



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:** Tuesday, 1 April 2008
- Time:** 12.00 pm
- Venue:** The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00 am on Monday 31st March 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. Public Participation

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

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

3. Plans List

Members will consider a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to

planning applications with an outline the proposals and relevant policy considerations and the views and advice of consultees and officers.

a) Catherine House, Northminster Business Park, Harwood Road, Upper Poppleton, York (07/02963/OUTM) (Pages 5 - 26)

Extension to warehouse (2456sqm) with associated parking and access. *[Rural West York Ward]*

b) Waggon & Horses, 19 Lawrence Street, York, YO10 3BP (08/00272/FUL) (Pages 27 - 38)

One and two storey rear extensions, use of first floor as 7 bed and breakfast rooms ancillary to public house and flat roof former to front elevation. *[Guildhall Ward]*

c) Waggon & Horses, 19 Lawrence Street, York, YO10 3BP (08/00271/LBC) (Pages 39 - 44)

Internal and external alterations including one and two storey rear extensions, provision of 7 bed and breakfast bedrooms to first floor and flat roof dormer to front elevation. *[Guildhall Ward]*

d) York City Art Gallery, Exhibition Square, York, YO1 2EW (08/00401/LBC) (Pages 45 - 50)

Alterations and repair to existing glazing at high level to the South Gallery. *[Guildhall Ward]*

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

Democracy Officer

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

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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE**SITE VISITS****Monday 31 March 2008****The bus for Members of the Sub Committee will depart Memorial Gardens at 11.00am**

TIME (Approx)	SITE	ITEM
11.10	Catherine House, Harwood Road, Northminster Business Park, Upper Poppleton	a
11.45	Waggon and Horses, 19 Lawrence Street	b & c

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Rural West York
Date: 1 April 2008 **Parish:** Upper Poppleton Parish Council

Reference: 07/02963/OUTM
Application at: Catherine House Northminster Business Park Harwood Road Upper Poppleton York
For: Extension to warehouse (2456sqm) with associated parking and access
By: Pavers Shoe Ltd
Application Type: Major Outline Application (13 weeks)
Target Date: 15 April 2008

1.0 PROPOSAL

1.0.1 Outline planning permission is sought for the erection of a warehouse including ancillary office accommodation, to the rear of Catherine House, Northminster Business Park. The applicants, Pavers Ltd, wish to expand their present storage and distribution business, due to company growth and increased demand from internet sales. This outline application seeks consent for layout, scale and access. Details of landscaping and appearance are reserved for determination at a later date, should this outline application be granted.

1.0.2 The applicants seek permission to erect a warehouse which would provide 2264 m² of additional warehouse space and 96 m² office space at ground floor level and a further 96 m² office space at first floor level. The dimensions of the proposed warehouse are 50.00 m in length x 47.00 m in width. The maximum height of the proposed warehouse will be 11.00 m above ground level. The applicants state that the height of the building will be below the existing tree line which bounds the curtilage of the site and the business park.

1.0.3 The design of the warehouse has not been formally included as part of this outline planning application, however the indicative plan submitted indicates an exterior façade similar to that of the existing warehouse/office.

1.0.4 It is also proposed to link the proposed warehouse to the existing Pavers building with a glazed link. The link will measure 42.00 m in length x 4.50 m in width and will be approximately 5.00 m in height. The link will be fully enclosed and will provide coverage for forklift trucks to use and a conveyor belt.

1.0.5 Access to the proposed warehouse will be provided by an extension to the existing access road, which runs along the northern elevation of the existing Pavers building. In addition to the new access road, it is proposed to

form a new loading yard to the front and a service yard at the rear. 34 car-parking bays will also be created to the side of the proposed building and 10 van and trailer park spaces to the rear. Of the 34 car-parking bays created, 22 are existing bays which need to be relocated due to be sited within the proposed loading bay is to be created. As a consequence only 12 spaces will be actually 'new'.

1.0.6 The applicants anticipate that 5-10 new office based jobs will be created within the existing Pavers building and 15-20 jobs within the proposed warehouse.

1.0.7 No landscape details have been submitted as part of this outline planning application, however the applicants propose to landscape this site in a similar fashion to the existing warehouse. Details of landscaping will be provided at a later stage as part of the reserved matters, should this application be approved.

1.1 NEED FOR EXPANSION

1.1.1 Pavers Ltd has grown exponentially from its creation, some 36 years ago. The company comprises of 58 retail stores with associated warehousing and distribution centres nationwide. York remains the company's headquarters. The business has grown by approximately 30% in the last 10 years.

1.1.2 Pavers Northminster site has grown from handling 1 million pairs of shoes in 2004 to 3.25 million in 2007. As mentioned briefly above, this is principally down to growth from internet sales, with turnover reaching 12 million p.a. This has necessitated the need for additional storage space.

1.2 OPTIONS CONSIDERED BY PAVERS FOR EXPANSION

1.2.1 This submission describes the applicants search for a suitable site, and includes their site criteria and options they considered. The applicants assessed 3 options for providing the expansion space and examined 20 possible sites for expansion.

1.2.2 In summary, Pavers conclusion is that only Northminster Business Park meets their requirements, especially considering they already have an existing warehouse/office building within the business park.

1.3 SITE

1.3.1 Northminster Business Park is located approximately 4 km northwest of York City Centre and approximately 600 m from A59 (York to Harrogate) road. The business park is accessed from Northfield land which is approximately 200 m from the junction with the A59 and York's northern outer ring road.

1.3.2 Northminster business Park contains a variety of office, research and development and light industrial uses (Use Classes B1 (a), (b) and (c)),

storage and warehouse (Use Class B8). It includes offices, light industry and other commercial activities.

