LBC) is reported elsewhere on this agenda.

1.4 The permitted use as a bar ceased in 2000 following the flooding of the building. The bar conversion and the addition of balconies on the river frontage had taken place in about 1980. Planning permission for the conversion of the building into offices was granted in 1994 (ref:7/009/02218G/FUL) but not implemented.

1.5 A site visit is required as 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

Listed Buildings Multiple (Spatial)

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYGP15
Protection from flooding

CYHE2
Development in historic locations

CYHE4
Listed Buildings

CYHE11
Trees and landscape

CYT4
Cycle parking standards

CYH1
Housing Allocations

CYE7
B1 office devt in Existing Buildings

CYED4
Developer contributions towards Educational facilities

CYL1C
Provision of New Open Space in Development

CYHE10
Archaeology

CYH2
Affordable housing on housing sites

CYH5
Residential densities over 25 per ha

3.0 CONSULTATIONS

INTERNAL

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

Conservation Architect

3.1 The building has been unoccupied since the late 1990's having been susceptible to intermittent flooding. As it is not possible to raise the internal ground floor level above the anticipated flood level without losing a viable storey height, a scheme of tanking the ground floor is being implemented (LBC approval obtained last year). Implementation of flood measures is the first step in securing a long term future for the building.

3.2 The roof is in a poor state of repair and the building would remain a "building at risk" if it continued to be unoccupied (vandalism and decay). The current proposals are therefore welcome, and they have been already been supplemented by a schedule of temporary repairs for immediate protection of the roof.

3.3 Proposals seek to create two linked commercial units at ground floor with 9 apartments above. All but one of the apartments are of a generous size and have storage. The scheme has a number of implications for the conservation area as well as for the building as a listed building.

3.4 The building is an important component of the riverside environment and this scheme would appear to create a viable use for the building. It would remove dereliction and provide new life in this area. Otherwise the scheme would have very little impact on the character and appearance of the conservation area given the onerous criteria imposed by flooding conditions. Alterations to the building appear to have been kept to a minimum compatible with practicality and viability and the scheme would appear to respect the special interest of the building.

Countryside Officer

3.5 A recommendation of the Bat Report submitted with the application is that features be incorporated into the building to enhance its value for bats. Suggest a condition to cover this aspect.

Landscape Architect

3.6 The bridge would involve the removal of a Norway Maple (reference T2 in Popplewell Associates tree survey). Whilst there are no arboricultural reasons to remove the tree at this time, it is poorly formed and exhibits some decay. It is therefore considered a category C tree, so it is not of sufficiently high quality to impose a restriction on this fairly critical element of the development.

3.7 I would expect a replacement tree to be planted in front of the bridge. Therefore please include a condition to that effect.

EDUCATION PLANNING OFFICER

3.8 Education seek a total contribution of £53,836 towards additional school places at Scarcroft Primary (£21,296) and Millthorpe School (£32,540).

ENVIRONMENTAL PROTECTION UNIT

3.9 In the past, EPU have dealt with complaints about noise and odour from the boats on the river from residents in properties located close to the River Ouse. Whilst none of the complaints constituted a statutory nuisance under the Environmental Protection Act 1990 a condition is recommended to ensure the future residents of the building do not suffer a loss of amenity due to the river traffic or road traffic noise on Skeldergate bridge and a condition to ensure that any that the any plant and machinery installed to prevent a loss of amenity within the residential and business units.

Suggest as the property lies close to the Air Quality Management Area (AQMA) there be limited parking facilities associated with this development.

HIGHWAY NETWORK MANAGEMENT

3.10 No objection to car parking on the assumption that the parking spaces are for the residential use and not office/commuter use.

3.11 Cycle storage and refuse bin storage is confined to a space of approximately only 5m x 1.5m and would not accommodate the recommended number of cycle spaces (14 for the residential aspect and 9 for the B1 use). All spaces should be covered and secure and preferably not communal. Revised plans have been submitted and any further comments will be reported verbally.

3.12 Comments regarding the bridge have been superseded by the submission of plans showing a retractable bridge. Any further comments will be reported verbally.

EXTERNAL

BRITISH WATERWAYS

3.13 No impact on the waterway.

CONSERVATION AREA ADVISORY PANEL

3.14 The panel were broadly supportive of this scheme. However they were felt that the ground floor should retain as much of the existing openness as possible. The panel were also concerned with regard to the extra floor and the implications that had for the roofing material. The panel did not feel that the roof material suggested was suitable for a listed building and feel that lead was the only suitable material. The panel also felt that the bridge was too heavy, they felt that a light slim metal bridge would be more suitable in that location.

ENVIRONMENT AGENCY

3.15 The Agency is not objecting to this development because of the access route provided by the proposed bridge onto Skeldergate, as well as the various protection measures set out in the Flood Risk Assessment. However, the applicant is advised to ensure that the ground floor commercial area can be insured to be sure that the proposed use is sustainable. As explained in the FRA, the building has been empty since the 2000 flood because of the damage caused in that event.

Conditions regarding flood protection measures are recommended.

ENGLISH HERITAGE (Comment on the LBC reported here for completeness)

3.16 Do not object to the proposed details of the conversion of the building to another use, but do not support the principle or design detail of the proposed bridge which would harm the appearance of Skeldergate. Suggest that the detailing could be made more slim and refined). If this is the only option with regard to providing flood risk access to the building for residential use, question whether such a use for the building is appropriate.

POLICE ARCHITECTURAL LIAISON OFFICER

3.17 No objections.

VICTORIAN SOCIETY (Comment on the LBC - reported here for completeness)

3.18 The Society is supportive of the proposed scheme in principle, which would clearly help to deliver a viable long term future for a building of both local and national significance.

3.19 Consider that the design of the stair tower and bridge is inappropriate. The design of the stair tower makes very strong references to the Bonding Warehouse both in terms of design and materials, this creates the potential for confusion between old and new. The proposed bridge appears to be over-engineered, and the design and materials, being of a more rustic nature, are not suitable for the context of a polite building in a city centre location. The opportunity for a coherent modern intervention is being missed. The stair tower and bridge should be designed in a modern idiom making use of lightweight modern materials.

3.20 Feel it would be more appropriate to use roof lights than dormers in the roofspace of the three storey building as dormer windows are very domestic in nature.

NEIGHBOURS/INTERESTED PARTIES

Three letters have been received in response to the application.

3.21 No objection to any internal reconfiguration building work, we do strongly object to any work which would significantly change the exterior of the building. We can see no reason why this is necessary as there is an alternative - both stairs and lift (if a lift is really required) could be located internally. We are not objecting to the plans to build a bridge from Skeldergate to the 1st floor of the building. However, we would object to the removal of any trees to facilitate the building of this bridge as the trees in question provide privacy to our 1st floor flat from the traffic (both foot and motor) on Skeldergate Bridge.

3.22 Welcome the proposal to restore the building. Concerned regarding the proposed mansard roof which has a weak appearance at the Skeldergate Bridge end. Concerned with the design of the pedestrian bridge, should be an elegant lightweight construction in steel. The present design is clumsy and crude and would be vulnerable to vehicle strike. The link to Skeldergate is not properly thought out, masonry should be used to integrate to the present bridge rather than the proposed landscaped bank.

3.23 Welcome proposals to bring building back into use. Object to the design of the bridge which conflicts with the line of Skeldergate Bridge and presents an unwelcome interruption to the long-distance view. The warehouse is of a robust design, to emulate this in the proposed bridge structure is a mistake. It would be far better to pull down the structure as far as possible so it has minimal visual impact.

4.0 APPRAISAL

KEY ISSUES

4.1 The main planning issues with this application are:

- Acceptability of the proposed uses
- Flood risk
- Impact on the listed building and the conservation area

- Highways
- Living conditions of nearby residents
- Bats
- Education contributions
- Open space contributions

PROPOSED USES

4.2 The application site is allocated for residential development under policy H1.30 of the local plan. This estimates that the capacity of the site is 20 dwellings and as such suggests an indicative affordable housing target of 10 dwellings. However the application proposes 9 dwellings, which is below the affordable housing threshold (15 dwellings or more) as set out in policy H2a. The density of the proposal equates to about 90 dwellings to the hectare, policy H5a aims for all applications for new residential development in the city centre should achieve a density of greater than 60 dwellings per hectare. The application provides for a mix of 1, 2 and 3 bed flats and while the unit sizes are reasonably generous it is not considered that the scheme is being developed at an unduly low density.

4.3 The ground floor of the building is proposed to be used for office purposes, about 510m² of B1 accommodation is proposed which could be split into two units. The ground floor is less suitable for residential purposes than the upper floors because of flood risk issues, which helps to explain the reduction in the number of residential units from that indicated by policy H1.30. It is considered that the office use of the ground floor is acceptable in its own right when assessed against policy E7 which states that B1 uses will be permitted at ground floor level where it would not harm the vitality and viability of the City Centre.