1.3.3 The application site is located within York's defined Green Belt. In addition a 36 ha parcel of land abutting the site to the west and south is allocated as Land Reserved for possible future development. Pavers existing warehouse and the proposed site are located within this reserved area.

1.3.4 The existing Pavers' building is located near the western edge of the business park. The building is principally dedicated to warehousing and distribution however there is a portion of office accommodation in the north eastern section of the building. Car-parking is provided to the front of the building. A service yard at the rear provides parking and manoeuvring space for articulated heavy goods vehicles.

1.3.5 The application site is located directly to the rear of the existing building and forms the westerly most section of the business park. The site is within a rectangular plot of land to the west of the Northminster Business Park. It is screened on all three outside boundaries, that is to the north, south and west, by a long line of evergreen and deciduous trees which are approximately 11.00 m in height. The land was previously used as an "outdoor shrub" area by Challis Limited, the former occupiers of much of the Northminster Business Park.

1.3.6 Whilst the business park is surrounded by open countryside at its northern, southern and western boundaries, there are a number of residential dwellings within the vicinity. A row of 6 terraced dwellings are located almost opposite the main entrance to the business park. Oakwood Farm is located approximately 120 m east of the main entrance to the business park. Pear Tree Farm also bounds the site to the northern boundary.

1.4 HISTORY

1.4.1 Planning permission was granted, at appeal, for the use of the former horticulture site as a business park in 1998 (97/01531/OUT) . The original extent of the business park was based upon the existing footprint of greenhouses and storage buildings, associated with Challis's horticulture enterprise. The existing warehouse/office building and the proposed warehouse are outside the original appeal site boundary.

1.4.2 However, outline planning permission was approved in 2005 (04/03805/OUT) for the erection of Pavers existing warehouse. At that time the site was located within the Green Belt. The application was consequently referred to the Government Office for consideration. The Government Office, on behalf of the Secretary of State, did not intervene and allowed the Council to determine the application. The outline application included details of means of access.

1.4.3 The outline planning application was considered by the Council's Planning Committee on 23/12/2004. The officer's report explained that

Pavers needed larger premises as a headquarters and to accommodate all aspects of their well established, successful and expanding business. Their proposal was supported among others, by the Council's Economic Development Section and York-England.com, whose Operations Director spoke in support of the application of the Committee meeting.

1.4.4 Pavers had made a full search for sites in and around York but had come to the conclusion that the application site was the only available one that met their requirements.

1.4.5 In 2005 reserved matters were approved (05/01207/REMM) for the erection of the existing Pavers warehouse/office. All 5 reserved matters were considered; siting, design, external appearance, means of access and landscaping.

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

CYGP24
Safeguarded land

CYGB1
Development within the Green Belt

CYGB11
Employment devt outside settlement limits

CYT7C
Access to Public Transport

CYT18
Highways

CYE1A
Premier Employment Sites

CYSP2

The York Green Belt

CYSP9
Action Areas

3.0 CONSULTATIONS

INTERNAL

3.1 City development

3.1.1 The officer commented that the site is located within York's Green Belt as defined with policy E8 of the North Yorkshire Structure Plan and PPG2. The officer confirms that Pavers site (existing warehouse/offices and proposed site) was re-designated from classified Green Belt to Land Reserved for Future Development within the 4th set of changes of York's Local Plan in 2005. This land is reserved for future development until 2011. However, the Council is currently preparing its Local Development Framework and it is likely that this parcel of land set aside for future development is likely to be allocated for a substantially longer period.

3.1.2 The officer notes that the applicant has put forward reasoned justification for this proposal to demonstrate special circumstances should be taken into consideration when considering this application.

3.1.3 The special circumstances pertain to:-

- (a) A justified need for Pavers Ltd to expand their existing warehouse capacity in York;
- (b) An absence of suitable non Green Belt sites within the city and its hinterland;
- (c) The inherent suitability of the application site in terms of meeting the expansion needs of Pavers;
- (d) The importance of the proposal in economic terms, both locally and nationally; and
- (e) The suitability of the application sites in terms of minimising wider landscape aspects.

3.1.4 On the basis of the information provided by the applicant, the officer does not raise any policy objections to this application.

3.2 Economic Development

3.2.1 The officer made the following comments:-

- (a) Pavers shoes is a locally nurtured business success which now requires additional space on the same site to expand;
- (b) New retail technologies have outstripped estimated growth;
- (c) There are no other suitable sites/premises available;

- (d) Very special circumstances exist, in terms of the cross section of good quality employment skills being created alongside the significant number of existing jobs;
- (e) The expansion will be supplemented by an established screen of trees on land formerly used for stock display for a garden centre.

3.2.2 On the basis of the information provided by the applicant, the officer does not raise any policy objections to this application.

3.3 Drainage

3.3.1 The drainage officer objected on the grounds that insufficient information has been submitted to determine the application. The officer requested further details concerning details of the existing surface water system, together with details of the proposals of the new development. Details concerning existing and proposed ground levels and existing and proposed surfacing were also requested, as well as a topographical survey indicating the proposed finished floor levels.

The applicants submitted additional information on the 10/03/2008. The drainage officer was consulted shortly afterwards. No comments have been received so far.

3.4 Environmental Protection (EP)

3.4.1 Originally the EP officer raised concerns regarding vehicular movements and the impact upon adjacent residential dwellings, especially the row of 6 terraced dwellings opposite the site. However the Pavers submitted additional information on 10/03/2008. Based upon the additional information provided, the EP officer raised no objections subject to the imposition of various conditions relating to recommended hours for carrying out construction work and deliveries to and from the site, contaminated material and an informative relating to the carrying out of works on site.

3.5 Highway Network Management (HNM)

3.5.1 The HNM officer raised a number of concerns regarding this application. The application is of concern to the highway authority for several reasons:-

- (a) Sustainability - the walking distances for staff from the nearest rail station and bus route to the site are far greater than those generally considered acceptable;
- (b) Pedestrian/cyclist safety - there are no dedicated facilities for pedestrians within the Business Park site and having regard to the application sites' position at the remotest location within the park, it does not seem practicable to introduce additional facilities; and
- (c) The site is presumably to be a base or operating centre for up to 10 trailers with associated additional HGV movements within the Business park and at the Northfield Lane/ A59 junction.

3.5.2 However, the HNM officer does not consider the above mentioned concerns sufficient to substantiate a recommendation of refusal solely on

those grounds. The officer does however considered it justifiable to seek improvements at the Northfield Lane junction to facilitate HGV movements turning left into Northfield Lane and thereby reducing the incidence of verge/footway overrunning.

3.5.3 Bearing the above in mind, the HNM officer recommended approval subject to the imposition of various conditions. The officer advised conditions requiring the submission of a company travel plan within 6 months of occupation of the site. The travel plan should also be supported by the yearly submission of a staff travel to work survey. In addition conditions requiring vehicle areas to be surfaced, cycle parking details to be agreed, service areas to be laid out for delivery/service vehicles and improvements to the junction of Northfield Lane and the A59 should be submitted to the Council, for approval, prior to development commencing.

EXTERNAL

3.6 Marston Moor Internal Drainage Board (IDB)

3.6.1 The IDB commented that the site is located within an area that is believed to be served by a surface water regulation system. The applicant suggests that the surface water is to be discharged to the mains. The IDB is not certain that surface water is connected to the public sewer. In any event the IDB comment that the applicant must provide sufficient information to show that either the existing regulation system can accept the flow from the proposed extension or the discharge from the proposals will not increase the run off from the development into the surrounding watercourses. These watercourses are believed to be at capacity and cannot accept any increase in discharge rate without increasing flood risk.

3.6.2 The IDB recommended approval subject to certain conditions being attached. They advised that conditions be attached which would control the discharge of water into the existing controlled system/ watercourse. They also advised that conditions should be attached to cover details of the point of discharge of the proposed sewer and that details should be provided on the potential effect upon the receiving watercourse.

3.6.3 Finally the IDB advised that conditions should be attached to ensure drainage routes are maintained and to ensure other riparian users are not affected by the development.

3.7 Upper Poppleton Parish Council.

3.7.1 The Parish Council did not raise any objections to this proposal.

3.8 Neighbours

3.8.1 A site notice was posted on the 30/01/2008 and neighbour notification letters were sent to relevant neighbours. Comments were received from 1 neighbour. The neighbour commented that she had no objections as long as the proposed access to the site remains the same.

4.0 APPRAISAL

4.1 The main considerations in determination of this application are:-

- Principle of development within the Green Belt;
- Economic development and alternative sites;
- Visual impact upon the surrounding Green Belt;
- Parking and traffic generation; and
- Drainage.

4.3 PRINCIPLE OF DEVELOPMENT WITHIN THE GREEN BELT

4.3.1 Planning Policy Guidance note 2 'Green Belts' outlines the history and extent of Green Belts and explains their purposes. It describes how Green Belts are designated and their land safeguarded. Green Belt land-use objectives are outlined and the presumption against inappropriate development is set out. Visual amenity factors are described and policies regarding new building and re-use of old buildings are summarised.

4.3.2 Planning Policy Statement 7 'Sustainable Development in Rural Areas', states that new building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.

4.3.3 Policy E8 of the North Yorkshire County Structure Plan established York's Green Belt. This policy is supported by policy P2 of the Regional Spatial Strategy for Yorkshire and the Humber (RSS) which recognises the importance of Green Belts in conserving the countryside and states that their general extent should not be changed. Emerging policy YH9 of the RSS encourages localised reviews of the Green Belt and seeks confirmation of the inner and outer boundaries of the Green Belt.

4.3.4 Policy SP2 'The York Green Belt' of the City of York Local Plan Deposit Draft states that the primary purpose of the York Green Belt is to safeguard the setting and historic character of the City of York and is defined on the Proposals Map. Although the rural part of the Local Plan area is predominantly open countryside and protected for its own sake, virtually all land outside the main settlements is designated as Green Belt in this Local Plan. Whilst separate national planning guidance exists for both the open countryside (Countryside - Environmental Quality and Economic and Social Development (PPS7) and Green Belts (PPG2), a general presumption against unnecessary or inappropriate development runs through both sets of guidance, combined with the objective of redirecting this development towards existing settlements.

4.3.5 Policy SP9 'Action Areas' of the City of York Local Plan Deposit Draft, identifies sites within the district which are indicated as action areas. The policy supports development within these sites subject to development being undertaken in a comprehensive and sustainable way.

4.3.6 Policy GB1 'Development within the greenbelt' of the Draft Local Plan states that planning permission for development will only be granted where: a) the scale, location and design of such development would not detract from the open character of the Green Belt; and b) it would not conflict with the purposes of including land within the Green Belt; and c) it would not prejudice the setting and special character of the City of York; AND it is for an approved use - (i) agriculture and forestry; or (ii) limited extension, alteration or replacement of existing dwellings; or (iii) limited infilling in existing settlements; or (iv) limited affordable housing for proven local needs; or (v) limited infilling or redevelopment of existing major developed sites; or (vi) reuse of existing buildings.

4.3.7 All other forms of development within the Green Belt are considered inappropriate. Very special circumstances will be required to justify instances where this presumption against development should not apply.

4.3.8 Policy GB11 of the Draft Local Plan states planning permission will only be granted for new industrial and business development outside defined settlement limits in the Green Belt where two requirements are both met: (a) it involves the reuse or adaptation of an existing building or a very small scale extension to an existing building and (b) it provides a direct benefit to the rural economy and local resident workforce.