FLOOD RISK

4.4 The building is prone to flooding in times of high river levels. The is normally confined to be basement level, but during the floods of November 2000 the ground floor flooded to a depth of about 0.5m. The building has been unused since. To address this issue the ground floor is to be "tanked" to protect against similar flood events. Listed Building Consent for the ground floor internal flood defence works was granted in November 2007.

4.5 The application was accompanied by a Flood Risk Assessment (FRA). The FRA concludes that the re-development of the building will be dependent on reducing flood risk to an acceptable level without increasing floodrisk elsewhere. The strategy recommends allowing the basement to flood at its current frequency and making the ground floor flood resistant (as described in 4.4). It looks at the option of constructing flood defences around the building but does not recommend this option due the visual impact of the flood walls and gates and the loss of flood plain storage. The FRA recommends that a bridge link to higher ground on Skeldergate be considered.

4.6 There does not appear to be a reasonable alternative to the bridge link, which is therefore the key to the re-use of the building and the long term protection of the listed building. The revised drawings show a retractable bridge which overcomes the

impact and townscape issues regarding a fixed bridge. The bridge is acceptable to the Environment Agency and in conjunction with the other flood risk measures would satisfy the provisions of policy GP15a 'Development and Flood Risk' and PPS25 'Planning and Flood Risk' which requires that any flood risk will be successfully managed with the minimum environmental effect and ensure that the site can be developed, serviced and occupied safely.

IMPACT ON THE CONSERVATION AREA AND LISTED BUILDING

4.7 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. Policy HE2 requires that development proposals within conservation areas must respect adjacent buildings, open spaces, landmarks and settings and that proposals must maintain or enhance existing urban spaces, views and other townscape elements which contribute to the character and appearance of the area.

4.8 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.

Bridge Link

4.9 As discussed above this is an Environment Agency requirement and is the key to the future use of the building. The original proposal for a permanent bridge has been superseded by a bi-fold bridge proposal which would only be lowered in times of flood. This is an ingenious solution with very little impact on the conservation area. However it depends on there being a permanent landing structure within the landscape opposite to enable occupants to escape at higher level close to Skeldergate Bridge. This permanent structure would have a minor adverse impact on the conservation area. Drawings indicate that the design would be based on forms derived from Skeldergate bridge, albeit much simpler. Good detailed design of this element would moderate concerns and this would need to be subject of conditions.

Subject to an acceptable replacement tree being planted the loss of the Maple for the construction of the link is considered to be acceptable and the proposals would meet the requirements of policy HE11 (Trees and Landscape within Conservation Areas).

The fixed structure which links to Skeldergate passes through land designated as open space in the local plan. Policy GP7 normally requires for a compensatory provision of an equivalent size and standard to be provided in the vicinity of the site.

It is not considered that such a requirement is necessary in this case given the area concerned and the nature of the open space.

New Stair Tower

4.10 This would replace the existing, later single storey entrance. The original built-in staircase is in the wrong place to serve both sides of the building off the service yard/forecourt. The new design would be a simple tower with details based on those of the existing building, with a glazed section linking to the original building. Revised drawings have been received showing the tower separated from the adjacent building (as originally submitted it overlapped at high level), the supports for the glazed link unexpressed on the outside of the building, the doorway position changed so that the flood door can open against the return brick wall.

Yard

4.11 Layout and access to the former service yard would be altered to meet access requirements and allow for parking. Existing setts should be reused to demark the new layout. The small gateway is undamaged and it would remain in-situ, with the plinth wall continues at low level to hide the ramp. The wider gateway has received excessive plastic repair (pillars are smothered in concrete) which indicates extensive damage in this vulnerable position. These will be replaced by new pillars (to match original in design) to be set in the new location. Existing coping stones will be reused. The perimeter wall and railings are mentioned in the list description, though railings and gates have been modernised. The new gate will be of an open steel type to be similar to the railings. Proposals represent a minor change to the listed building and there should be a slight enhancement of the conservation area.

Roof (3 storey section of building)

4.12 The higher roof would receive a limited number of dormers and rooflights. Revised plans show the originally submitted wider rooflights, which would be highly visible from Skeldergate bridge and the east bank, reduced to match the those on the frontage and supplemented with rooflights. Dormer cheeks will be tile hung or in lead. The rooflights will be of conservation type, subdivided with two bars, to give a more industrial appearance. Given the slope of the roof and the size of the interventions in relation to roof size the minor physical and visual impact on the listed building would appear justified.

Roof (2 storey section of building)

4.13 The viability of the scheme would appear to depend on maximizing useable floor space. It is proposed to remove the existing roof and replace it with a mansard roof structure. The existing roof is a shallow slate one which has been subdivided into three elements. There are 4 valley gutters as well as the perimeter gutter and these are vulnerable points in the building. The structural support system has had to be supplemented with additional internal columns as the trusses appear to have been supported on the tie-beam at mid span which is totally inefficient. Existing column positions present restrictions in designing a layout and the existing roofspace is unusable. The additional floor covered by a mansard structure could be

achieved within the maximum roof height of the existing structure. This roof would be more bulky in appearance than that existing but the parapet would help to reduce the visual depth of the inclined walls. Windows have been recessed which will reduce their impact. Careful choice of the finish and layout of the covering material will be necessary to avoid this roof being unduly noticeable from Skeldergate Bridge. The nature of the flat roof means that a sheet material must be used. This should be in metal to achieve quality, durability and a standing seam layout. Subject to detail and finish this element of the proposals would appear justified, though they represent a change to the "as built" construction.

Windows

4.14 These are of a multi-pane type with a centre pivot section. Few of the original cast iron windows survive and a majority have been replaced in timber with fixed openers. Photographs from the 1970s show that all the windows of the two storey part had been removed and window openings have been blocked. It is intended to replace the windows in steel. Ground floor windows would have to be specially adapted at low level to receive the pressure valve required by the tanking system (or they might break). Whilst the overall design can be copied as a fixed light, the introduction of opening vents would cause some thickening of the frame. Alternative designs are being investigated to minimize the effect of the vents. It should be possible to achieve a satisfactory window design, though there would be a slight variation at the opener (still to remain as a hopper type though). Sub Committee will be updated on this issue. It is intended to retain original windows associated with the original staircase. As the majority of windows have already been altered the impact on the special interest of the building should be minimized.

Conclusion

4.15 The building is an important component of the riverside environment and this scheme would appear to create a viable use for the building. It would remove dereliction and provide new life in this area. Otherwise the scheme would have very little impact on the character and appearance of the conservation area given the onerous criteria imposed by flooding conditions. Alterations to the building appear to have been kept to a minimum compatible with practicality and viability and the scheme would appear to respect the special interest of the building.

HIGHWAYS

4.16 The application proposes 9 parking spaces for the residential use. There would be no parking for the office uses. The existing vehicle access would be relocated away from the junction of Terry Avenue with Skeldergate. Revised plans have been received which show separate and secure cycle parking for the office and the residential element. An update on the highway aspects of the application will be reported verbally at the meeting.

LIVING CONDITIONS OF NEARBY RESIDENTS

4.17 The nearest residential properties are within City Mills adjacent to the site and within Lady Anne Court (Middleton, Boleyn and Clifford House) to the west across

Skeldergate. It is unlikely that the proposed uses will have any detrimental impact on properties within these developments, similarly the new lift and stair tower are not considered to result in overshadowing or to be overbearing. An objection has been received to the loss of trees affecting the outlook from a nearby property. One tree is to be removed. The loss of the single tree, given the wooded nature of the bank and the imperative for the bridge is not objected to by officers. The proposals are considered to comply with the provisions of policy GP1 in this regard.

BATS

4.18 The Bat Survey submitted with the application recorded significant bat activity in the vicinity of the site, but there was no evidence that bats were using the building or trees for roosting. Although there is no anticipated adverse impact on bats from the development, the survey recommends that bat access features are incorporated into the building during works because the building is ideally located to support roosting bats. Policy NE6 states that where proposals may have a significant effect on species or habitats, applicants will be expected to undertake an appropriate assessment demonstrating their proposed mitigation measures. Planning permission will only be granted for developments that would not cause demonstrable harm to animal or plant species protected by law, or their habitat. A condition is recommended and it is considered that the application is in accordance with policy NE6.

EDUCATION

4.19 Policy ED4 requires that in considering proposals for new residential development any consequences for existing schools will be assessed in accordance with the SPG - Developer Contributions to Education Facilities. The development is likely to result in additional demand for primary and secondary school places at Scarcroft and Millthorpe schools respectively. The developer has agreed to pay a contribution of £53,836 towards the provision of additional school places.