4.3.9 Policy GP24a of the Draft Local Plan states that until such time as the local plan is reviewed, planning applications on this reserved area of land will only be granted planning permission if connected to existing uses and they would preserve the open nature of the Green Belt and would not prejudice the potential for future comprehensive development of the site.

4.3.10 The site is located within the defined Green Belt of York. It is outside the "major developed area" of Northminster Business Park, see section 1.3. Therefore the proposal does not satisfy the requirements of Green Belt policy as stated within PPG2, the North Yorkshire Structure Plan or Draft Local Plan policies GB1 and GB11, as it is outside the existing boundary of the Northminster Business Park.

4.3.11 2 further land allocations are identified within the Local Plan which has a bearing upon this proposal. Firstly, land to the west of the business park, which includes the application site, is allocated as Land Reserved for possible long term development through policy GP24a. Secondly, but of less significance is land north of business park is allocated for development as a Premier Employment Site (E1a.1) through policy E1a.

4.3.12 Whilst the proposed scheme does not satisfy the abovementioned policies. PPG2 notes that development should not be approved, except in

very special circumstances. The policy document also notes that very special circumstances to justify inappropriate development will not exist unless the harm by reason of the inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.3.13 The applicants note that there are no set criteria to define what constitutes very special circumstances and each application should be considered on its merits by the Local Planning Authority.

4.3.14 Pavers consider that the following special circumstances exist:-

- (a) There is a clear need for Pavers to expand their existing business;
- (b) The site is the most suitable to meet their needs in terms of size and location and due to the characteristics of the site would not have an adverse impact upon the openness of the Green Belt;
- (c) There is an absence of suitable sites within York and its surrounding hinterland;
- (d) The proposal is important in economic terms both locally and nationally; and
- (e) The Council accepted that the previously approved applications for the existing Pavers building met the requirements of special circumstances and therefore this proposal should also.

4.3.15 The information provided to support this application is comprehensive. It is considered that, subject to the proposal satisfying the subsequent sections, the proposal is acceptable in terms of principle of development within the Green Belt. The very special circumstances presented by Pavers outweigh national, regional and local policy requirements in terms of preventing inappropriate development within the Green Belt. Furthermore the proposed scheme satisfies policy GP24a which supports development subject to it being connected to existing use and that it would preserve the open nature of the Green Belt and would not prejudice the potential for future comprehensive development of the site

4.4 ECONOMIC BENEFIT AND ALTERNATIVE SITES

4.4.1 Planning Policy Statement 1 'Planning for Sustainable Development' aims to protect the quality of the natural environment. It also seeks to maintain stable and high levels of economic growth and employment. Planning authorities are advised to recognise that economic development can deliver environmental and social benefits and actively promote good quality development. Pavers believe that their proposal satisfies these requirements by adding to the economic development of York and [providing employment within the city.

4.4.2 Planning Policy Guidance note 4 'Industrial and Commercial Development and Small Firms' takes a positive approach to the location of new business developments and assisting small firms through the planning system. The main message is that economic growth and a high-quality environment have to be pursued together.

4.4.3 The locational demands of industry should be a key consideration in drawing up plans. Development plans should weigh the importance of industrial and commercial development with that of maintaining and improving environmental quality. Pavers state that this proposal will create an additional 30 jobs, in addition to the 350 jobs already created by the business in the local area. They also believe that this number will increase as the business continues to expand in York.

4.4.4 Policy Y1 supports the diversification of urban and rural economies. Policy YH8 encourages Local Authorities to concentrate the majority of new development and redevelopment within regional and sub-regional centres. Policy E1 of the RSS supports the delivery of economic growth. Policy E2 of the RSS requires development plans to promote development in and around towns that have or where there is a potential for good transport links and can achieve a reasonable balance between jobs, services and housing. It is considered that the proposal generally satisfies these policies.

4.4.5 As explained previously the extent of employment land around the Northminster Business Park is being considered for expansion, although the application site is proposed as reserved land for use after 2011.

4.4.6 Pavers considered 3 options in planning how to provide for their expansion. These were:-

- (a) Relocating the entire head quarters operation from Northminster Business Park, to a single alternative site;
- (b) Splitting the business operation by providing the warehouse expansion on a separate site; or
- (c) Extending their existing business operation at Northminster Business Park.

4.4.7 The applicants state that if the business were divided onto 2 sites, economic costs would be greatly increased and efficiency would be reduced. Administration tasks and logistical coordination would also be made more efficient on a single site. Pavers state they have assessed some of their main competitors and it has been shown that costs are greatly reduced by basing operations in a single centre. For this reason Pavers have discounted running their operations from 2 sites as it would not be productive and they wish to maintain an economic advantage.

4.4.8 As Pavers wish to maintain their headquarters in York, they carried out a search for a 2 ha brownfield site which could accommodate their growing business requirements. Pavers contacted York-England with a view to finding a larger site. York-England keep a comprehensive record of the availability of commercial property in York and confirmed that there were no warehouses premises that met their requirements.

4.4.9 Pavers also investigated the possibility of acquiring an existing large warehouse (2500 m²) for their needs. They specifically need a single storey

portal framed building for the warehousing of their stock. Pavers assert that they were unable to find such a building within the York area.

4.4.10 20 sites have been examined in and around York by the applicants. They have been shown to be too small or have been rejected for various reasons including travelling time and a poor environment, or not currently available. Pavers have also taken advice from York-England.com, who consult commercial estate agents on a regular basis.

4.4.11 As no appropriate land or alternative existing buildings are available elsewhere in the city of York or its hinterland, it is considered that this constitutes a further special circumstance. The Council's Economic Development Officer is also very supportive of this scheme. As a strong and established local firm who want to expand at this location and do not want to leave York, the officer adds his support to the scheme.