OPEN SPACE

4.20 Policy L1c of the Local Plan 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 development. Where residential applications are for less than 10 dwellings, in most cases, a commuted sum payment towards open space provision will be acceptable. The developer has agreed to provide a contribution of £14,856 towards local play, amenity and sports pitches. This is in accordance with the Council's "Commuted Sum Payments for Open Space in New Developments - A Guide for Developers" and policy L1c.

5.0 CONCLUSION

5.1 The building is an important component of the riverside environment and this scheme would appear to create a viable use for the building. It would remove dereliction and provide new life in this area.

5.2 Aspects of the scheme in particular the link to Skeldergate, the new stair tower and the mansard roof are contentious but officer's are of the opinion that these elements are justified to ensure the use and continued existence of this important listed building.

5.3 Overall the proposals are considered to have an acceptable impact on the listed building and the conservation area given the constraints of the site and be in compliance with the policies of the local plan and with the guidance contained within PPG15 (Planning and the Historic Environment) and PPS25 (Development and Flood Risk).

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- | | | |
|---|--------|--|
| 1 | TIME2 | Development start within three years |
| 2 | PLANS2 | Apprvd plans and other submitted details |
| 3 | S106E | IN Section 106 Education |
| 4 | S106OS | IN Section 106 Open Space |

5 No development shall take place until full details of what measures for bat mitigation and conservation are proposed have been submitted to and approved by the Council and a Natural England Licence approving these mitigation measures received. A copy of the Natural England licence should be supplied to the Council prior to any work taking place.

The measures should include :

- i. An emergent survey shall be carried out at the appropriate time of year as approved by the local planning authority (if the work is to be carried out between April and September) and submitted to the Council no more than one month prior to the commencement of development.
- ii. Details of how the work is to be implemented to take account of the possible presence of bats.
- iii. Details of what provision is to be made within the development to enhance the features suitable for bat roosting. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards and bat lofts.

The works shall be completed in accordance with the approved details prior to the occupation of the accommodation and shall be retained unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To take account of and enhance habitat for a protected species in accordance with policy NE6 of the Development Control Local Plan and Planning Policy Statement 9

which requires that the replacement/mitigation proposed should provide a net gain in wildlife value.

Informative: If bats are discovered during the course of work, then work should cease and Natural England should be consulted before continuing.

6 Flood warning notices shall be erected in numbers, positions and with wording all to be approved by the Local Planning Authority. The notices shall be kept legible and clear of obstruction.

REASON To ensure that owners and occupiers of premises are aware that the land is at risk of flooding in accordance with policy GP15a of the Local Plan.

7 An evacuation procedure from all parts of the development (including the ground floor commercial area) shall be submitted to and approved in writing by the Local Planning Authority and be in place before occupation of the building. Measures should be introduced to ensure the procedure remains operational for the lifetime of the development.

REASON To ensure the users of the building remains 'safe' for its entire occupation, in line with PPS 25 and policy GP15a of the Local Plan.

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

Reason: To protect the amenity of the proposed premises and those of nearby buildings.

9 The building envelope of the property shall be constructed so as to achieve an internal noise level of not more than 30 dB(A) L_{Aeq} 1 hour (23.00 - 07.00 hours) in the bedrooms, 35 dB(A) L_{Aeq} 1 hour (07.00 - 23.00 hours) in all other habitable rooms and 45 dB(A) L_{Amax} in all habitable rooms with windows shut and other means of ventilation provided. The detailed scheme shall be approved by the local planning authority and fully implemented before the use hereby approved is constructed.

Reason: To ensure a satisfactory standard of residential amenity for future occupiers.

10 The floors and walls between each of the proposed flats and the office units on the ground floor dwellings shall be so adapted as to achieve a reasonable

resistance to airborne / impact sound. Insulation shall be in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works. Details of the floor and ceiling construction and proposed sound insulation measures, together with a composite sound reduction index for the new floor/ceiling will be required. The development shall be undertaken in accordance with the agreed submitted scheme.

Reason: To ensure a satisfactory standard of residential amenity for future occupiers.

11 VISQ7 Sample panel ext materials to be approv

12 VISQ8 Samples of exterior materials to be app

13 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 relevant part of the development and the works shall be carried out in accordance with the approved details.

i/ Glazed link

ii/ Retractable bridge and walkway to Skeldergate

iii/ New gate (to be of an open steel type to match the existing railings)

iv/ New dormer windows

v/ Rooflights (to be conservation type sub-divided by two glazing bars)

vi/ All new windows

Reason:

Because of the special interest of the listed building and the character and appearance of the conservation area in accordance with policy HE2 and HE4 of the Local Plan.

14 The replacement entrance pillars shall match the existing in design and detailed execution and the existing coping stones shall be re-used.

Reason

Because of the special interest of the listed building and the character and appearance of the conservation area in accordance with policy HE2 and HE4 of the Local Plan.

15 A sample panel of the roof material of the new mansard roof including standing seams shall be erected on the site, and shall be approved in writing by the Local Planning Authority prior to the commencement of works to construct the mansard. The mansard shall be completed in accordance with the approved sample.

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

16 The Maple to be removed shall be replaced with a tree in a location to be

shown on a plan to be submitted and approved by the local planning authority (LPA). The replacement tree shall be to the following specification: heavy standard; minimum 12-14cm girth; 350-425cm height; min. 5 branches, with a strong, straight main leader. The tree species shall be *Acer platanoides* or other similar species agreed in writing with the LPA. The tree shall be planted within 6 months of completion of the development. If within a period of five years from the completion of the development, the tree dies, is removed or becomes seriously damaged or diseased, it shall be replaced in the next planting season with another of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: To perpetuate the tree cover that adds to the amenity value of the conservation area.

17 Before the commencement of development, including implementation of utilities, site preparation, building operations, any excavations, or the importing of materials, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing, phasing of works, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, storage of materials, and location of marketing cabin.

Reason

In the interest of the character and appearance of the conservation area.

18 ARCH2 Watching brief required

7.0 INFORMATIVES: Notes to Applicant

1. An "oversailing licence" would be required for structures over the highway, further details of which can be obtained from Alistair Briggs 551368 (Highway Network Management - Traffic).
2. The Environment Agency is not objecting to this development because of the access route provided by the proposed bridge onto Skeldergate, as well as the various protection measures set out in the Flood Risk Assessment. However, the applicant is advised to ensure that the ground floor commercial area can be insured to be sure that the proposed use is sustainable. As explained in the FRA, the building has been empty since the 2000 flood because of the damage caused in that event.
3. 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 remediation scheme to the

satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

The developer's attention 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:

i. 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.	

ii. 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".

iii. 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.

iv. 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.

v. 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.

vi. There shall be no bonfires on the site.

4. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the special interest of the listed building, the character and appearance of the conservation area, the living conditions of nearby residents, flood risk, protected species, highway safety and the provision of leisure, open space and education facilities. As such the proposal complies with Policies GP1, GP15a, HE2, HE4, HE10, HE11, T4, H1, E7, ED4, L1c and NE6 of the City of York Local Plan Deposit Draft and the guidance contained in Planning Policy Guidance 15 (Planning and the Historic Environment) and Planning Policy Statement 25 (Development and Flood Risk).

Contact details:

Author: Gareth Arnold City Centre/West Team Leader

Tel No: 01904 551320

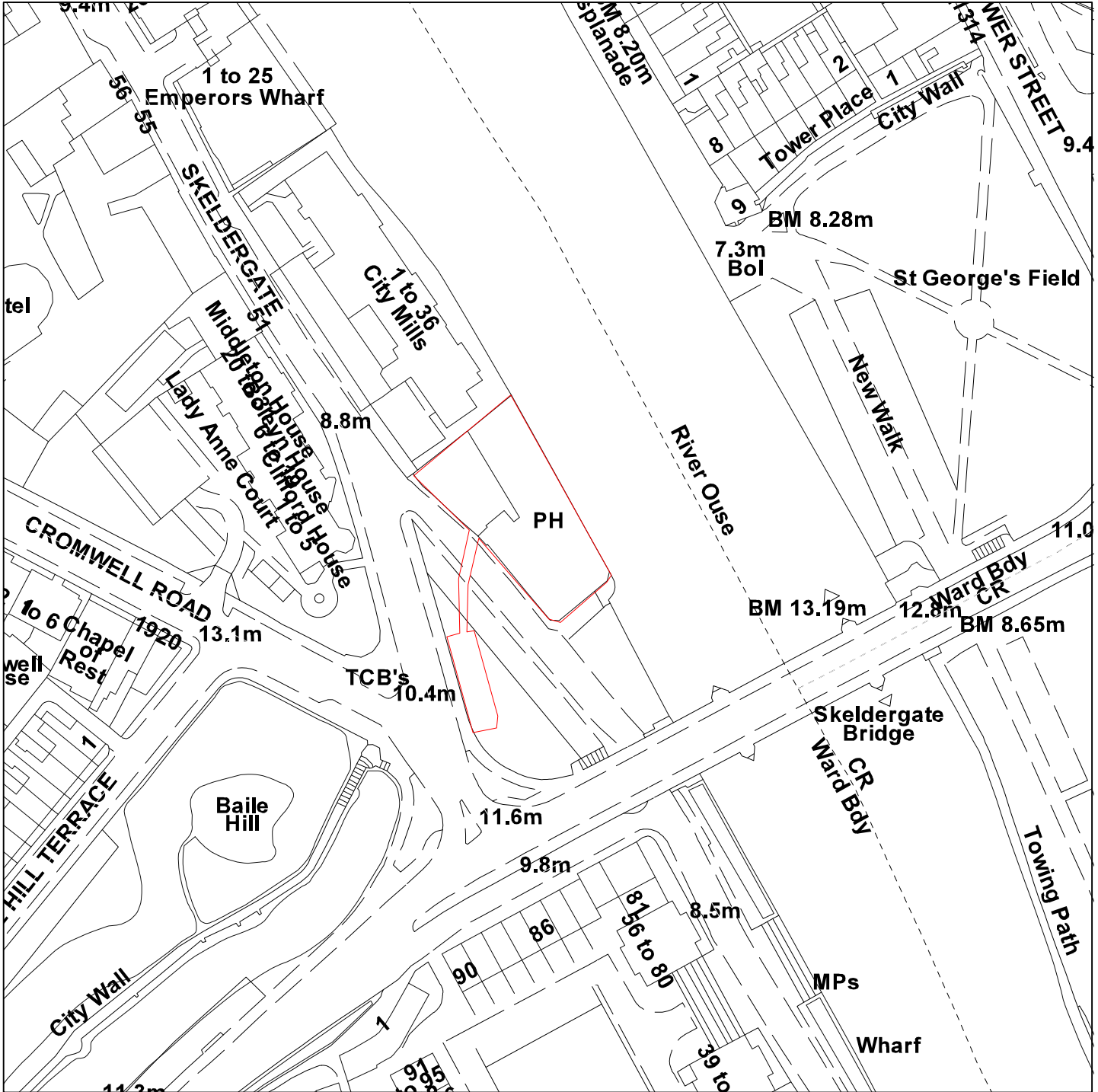
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The Bonding Warehouse, Skeldergate, YO1 6DH

07/02519/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	04 February 2008
SLA Number	Not set

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COMMITTEE REPORT

Committee: West/Centre Area
Date: 14 February 2008

Ward: Micklegate
Parish: Micklegate Planning Panel

Reference: 07/02520/LBC
Application at: The Bonding Warehouse Skeldergate York YO1 6DH
For: Internal and external alterations including new windows, new mansard roof to southern building, erection of stair and lift access tower in courtyard and bridge link to Skeldergate in connection with conversion of building to residential and office use
By: Mr W Legard
Application Type: Listed Building Consent
Target Date: 19 December 2007

1.0 PROPOSAL

1.1 The Bonding Warehouse is one of the few surviving warehouses on the west bank of the River Ouse and as such it marks the earlier industrial and commercial role of former wharfs in this area. From the late medieval period the south west bank of the Ouse was one of the principal dock areas of York. The building itself was built around 1875 by the Corporation of York, replacing an earlier smaller warehouse which had been built over the line of the former medieval city wall. It pre-dates Skeldergate Bridge by less than 10 years. Both structures are listed grade 11 and are situated within the Central Historic Core conservation area.

1.2 The warehouse is L-shaped on plan encompassing a yard enclosed by walls, gate-piers and railings which are also mentioned in the list title. There are two sections of different heights (3 storeys and 2 storeys) with separate roof forms. Cast iron columns support the open floor spans and the lower floors have brick vaulted fire-proof construction. The river frontage has been designed as the principal architectural frontage, forming the river wall at its base.

1.3 Listed Building Consent is sought for internal and external alterations in connection with the proposed conversion of the Bonding Warehouse to office and residential use (9 flats). External alterations include a new mansard roof storey to the existing two storey eastern section of the building, a stair and lift tower and a bridge link over Terry Avenue to Skeldergate. A companion planning application (07/02519/FUL) is reported elsewhere on this agenda. This report deals only with the internal alterations to the building, the external alterations and the impact on the special interest of the building are considered in the report on the planning application.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Listed Buildings Multiple (Spatial)

2.2 Policies:

CYHE4

Listed Buildings

3.0 CONSULTATIONS

INTERNAL CONSULTATION RESPONSES

DESIGN CONSERVATION AND SUSTAINABLE DEVELOPMENT

Conservation Architect

3.1 There have been a few alterations to the building. Structural strengthening has been carried out by supplementing existing columns with simple steel ones to improve load-bearing as a warehouse, and there are extensive concrete works to consolidate the basement. A refurbishment in the 1980s led to its reuse as a restaurant and "pub" and changes implemented at this time included reopening windows in the 2 storey section (earlier windows were copied in timber and not cast iron), the addition of external platforms and balconies to the river frontage, alteration of the access off the street on Terry Avenue. Internally two additional staircases were added (one an escape one) and there was minor subdivision to provide for storage and other ancillary uses.

3.2 The building has been unoccupied since the late 1990's having been susceptible to intermittent flooding. As it is not possible to raise the internal ground floor level above the anticipated flood level without losing a viable storey height, a scheme of tanking the ground floor is being implemented (LBC approval obtained last year). Implementation of flood measures is the first step in securing a long term future for the building.

3.3 The roof is in a poor state of repair and the building would remain a "building at risk" if it continued to be unoccupied (vandalism and decay). The current proposals

are therefore welcome, and they have been already been supplemented by a schedule of temporary repairs for immediate protection of the roof.

3.4 The building is an important component of the riverside environment and this scheme would appear to create a viable use for the building. It would remove dereliction and provide new life in this area. Otherwise the scheme would have very little impact on the character and appearance of the conservation area given the onerous criteria imposed by flooding conditions. Alterations to the building appear to have been kept to a minimum compatible with practicality and viability and the scheme would appear to respect the special interest of the building.

EXTERNAL CONSULATION RESPONSES

CONSERVATION AREA ADVISORY PANEL

3.5 The panel were broadly supportive of this scheme. However they were felt that the ground floor should retain as much of the existing openness as possible. The panel were also concerned with regard to the extra floor and the implications that had for the roofing material. The panel did not feel that the roof material suggested was suitable for a listed building and feel that lead was the only suitable material. The panel also felt that the bridge was too heavy, they felt that a light slim metal bridge would be more suitable in that location.

ENGLISH HERITAGE

3.6 Do not object to the proposed details of the conversion of the building to another use, but do not support the principle or design detail of the proposed bridge which would harm the appearance of Skeldergate. Suggest that the detailing could be made more slim and refined). If this is the only option with regard to providing flood risk access to the building for residential use, question whether such a use for the building is appropriate.

VICTORIAN SOCIETY

3.7 The Society is supportive of the proposed scheme in principle, which would clearly help to deliver a viable long term future for a building of both local and national significance.

3.8 Consider that the design of the stair tower and bridge is inappropriate. The design of the stair tower makes very strong references to the Bonding Warehouse both in terms of design and materials, this creates the potential for confusion between old and new. The proposed bridge appears to be over-engineered, and the design and materials, being of a more rustic nature, are not suitable for the context of a polite building in a city centre location. The opportunity for a coherent modern intervention is being missed. The stair tower and bridge should be designed in a modern idiom making use of lightweight modern materials.

3.9 Feel it would be more appropriate to use roof lights than dormers in the roofspace of the three storey building as dormer windows are very domestic in nature.

MICKLEGATE PLANNING PANEL

3.10 The Planning Panel as a whole did not wish to object but concerns were expressed particularly over the changes to the roofline which will be highly visible.

INTERESTED PARTIES

Two letters received in response to publicity/neighbour notification.

3.11 Welcome the proposal to restore the building. Concerned regarding the proposed mansard roof which has a weak appearance at the Skeldergate Bridge end. Concerned with the design of the pedestrian bridge, should be an elegant lightweight construction in steel. The present design is clumsy and crude and would be vulnerable to vehicle strike. The link to Skeldergate is not properly thought out, masonry should be used to integrate to the present bridge rather than the proposed landscaped bank.