4.4.12 It is also considered that the economic benefit to the city can be considered to be another special circumstance. Not only would the proposal secure the retention of the core of the business within York but there are also other added benefits to the scheme. York-England note that the business attracts international trade visitors to the city. Yorkshire Forward also recognise the company as a strategically important company to York. Pavers also suggest that indirectly the business supports another 100-150 jobs within the local economy, through shop fitting, printing and banking. Further the majority of visitors to their headquarters, stay in York overnight in the region of 300 nights p.a. thereby adding further to the economic prosperity of the city, in terms of accommodation, meals out, shopping, etc.

4.5 VISUAL IMPACT ON SURROUNDING AREA

4.5.1 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.

4.5.2 The external appearance of the building has been reserved for determination at a later date, should Committee be minded to approve this outline planning application. Landscaping is also a reserved matter. Consequently the majority of policies contained with the draft local plan addressing design and landscape are not relevant in this instance. However, it is considered appropriate to consider the general impact of the scheme upon the Green Belt. Part of policy GP1 seeks to protect open spaces, public views and the skyline.

4.5.3 A comprehensive landscape assessment has been undertaken by O'Neill associates, the applicants agents, to quantify the impact of the proposals upon the openness of the Green Belt. Views were assessed from Northfield Lane, Moor Lane (to the south of the site), the A59 to the north of the site, open countryside to the west of the site and the outer ring road.

4.5.4 O'Neill's ascertain that the proposal would not be seen, to any great extent, beyond the boundaries of the Business Park, due to the substantial mature trees which screen the site.

4.5.5 It is considered that the existing trees are important in screening the business park. The northern boundary of the present Business Park is formed by existing trees and shrubs. It continues to the west as a line of conifers up to 11 metres high and this forms the northern boundary of the application site.

4.5.6 It is considered that the proposal would be only marginally visible from outside the site and would therefore not have such a significant impact upon the Green Belt as to warrant the refusal of permission on these grounds.

4.6 PARKING AND TRAFFIC GENERATION

4.6.1 Planning Policy Guidance note 13 'Transport' objectives are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight. It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car.

4.6.2 To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, accommodate housing principally within urban areas and recognise that provision for movement by walking, cycling and public transport are important but may be less achievable in some rural areas. (Original release date March 1994)

4.6.3 Policy T7c of the Draft Local Plan requires new development, that exceeds 0.4 ha in size to be within 400 m of a bus service or be within 1000m of an existing railway station. Policy T18 Highways supports increase to existing road capacity if 1 of 8 criteria points are satisfied. In this instance point B is the most relevant, i.e. the development facilitates the Council's economic programme.

4.6.4 Pavers have submitted a transport assessment which includes a comprehensive analysis of the potential traffic impacts of the proposals on the A59/Northfield Lane junction, the entrance to the business park and Pavers entrance and the outer ring road. The submitted assessment indicates that this proposal will have a negligible impact on current traffic flows, congestion and traffic safety within the vicinity of the site.

4.6.5 Whilst the HNM officer raised issue with certain parts of the applicants interpretation of the local plan policy, in particular distances to bus stops and train stations, he did not formally raise an objection. The officer advised the imposition of various conditions requiring a Travel Plan and yearly monitoring report, surfacing details, cycle storage detailing and the improvement of the junction of Northfield Lane and the A59.

4.7 Drainage

4.7.1 It has been noted previously in 3.3.1 that the drainage officer has recommended refusal on the grounds that insufficient information has been submitted. Additional information was submitted on 10/03/2008 by the applicants' agent to address the officer's concerns. These details have been passed onto the officer and further comment is being awaited. A verbal update will be given at committee concerning his comments.

5.0 CONCLUSION

5.0.1 Section 54A of the Town and Country Planning Act 1990 (as amended) requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. Up-to-date and relevant plans are essential if the development needs of commerce and industry are to be met, and reconciled with demands for other forms of development and for the protection of the environment.

5.0.2 The proposal fails to satisfy Green Belt policy. Employment is not one of the uses deemed appropriate in a Green Belt under Policy GB1. It is not within the acknowledged boundaries of Northminster Business Park and is therefore not permitted under Policy GB10. It is not reusing an existing building and therefore fails the criteria of Policy GB11. However, it is within an area reserved for possible development.

5.0.3 However, the proposal is important in economic development terms, by catering for an existing successful company and providing for substantial anticipated growth. Despite a full search, no alternative site (which is allocated for employment) can be identified. These reasons themselves constitute "very special circumstances" justifying the proposal in the general area of the Northminster Business Park.

5.0.4 On balance it is considered that "very special circumstances" apply in this particular instance. This is because of the importance of the proposal in economic development terms, the applicants' inability despite trying to find an alternative site, the good screening of the site and the proposal in the Draft Local Plan to allocate it in the long term for the employment uses.

5.0.5 In light of this need for expansion, should a further application be submitted which would extend beyond the curtilage of the business park (as defined by the trees), the Council would need to judge whether the proposal would have a detrimental impact upon the openness of the Green Belt. The

question should be posed, what happens when Pavers need to expand again? However it is considered that this permission does not set a precedent for such an eventuality, should it occur.

5.0.6 However, the application is recommended for approval subject to the imposition of appropriate conditions and the additional drainage details, satisfying the drainage officer. It is emphasised that this is only because of the special circumstances put forward by the applicant (Pavers), the existing planning history of this site and the characteristics of the site.

5.0.7 Finally it should be brought to committees attention that the application has to forwarded to Government office for determination by the Secretary of State (S.O.S), unless the SOS does not wish to intervene.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 OUT1 Approval of Reserved Matters

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

- (a) Proposed Site Layout - A817.2007.SD.03
- (b) Proposed Drainage Layout – 20051046/001/F

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

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

Reason: To protect the amenity of neighbouring residents.

4 Any contaminated material 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 human health and the wider environment.