3.12 Welcome proposals to bring building back into use. Object to the design of the bridge which conflicts with the line of Skeldergate Bridge and presents an unwelcome interruption to the long-distance view. The warehouse is of a robust design, to emulate this in the proposed bridge structure is a mistake. It would be far better to play down the structure as far as possible so it has minimal visual impact.

4.0 APPRAISAL

4.1 Key Issues

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

4.2 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 This report deals only with the internal alterations to the building. All other alterations are considered in the report on the planning application 07/02519/FUL elsewhere on this agenda.

Internal Sub Divisions

4.5 The major sub-dividing walls would be retained and open areas on the upper floors would be subdivided to create domestic accommodation. It should be possible to distinguish between the new and the introduced fabric. Exposed brickwork should remain exposed. The dwellings have been set out to make maximum use of existing window and door positions. The ground floor with the brick-arch roof construction would remain open in all sections.

Columns

4.6 Existing cast iron columns would be retained and many of the later steel columns would be removed. This would be of benefit to the interior of the building.

Original staircase

4.7 This would be retained in-situ, though it would not be possible to use it as a staircase in the scheme. It is against the river wall.

Equipment

4.8 Externally the hoist would remain. The mezzanine floor within the upper floor of the 3 storey section is a later insertion and this should be recorded prior to any work commencing on site. The internal cast iron pivot jib has been relocated from elsewhere and the metal chute is relatively recent. Nevertheless these elements should be recorded.

5.0 CONCLUSION

5.1 The building is an important component of the riverside environment and this scheme would appear to create a viable use for the building. It would remove dereliction and provide new life in this area. Alterations to the building appear to have been kept to a minimum compatible with practicality and viability and the scheme would appear to respect the special interest of the building. The proposal is considered to accord with the provisions of policy HE4 and PPG15 "Planning and the Historic Environment"

6.0 RECOMMENDATION: Approve

- 1 TIMEL2 Development start within 3 yrs (LBC/CAC)
- 2 PLANS2 Apprvd plans and other submitted details

3 All exposed brickwork shall remain exposed unless otherwise approved in writing by the local planning authority.

Reason: In order to retain the special interest of the listed building.

4 Details of all new equipment, service runs and vents shall be submitted to and approved in writing by the local planning authority prior to their installation.

Reason

In order to retain the special interest of the listed building.

5 The following items shall be recorded and photographed in situ prior to the commencement of any development at the site.

i/ Cast iron pivot jib

ii/ Metal chute

Two copies of the document shall be sent to the local planning authority for records purposes.

Reason

To retain a record of those items that are to be removed in order to retain details of the special interest of the building.

7.0 INFORMATIVES:

Contact details:

Author: Gareth Arnold City Centre/West Team Leader

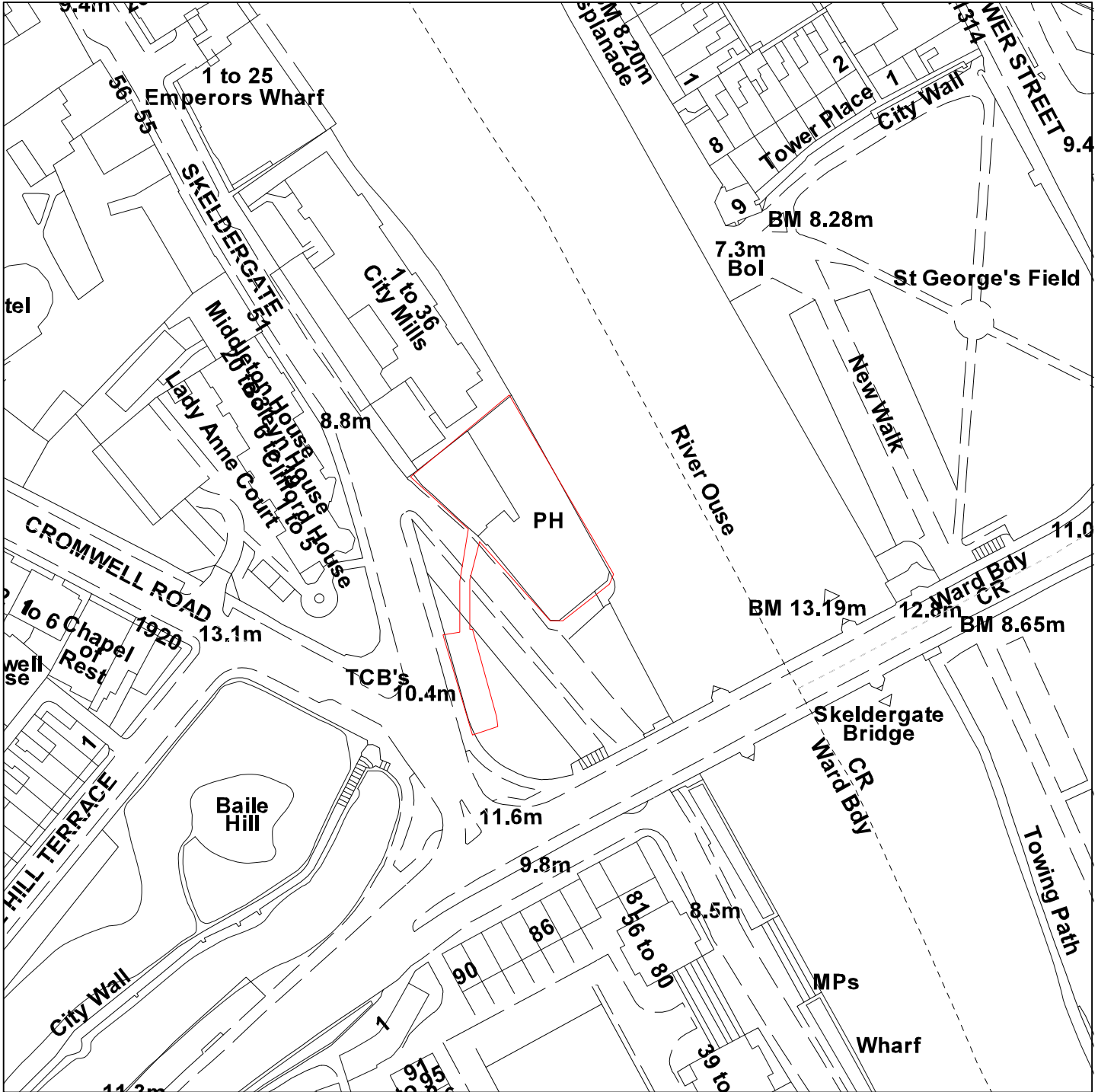
Tel No: 01904 551320

The Bonding Warehouse, Skeldergate, York YO1

07/02520/LBC



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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	04 February 2008
SLA Number	Not set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Acomb
Date: 14 February 2008 **Parish:** Acomb Planning Panel

Reference: 07/02720/FULM
Application at: Poppleton Gate Houses Millgates York
For: Erection of two and three storey development comprising 14no. flats and 5no. houses
By: York Housing Association
Application Type: Major Full Application (13 weeks)
Target Date: 15 February 2008

1.0 PROPOSAL

1.1 The application seeks permission for the erection of a two and three storey development comprising of 14 flats and 5 houses, all for social rent through Yorkshire Housing Association.

1.2 A previous scheme for the erection of a three storey block of 36 flats was submitted in April 2005 and subsequently withdrawn in May 2007 following negotiations with the applicant.

1.3 As part of the previous application a request was made to English Heritage to list the building. Having examined the property English Heritage decided it was not worthy of Listed status due to the modification it had previously been through which resulted in the loss of architectural integrity and the fact that little of the interior detail is intact. In addition most of the associated outbuildings and grounds have been lost. As such it did not meet the national criteria for listing of a building of this date and type, of which there are a large stock nationally.

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

CYGP4A
Sustainability

CYGP7
Open Space

CYH2A
Affordable Housing

CYH3C
Mix of Dwellings on Housing Site

CYH4
Housing devp in existing settlements

CYNE1
Trees, woodlands, hedgerows

CYNE6
Species protected by law

3.0 CONSULTATIONS

Internal

ARCHAEOLOGY

3.1 Watching Brief required on all groundworks

ENVIRONMENTAL PROTECTION UNIT

3.2 No objections subject to informatives in connection with demolition and construction

LEARNING, CULTURE AND CHILDRENS SERVICES

3.3 Education do not require a contribution as Carr Infant and York High Schools both have capacity

LIFELONG LEARNING AND CULTURE

3.4 Adequate amenity space is retained on site. Play space should be provided on site.

HOUSING AND ADULT SOCIAL SERVICES

3.5 The scheme provides 14 flats and 5 family houses, which have been identified as being required as part of the HMA. The Council will benefit from 100% nomination rights on first lets. As such the scheme is fully supported

LANDSCAPE ARCHITECT

Original Scheme

3.6. The building appears to encroach too much into the south west garden, which brings the building close to the mature trees and reduces this part of the garden to a belt of trees set back from the building. The large cedar casts shadow over most of

the garden area and being evergreen it will cast shadows over the properties in the winter when the sun is lower.

3.7 The tree protection measures are acceptable. However, concerns are raised in connection with the total loss of vegetation (8 trees in total) between the extended footprint and the rear garden of 10 Millgates. Hawthorne 1179 and Holly 1180 should be retained or replaced. The single disabled visitors parking space encroaches too far into the protection zone of the two trees, which make up G4.

3.8 The scheme creates a suitable private realm and ground floor ownership, both front and rear, and a good transition from public to communal garden. The southern elevation/landscape treatment creates a much better relationship between the building and southeast lawn than existing. Conditions recommended.

Revised scheme

3.9 The revised scheme indicated that of the 8 trees to be removed along the boundary one will be retained and additional planting will take place.

COUNTRYSIDE OFFICER

3.10 The bat survey carried out has highlighted the presence of a roost with signs that indicate that this could be a maternity roost. In order to adequately consider the implications of the redevelopment more detailed information is required on the number of bats found, the species using the site and what use they actually make of it and its surroundings. The information cannot be gathered at this time of year but can be carried out in May/June. Furthermore, this information will be required in order for Natural England to grant a licence in order for the building to be demolished.

3.11 After discussions with English Nature and Eric Bennet (bat specialist) it appears possible to condition mitigation works on the basis that the building is not demolished until October/November. This is also based on the applicant agreeing to the worst-case scenario mitigation measures, being a large Pipistrelle maternity roost with subsidiary summer roost sites. It may be possible that the survey is carried out and the roost is empty, which would be a possibility as the building is no longer occupied and bats require heated places, and as such less mitigation would be secured.

HIGHWAY NETWORK MANAGEMENT

3.12 No objections in principle to the development. Original concerns regarding disabled parking and cycle stores have been overcome. The provision of a footpath to the grass verge to the south side of Millgates is welcomed.

CITY DEVELOPMENT

3.13 The site is currently occupied by a residential use and so the redevelopment of the site for housing should not have a negative impact on the amenity of surrounding occupiers. The reasoning behind the design and layout of the proposed new building appears to satisfy Local Plan policy in terms of impact on the character of the area.

DRAINAGE

3.14 As the proposed method of surface water disposal is via soakaway they should be shown to work through an appropriate assessment carried out in winter.

External

NATURAL ENGLAND

3.15 Do not object to the scheme on the basis that the mitigation proposals in Section 15 of the bat survey are made strict conditions of any planning approval. The bat survey report confirms the presence of a bat roost, which is thought to be a Pipistrelle maternity roost, and the consultation highlights that a licence from Natural England will be required prior to any demolition work. The licence will require a detailed method statement and mitigation proposals including confirmation of species involved, the size of the roost and how the bats are utilizing the building. Planning permission does not absolve the applicant from complying with the relevant law, including obtaining and complying with the terms and conditions of any licence required.

NEIGHBOUR NOTIFICATION

Original submission

3.16 Nineteen letters received objecting on the following grounds:

- Unacceptable increase in the level of traffic using Millgates
- Access should be provided to The Paddock
- Potential danger due to narrow road and no footway
- Inadequate car parking forcing cars to park on the street
- Potential congestion on Boroughbridge Road in the future
- A development of houses would be more appropriate than flats
- History of the area is being lost with the demolition of the building
- Increased noise from vehicular movements and occupiers
- Inappropriate design
- Will overshadow number 10 Millgates
- Loss of privacy to number 12 Millgates
- Loss of the open space
- Concerns raised over children's safety
- Loss of mature planting and woodland
- The existing building should be retained and restored
- It is York Housing Association who have let the building fall into decay so they can demolish it and redevelop
- Loss of access to rear of 14 Millgates and refuse located close to the boundary
- Existing drainage system already overloaded
- Limited school capacity within the vicinity

- The building should be on the Local List if it had been agreed

Reconsultation expires 4th February 2008. Members will be updated

3.17 WARD CLLR SIMPSON-LAING - Writing on behalf of residents of Millgates and The Paddock raising the following concerns:

- Loss of trees
- Loss of Park Land setting
- Destruction of naturally seeded habitat - particularly along the boarder with The Paddock
- Disturbing of the environment for resident owls - believed to be barn owls
- Increased traffic - inadequate parking provided
- Loss of building
- Unsustainable development - demolition
- Poppleton Gate House is on the Local List

(Letter appended at the request of Cllr Simpson-Laing)

ACOMB PLANNING PANEL –

3.18 Object on the following grounds:

- Proposed properties are out of scale and proportion to surrounding properties
- The proposed 'end' properties of four and three storeys will be much higher than, and overlook all adjacent properties
- Development out of character with the neighbourhood
- Car parking does not provide more than one car per property
- Increased traffic on Millgates
- To open up access from The Paddock would increase traffic in a cul-de-sac out of all proportion to that at present

4.0 APPRAISAL

4.1 Key Issues

- Design and Landscape
- Public Open Space
- Demolition of the building
- Affordable Housing
- Highway Implications
- Presence of Bats

4.2 The relevant City of York Council Draft Deposit Local Plan Policies are GP1, GP4a, GP7, H2a, H3c, H4, NE1 and NE6.

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 GP4a 'Sustainability' of the Draft Local Plan requires all proposals for commercial or residential development to be accompanied by a 'sustainability statement'. The policy includes a list of criteria against which proposals should be judged which include: accessibility by means other than the car, whether the proposal would contribute to the social needs of the community, the contribution to the economy of the city, design quality, minimising the use of non-renewable resources, minimising pollution, conserving and enhancing natural areas and landscape features, maximising the use of renewable resources and making adequate provision for cycle storage and recycling

Policy GP7 states that the development of land designated as open space on the Proposals Map will only be permitted where; there will be no detrimental effect on local amenity or nature conservation; and compensatory provision of an equivalent size and standard is provided by the applicant in the immediate vicinity.

Policy H2a of the Draft Local Plan requires housing development of 15 dwellings/0.3Ha or more in the urban area and 2 dwellings/0.03Ha or more in villages with less than 5,000 population to provide affordable housing. The policy gives a target of 50% of dwellings to be affordable and requires that they are distributed throughout the housing development rather than being concentrated in one area.

H3c states that a mix of new house types, sizes and tenures will be required on all new residential development sites.

Policy H4a 'Housing Windfalls' of the 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.

Policy NE1 'Trees, Woodlands and Hedgerows' seeks to protect trees that are of landscape, amenity or nature conservation value by, inter alia, refusing development proposals that would result in their loss and by seeking appropriate protection measures when they are proposed for removal. Appropriate replacement planting will be sought where trees are proposed for removal.

Policy NE6 states that where proposals may have a significant effect on species or habitats, applicants will be expected to undertake an appropriate assessment demonstrating their proposed mitigation measures. Planning permission will only be granted for developments that would not cause demonstrable harm to animal or plant species protected by law, or their habitat.

DESIGN AND LANDSCAPE

4.3 The application site is located off the cul-de-sac of Millgates, off Boroughbridge Road. At present it consists of a large detached mid 19th Century former 'gentleman's residence' which has been converted to apartments and is located within substantial grounds. The scheme seeks permission for the redevelopment of the site to create 14 flats and 5 houses, all for social rent, following the demolition of the building.

4.4 The existing building lies close to the western boundary of the site with a large paved area located to the front of the building use for the parking of vehicles. The proposal pulls the property away from this boundary allowing for the provision of private garden areas and parking facilities to the rear. As a result the new building would project further into the existing southern grassed area than the current property does. The building has been designed in an 'L' shape with the main elevations facing onto the mature grounds. The majority of the development is two storey, 1.2m lower than the existing building, with a three storey element with rooms within the roof at the corner of the scheme. This section would have a height in the region of 4m higher than the existing building. The building would be divided into 5x3 bedroom houses, each with private amenity space and storage to the rear, 1x1 bedroom apartment, 8x2 bedroom apartments and 5x2 bedroom apartments. 21 car parking spaces have been provided in total, including 3 disabled, and secure cycle parking has also been provided on site.

4.5 The design of the building is considered acceptable, although the increase in height gives rise for some concerns. The terrace style element reduces the height from the original building and the tower elements give a visual break within the ridge height and add a focal point to the development. The increase in height would make the development visually more prominent within this area, dominated by single storey residential properties. However, it is sited at a considerable distance to the nearest property and would not have any impacts in terms of overdominance or overshadowing. The fact that the development stands well within the large grounds mitigates the overall height of the scheme.