5 The hours of delivery to and dispatch from the new offices shall be confined to the following times, unless otherwise approved in writing by the local planning authority:

Monday - Friday	08:00 - 18:00
Saturday	09:00 - 13:00
Sundays & Bank Holidays	Not at all

Reason: To protect the amenity of local residents.

6 HWAY10 Vehicular areas surfaced, details reqd

7 HWAY18 Cycle parking details to be agreed

8 HWAY35 Servicing within the site

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.

The required works relate to the highway junction of Northfield Lane and the A59. These works are required to allow HGV's to turn into Northfield Lane without mounting the existing verge.

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

10 The existing boundary hedge, which bounds this section of Northminster Business Park, shall not removed, wilfully damaged or reduced in height below 11.00 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 visual appearance of York's Green Belt and to minimise the visual impact of the warehouse within the Green Belt.

11 Notwithstanding the information contained on the approved plans, the height of the warehouse shall not exceed 11.00 m 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.

12 Prior to development commencing the applicants should submit in writing details of the drainage system proposed for the warehouse. Development should then be carried out in accordance with the written approved details from the Local Planning Authority.

Reason: The Internal Drainage Board has raised concerns that the existing system may not be able to accommodate additional drainage created from this development.

Informative: The drainage details should prove to the satisfaction of the Local Planning Authority and the Marston Moor Internal Drainage Board that the development will not increase the resulting discharge rate to the receiving watercourse. If it cannot be proven that there is adequate spare capacity in the existing drainage system, amended proposals will need to be submitted indicating an acceptable method of drainage from the site.

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 York's Green Belt. As such this proposal complies with PPS1, PPG2, PPG4, PPG14, policies Y1, YH8, YH9, E1, E2 and P2 of The Regional Spatial strategy for Yorkshire and the Humber, policy E8 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and policies SP2, SP9, GP1, GP24a, GP4a, GB1, GB11, T4, T7c, T18 and E1a of the City of York Local Plan Deposit Draft.

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:

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".

- 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.
- 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.
- 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.
- Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.
- There shall be no bonfires on the site.

3. Under Section 1 and 99 of the Wildlife and Countryside Act 1981 it is an offence to intentionally damage or destroy any birds nest whilst it is in use being built or to deliberately damage or destroy a bat roost.

Reason: Requirement under Section 1 and 99 of the Wildlife and Countryside Act 1981.

4. 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

5. Written details of the point of discharge of the new sewer shall be provided to the Local Planning Authority, prior to the commencement of works on site. Development shall then be carried out in strict accordance with these details, subject to their approval in writing by the Local Planning Authority.

6. Prior to the commencement of works on site, written details shall be submitted to the Local Planning Authority indicating the potential effects the proposed drainage discharge may have upon the receiving watercourse. Development shall then be carried out in strict accordance with these written approved details from the Local Planning Authority.

7. All drainage routes through the site shall be maintained both during the works on site and after completion of the works.

8. Provisions shall be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the site are not adversely affected by the development. Details should be submitted to and agreed in writing by the

Council prior to works commencing. Marston Moor Internal Drainage Board have asked for this to protect the interests of those presently served by the existing drainage routes.

9. Drainage routes shall include all methods by which water may be transferred through the site and shall include such systems as 'ridge and furrow' and 'overland flows'. The effect of raising site levels on adjacent property must be carefully considered and appropriate measures taken to negate influences.

Contact details:

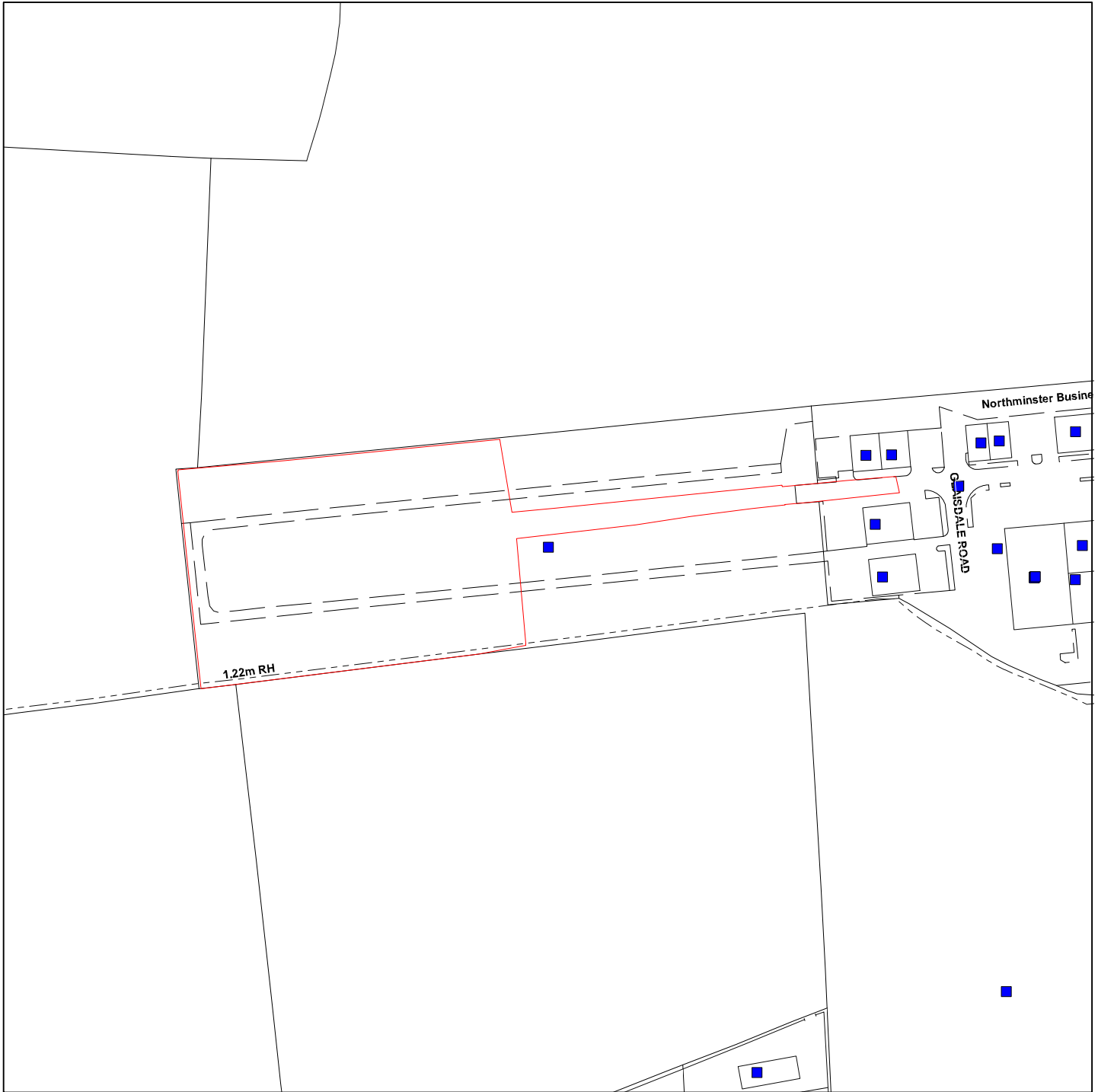
Author: Richard Beal Development Control Officer

Tel No: 01904 551610

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Catherine House, Northminster Business Park

07/02963/OUTM



Scale : 1:2500

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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	19 March 2008
SLA Number	Not Set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 1st April 2008 **Parish:** Guildhall Planning Panel

Reference: 08/00272/FUL
Application at: Waggon And Horses 19 Lawrence Street York YO10 3BP
For: One and two storey rear extensions, use of first floor as 7 no bed and breakfast rooms ancillary to public house and flat roof dormer to front elevation
By: George Bateman And Son Ltd
Application Type: Full Application
Target Date: 3 April 2008

1.0 PROPOSAL

1.1 The application relates to the Waggon and Horses Public House on Lawrence Street. The property is a Grade II Listed Building dating back to c 1773. To the rear of the property is a courtyard, accessed via an archway from Lawrence Street. The courtyard is partly laid out for parking and part grassed. The grassed area forms the beer garden. The courtyard of the property is bounded by a red brick wall and the rear of the buildings on Leake Street.

1.2 The property falls within the Central Historic Core Conservation Area no. 1.

1.3 Previously the Public House was operated on the ground floor with manager's accommodation at the first floor level. The second floor is vacant. This application is for full planning permission and has been submitted with an associated listed building consent application (08/00271/LBC). This application includes external alterations to the building to include demolition of the small, modern single storey toilet block to the rear and the erection of a two storey extension in its place. The erection of a single storey extension to the rear and a dormer window to the front elevation. Renovation to the of the upper floors is proposed and this would provide 7 no. bed and breakfast rooms and accommodation for the Public House manager.

1.4 The two storey extension to the rear would have a pitched roof and its footprint would measure approximately 4.5 metres in length by 3 metres in width. It would measure approximately 8.1 metres to the eaves and 12.3 metres to ridge height. Two windows are proposed to this extension one in the side and one in the rear elevation. Materials are to include reclaimed brick and clay pantile roof. This extension would house the staircase to the upper floors.

1.5 The single storey extension to the rear would be 'L' shaped and would wrap around the rear gable. A lean to roof is proposed. This extension would measure approximately 6 metres in width and 5 metres in length. It would measure approximately 2 metres in height to the eaves and 3 metres to the ridge. Materials would be reclaimed brick with clay pantile roof. No windows are proposed. This unit would house part of the extended kitchen and new store room.

1.6 Internally it is proposed that the ground floor public house facility be renovated and that the first floor be converted to supply 7no. bed and breakfast rooms for use in conjunction with the Public House. It is proposed that each of these bedrooms would have en-suite facilities. At second floor level it is proposed that there would be self contained accommodation for the manager of the Public House.

1.7 Four car parking spaces are laid out within the existing car park and they are proposed to be retained.

1.8 A refuse store is proposed to the side of the single storey rear extension and this would be screened by a timber fence.

Relevant Planning History

1.9 The erection of a single storey, pitched roof rear extension (97/01261/FUL) and (97/01521/LBC) was approved in 1997.

1.10 Councillor T. Simpson-Laing has requested that this application be reported to Planning Committee to discuss parking issues and status of the proposed accommodation.

1.11 Councillor B Watson has requested that the application be reported to Committee to discuss the parking implications and to consider whether open space contributions should be required.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

Contaminated Land

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Floodzone 2 Flood Zone 2 CONF

Listed Buildings Grade 2; Waggon And Horses 17- 19 Lawrence St 0037

2.2 Policies:

CYGP1

Design

CYHE2

Development in historic locations

CYHE3

Conservation Areas

CYHE4

Listed Buildings

CYT4

Cycle parking standards

CYGP6

Contaminated land

CYHE10

Archaeology

CGP15A

Development and Flood Risk

CYV3

Criteria for hotels and guest houses

3.0 CONSULTATIONS

EXTERNAL

3.1 A letter has been received from residents at 17 Lawrence Street. They state that works have commenced prior to approval. That noise levels of the work are unacceptable and have commenced as early as 7am and finished at 6 pm.

That there as there is no partition within the roof space within the second floor , that works had been undertaken within their property boundary and that cracks are appearing within their property.

3.2 The Parish Council Planning Panel raise no objections to the application.

INTERNAL

Highways Network Management:

3.3 Responded to state that there are no objections in principle to the scheme as the property is within close proximity to the city centre and has good public transport links. However secure covered cycle parking for 4 cycles is required. Condition HWAY 18 must be applied.