4.6 The site has a number of protected trees present and mature landscaping, predominantly to the site boundary. The scheme seeks permission to remove a number of protected trees and replace them with new specimens. The original scheme proposed the removal of 8 trees to the boundary with number 10 Millgates. The scheme has been amended to retain one of the trees, a Thorn, and replace an existing Holly with a new Holly. The Council do not raise any objections to the removal of those trees proposed on the basis that they are replaced and subject to conditions.

OPEN SPACE

4.7 As the proposed development only creates 6 additional residential units on site there would be a requirement to provide a commuted sum payment only towards off site provision. However, as the site comprises of a large area of open grassed land, allocated on the Proposals Map as open space, the applicant has agreed to allow access to this area to be used a general public amenity space. A small play area is to be provided, primarily for use by the residents, and a financial contribution would be payable towards off site sports facilities. The formal opening up of this area to the

public is considered offset the section of the southwest lawn area which is to be lost to the development.

DEMOLITION OF BUILDING

4.8 Planning permission is not required for the demolition of the building as it is not listed nor does it fall within a conservation area. The building was examined by English Heritage in October 2006 and was not deemed worthy of listing. At present the Council do not have a list of buildings of local importance and as such it would be difficult for the council to object to its demolition. The applicant has stated that the current apartments have become outdated and do not meet today's requirements or standards. The building is considered to be thermally inefficient and falls below current standards of sustainability. Whilst conversion may be possible it would be costly and would not provide the level of accommodation required by the Housing Association. Furthermore, a Social Housing Grant, from the Housing Corporation, funds the proposal and as part of the requirement of this grant the homes must be built to Scheme Development Standards and Eco- Homes Very Good.

AFFORDABLE HOUSING

4.9 The property has been in the ownership of York Housing Association since 1981. The current scheme has been developed in partnership with City of York Councils Housing and Adult Social Services as part of the 2006-2008 Approved Development Programme. It has been developed in conjunction with the Housing Corporation and York Housing Association to redevelop an existing scheme in to 14 flats and 5 family houses all for social rent. The properties will be built by York Housing Association with the City of York Council benefiting from 100% nomination rights on first lets and 75% nomination rights on subsequent re-lets. These homes will help to meet the demand for family housing identified by the Housing Market Assessment released July 2007.

HIGHWAY IMPLICATIONS

4.10 Concerns have been raised in connection with increased vehicle movement along Millgates, inadequate parking and highway safety. The site is currently occupied by 13 apartments and provides 10 car parking spaces. The scheme increases this to 14 apartments and 5 dwellings and increases the parking levels to 21 spaces. Officers feel that this increase in parking provision for the development is acceptable. The vehicular access point to the site will be retained in its existing position with parking spaces being provided to the rear and side of the proposed development. There will be no vehicular or pedestrian access to The Paddock.

4.11 It is agreed that Millgates does narrow slightly towards the junction with the proposed development but it would still allow for the passing of vehicles. However, in order to reduce potential conflict between pedestrians and vehicles the applicant has agreed to fund the provision of a footpath along the southern side of Millgates, between the development site and number 16 Millgates. This area is currently a raised, kerbed grassed area, which is part of the adopted highway. As such it will be hardsurfaced to create the footpath.

PRESENCE OF BATS

4.12 As previously stated a bat survey was undertaken recently which indicated the presence of a roost within the roofspace. This roost is protected by law and as such any demolition of the building, which would affect the roost, would require consent from Natural England (NE). As part of this consent NE would require additional survey work to be carried out to assess the number of bats, the species and the type of roost. This information can not be obtained until June due to the hibernation season. However, in order for the Housing Corporation funding to be received the planning permission must be issued by February 15th. As such there is no available time to delay the processing of the application to undertake the survey. As such the applicant has agreed to provide the mitigation for the worst-case scenario, being a large Pipistrelle maternity roost with subsidiary summer roost.

4.13 Since the existing roost is to be destroyed, and the licence required, adequate measures would need to be taken to maintain the population of the species. The Bat Mitigation Guidelines summarises the requirement for a maternity roost of common species as follows: timing constraints (not working during the breeding season), more or less like-for-like replacement and that the bats are not left without a roost and must be given time to find a replacement. The mitigation scheme submitted provides for all of these elements and as such is considered to be acceptable and the best course of action.

5.0 CONCLUSION

5.1 The proposed scale and mass of the building gave rise for concern but due to the location of the property, within substantial grounds and at a distance from residential properties, it is considered acceptable. The loss of the section of open space can be justified by the applicant opening up the remainder of the site to public access and the fact that the development is for affordable social housing and will benefit the wider community. Highway implications have been resolved and the inclusion of a footpath within the highway verge to the southern side of Millgates would benefit the residents of the proposed dwellings. Initial objections raised in connection with the presence of bats on the site have been resolved and can be covered by condition.

5.2 It is considered that the application meets all the appropriate policies as set out within the Local Plan and as such Officers recommend approval.

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:-

Drawing numbers D-104-B received 18th January 2008

Drawing numbers D-201-A, D-202-A, D-203-A, D-204-A, D-205 received 16th November 2007

Drawing number D-410-A and D-402-A received 16th November 2007

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

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

3 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.

Reason: In the interests of the future occupiers of the site

4 ARCH2 Watching brief required

5 As the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, carried out in winter - to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself. This should be proven, prior to start on site. Should the ground be unsuitable for the use of soakaways, then an alternative design should be submitted for approval (e.g. attenuation).

Reason: In the interests of the satisfactory drainage of the site

6 HWAY10 Vehicular areas surfaced, details reqd

7 HWAY21 Internal turning areas to be provided

8 HWAY31 No mud on highway during construction

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

A 2m wide footway to be provided within the highway verge along the southwestern edge of Millgates as a continuation of the existing footway from outside house no 16 Millgates up to the proposed site pedestrian entrance.

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

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

Reason: to ensure that the works are carried out in a safe manner and with minimum disruption and inconvenience to the users of the adjacent public highways.

11 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscape scheme which shall include the species, density (spacing), and position of trees, shrubs and other plants; seeding mix, sowing rate, and mowing regimes where applicable. Where required it will also include details of ground preparation. The landscape scheme shall include management details for the wooded areas and lawn edges, to include information about thinning and planting operations and establishment of suitable ground flora. 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 the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme. Any works to existing trees that are protected by a tree preservation order (TPO) or are in a conservation area are subject to local authority approval and notification respectively within and beyond this five year period.

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

12 Trees shown to be retained and/or subject to a tree preservation order (TPO) shall be protected during the development of the site by the following measures: - Prior to commencement on site of demolition, site preparation, building or other development operations, including any excavations and/or the importing of materials, protective fencing to BS5837: 2005 shall be erected around all existing trees shown to be retained, to create exclusion zones. The protective fencing shall also include as much of the existing grassland as possible. Before commencement on site the protective fencing line shall be shown on a plan and agreed with the local authority and subsequently adhered to at all times during development to create exclusion zones.

None of the following activities shall take place within the exclusion zone: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles, mechanical cultivation. There shall be no site huts, no marketing offices, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscaping works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

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; and to avoid compaction, contamination, and unnecessary destruction of the lawn and soil structure, in the interests of the amenity of the development.

13 No development shall take place until full details of what measures for bat mitigation and conservation are proposed have been submitted to and approved by the Council and a Natural England Licence approving these mitigation measures received. A copy of the Natural England licence should be supplied to the Council prior to any work taking place.

The measures should include :

- i. Further survey at the appropriate time of year to confirm the species and numbers present.
- ii. A plan of how bats are to be dealt with during the demolition phase.
- iii. The inspection of any buildings to be demolished or disturbed as close to the date of work as possible and no earlier than one month prior to any work to ascertain the presence or otherwise of roosting or hibernating bats in the structure.
- iv. No buildings containing bats to be demolished until the bats have been safely excluded using previously agreed methods. By preference demolition should take place in winter when bats are not present.
- v. Details of what provision is to be made within the new buildings to replace the features lost through the demolition of the original structure. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards and bat lofts.

vi. The timing of all operations

The works shall be completed in accordance with the approved details prior to the occupation of the accommodation and shall be retained unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To take account of and enhance habitat for a protected species. Under PPS9 the replacement/mitigation proposed should provide a net gain in wildlife value.

Informative: It should be noted that Natural England may impose further mitigation measures or constraints over and above those approved as part of this application. Any changes should be discussed and approved in writing by the Council.

14 No development shall commence until details of the provision for public access to the open space and a management plan for the open space 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 and management plan and thereafter implemented, prior to first occupation of the development.

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

open space needs of future occupiers and in accordance with policy GP7 which seeks to protect designated areas of open space.

15 The development shall not begin until a scheme, in the form of an Affordable Housing Action Plan, for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:-

- i) The numbers, type and location on the site of the affordable housing provision to be made
- ii) The timing of the construction of the affordable housing
- iii) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing
- iv) The occupancy criteria to be used for determining the identity of initial and subsequent occupiers of the affordable housing, and means by which such occupancy shall be enforced.

Reason: To provide for the development of balanced and sustainable housing development in compliance with Policy H2 a of the Council's Draft Local Plan (4th Set of Changes April 2005) and the City of York Council Affordable Housing Advice Note July 2005.

Informative:

The arrangements required by the above condition could be satisfied by the completion of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the site requiring the provision of affordable housing in accordance with the requirements of the City of York Affordable Housing Advice Note July 2005. To ensure satisfactory management and maintenance of all affordable housing for those in perpetuity all affordable homes should be provided through a Registered Social Landlord partner. No development can take place on this site until this condition has been discharged and you are reminded of the Local Planning Authority's powers in this regard.

- 16 PD5 No openings in side elevation
- 17 NOISE7 Restricted hours of construction
- 18 VISQ4 Boundary details to be supplied
- 19 VISQ8 Samples of exterior materials to be app
- 20 HT1 Height 14.8m

21 No development shall commence unless and until details of provision for outdoor sports facilities or alternative arrangements have been submitted to and

approved in writing by the Local Planning Authority. The outdoor sports facilities shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

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

INFORMATIVE:

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, shall be entered into. The obligation should provide for a financial contribution calculated at £3587.

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

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character of the area, residential amenity, highway implications, loss of allocated open space or impact upon protected species. As such the proposal complies with Policies GP1, GP4a, H2a, H3c, H4, NE1 and NE6 of the City of York Local Plan Deposit Draft.

Contact details:

Author: Heather Fairy (Mon - Wed) Development Control Officer
Tel No: 01904 551668



Councillor Tracey Simpson-Laing
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Email: cllr.tsimpson-laing@york.gov.uk

Gareth Arnold
City Strategy
9 St Leonards
York.

7th December 2007.

Dear Gareth'

Ref: Planning Application, Poppleton Gate House, Millgates, Boroughbridge Rd. York.

I am writing on behalf of a number of residents of Millgates and The Paddock who have concerns over the redevelopment of Poppleton Gate House.

A number of views have been put to me by residents. Some people have expressed concerns regarding any redevelopment which puts extra pressures on the existing infrastructures whilst others concerns over aspects of the redevelopment.

Concerns raised are:

- Loss of trees.
- Loss of 'Park Land' setting.
- Destruction of naturally seeded habitat
- Disturbing of the environment for resident Owls.
- Increased traffic
- Loss of building
- Unsustainable redevelopment – demolition.

With regard to the trees and natural habitat a number of residents feel that the beauty of the setting of the area is because of the self seeding that has taken place, particularly along the boarder with The Paddock where a variety of species are now well established.

I have also been informed by residents of The Paddock that there are Owls, believed to be Barn Owls, living in the trees that boarder onto their street, trees which on the plan are marked for removal. I would request that an investigation is undertaken to explore the presents of Owls as a mater of urgency.

I would also like to address the issue of demolition. The Communities and Local Government document 'Homes for the future: more affordable, more sustainable' addresses the issue of reusing existing buildings. Doing so gives a higher BREAM rating and also cuts

down on the use of aggregates and transport emissions. Whilst the Housing Association may be trying to maximise the number of units it is seeking by 'intelligent design' an imaginative development could take place on the current buildings 'footprint'. For instance the room heights easily allow the usage of mezzanine floors to create split living places. I would also like it noted that Poppleton Gate House is included on the much delayed 'Local List'.

Regarding traffic, a number of residents feel that with the increase in the number of units, to those currently on the site, that the development will bring increased traffic levels. When Poppleton Gate House was fully occupied there could at times be a number of vehicles that equated to over 1 vehicle per unit. Whilst it is true that officers will say that there is a bus route within walking distance the No10 bus is only a 20 minutes service that has reliability problems due to the route being on the A59 through to the A1079. Also, no matter what people have vehicles and across the development it could be expected to be at least 1.5 vehicles per unit.

The knock on effect of the increased traffic is the road itself. Millgates has a sharp bent at the top of the section from Boroughbridge Road. This section of the road is narrower than the main carriageway and concern lie here not only when any development is occupied but also during construction.

I would request that if this application goes to Committee that a copy of this letter is included in the agenda.

Yours sincerely,

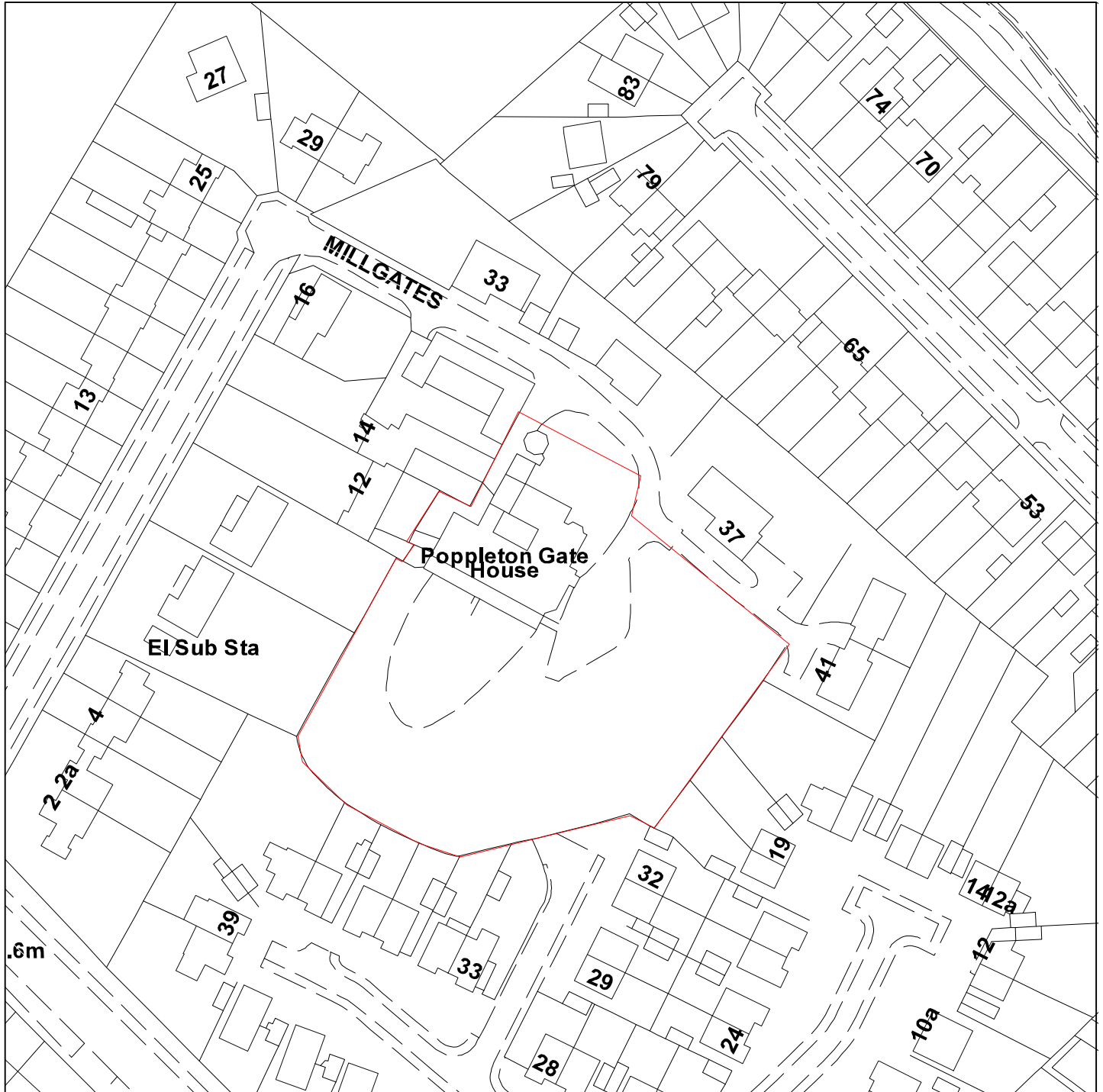
Cllr Tracey Simpson-Laing
Acomb Ward Councillor

Poppleton Gate House

Ref 07/02720/FULM



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Organisation	City of York Council
Department	Development Control
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