Design and Sustainable Development:

3.4 Have responded to state that this property is a Grade II Listed Building situated in Central Historic Core Conservation Area no.1. They confirm that the proposals have been the subject of pre-application discussions on site on 23 January 2008. Conservation note that a site visit on 10th March revealed that works have commenced. Further information was requested by Conservation in respect of the internal works concerning the historic fabric of the building. This was supplied by the applicant on 11th March 2008. They raise no objections to the demolition of the flat roofed, C20th toilet block. They comment that the two storey addition to the rear is in keeping with the character of the listed building, as is the single storey addition. The works show that 5 no. conservation area roof lights have been installed and that they are appropriate to the character of the listed building.

Archaeology:

3.5 This site lies inside the Area of Archaeological Importance. The site lies close to the line of a Roman road running east from York. The site lies south-east of the medieval city, close to the City Walls, Walmgate Bar and the church of St Lawrence. Interventions in the area have produced evidence which, collectively, can be considered to be of national importance. ARCH3 should be imposed.

Environmental Protection Unit:

3.6 State that the noise levels must be mitigated to ensure that the amenity of adjacent occupiers at no. 17 Lawrence Street and occupiers of the bed and breakfast accommodation will be protected. Noise should also be mitigated from extract systems and traffic noise from Lawrence Street. In respect of contamination, they state that the site was an old factory site and likely to have been contaminated, however as ground works have already been carried out, prior to consent being issued an informative regarding contamination should be applied.

4.0 APPRAISAL

The key issues in respect of this application include the impact upon the Listed Building and Conservation Area, highways issues and impacts upon residential amenity.

POLICY

4.1 Planning Policy Guidance Note PPG 15, Planning and the Historic Environment sets out the Government's position in terms of applications relating to the change

and alteration of listed buildings. Para 3.8 of PPG 15, states that generally the best way of securing the upkeep of historic buildings is to keep them in active use and states that new or continuing uses will often require some degree of adaptation. Para 3.12, states that in judging the effect of any alteration or extension it is essential to have assessed the elements which make up the special interest of the building in question. They may not only include obvious visual features such as staircases, or plaster ceilings, but the layout of the building and spaces within it. Para 3.18, states that where proposed works would not result in the total or substantial demolition of the listed building, or significant part of it, the Secretaries of State would expect the authority to address the same considerations as it would in relation to an application in respect of alterations or extensions.

4.2 Policies HE2, HE3 and HE4 of the City of York Development Control Local Plan apply. Policies HE2 refer to the general protection of historic locations. Policy HE3 seeks to protect Conservation Areas and states that development will only be permitted where there would be no adverse effect on the character and appearance of the Conservation Area.

4.3 Policy HE4 of the City of York Development Control Local Plan applies. Policy HE4 refers to Listed Buildings and states that consent will only be granted for the following types of development where there is no adverse effect on the character, appearance or setting of the listed building: development in the immediate vicinity of the listed building; demolition; internal or external alterations; change of use or the erection of satellite antenna.

KEY ISSUES

A) The Acceptability of the Proposed Use:

4.4 Para 3.4 of Planning Policy Guidance Note No. 15 requires applicants to justify their proposals. The applicant is seeking to supply 7 no. bed and breakfast rooms on the first floor which would be operated in conjunction with the Public House. The bedrooms would have en-suite facilities and would be for short stay use only. The applicant has stated that the guest bedrooms would ensure the commercial viability of the Public House.

4.5 In planning terms, the proposed use would be ancillary to the main use of the building as a Public House (Use Class A4) and therefore would be acceptable. As the provision of accommodation is for guest bed and breakfast rooms, the proposal would not require a commuted sum payment for amenity space provision.

B) Impact Upon the Listed Building and Conservation Area

4.6 The property is a Grade II Listed Building situated in the Central Historic Core Conservation Area no. 1.

4.7 Government guidance as issued in PPG 15 sets out government policy in respect of the protection of historic buildings and conservation areas. The guidance seeks to ensure that proposed development would either preserve or enhance

Conservation Areas and seeks to preserve the setting, special architectural character and historic interest of Listed Buildings.

4.8 Policy HE4 refers to Listed Buildings and states that consent will only be granted for the following types of development where there is no adverse effect on the character, appearance or setting of the listed building; development in the immediate vicinity of the listed building; demolition; internal or external alterations; change of use or the erection of satellite antenna.

4.9 This application consists of internal modifications associated with the renovation of the Public House and provision of bed and breakfast rooms; the erection of two extensions to the rear of the listed building and the demolition of the modern single storey, flat roofed toilet block. A flat roofed dormer window is proposed to the front elevation.

4.10 It is noted that to the rear of the property the existing C20th toilet block has already been demolished and replaced by part of the two storey extension (works which this application seeks to formalise). A single storey rear extension has also been constructed in its entirety (which again is part of this application).

4.11 In terms of preserving the special interest of the building, the two storey addition to the rear is in keeping with the character of the listed building, as is the single storey addition. The natural clay pantile roofing material shown on site and proposed for the two extensions is acceptable and this should be conditioned.

4.12 To ensure that proposed windows are in keeping with the listed building, large scale detail of windows should be approved prior to insertion. The proposed dormer to the front elevation should match the existing and be consistent with original fenestration (i.e. sliding sash). The 5 no. conservation area roof lights already installed are appropriate to the character of the listed building.

4.13 Taking the above into account, it is considered that with the imposition of appropriate conditions the special interest of the listed building would be preserved and the appearance of the Conservation Area would be preserved.

C) Impact Upon Residential Amenity

4.14 As discussed in Key Issue A) the building is sited on a principal road, within a mixed commercial area, comprising another Public House, residential accommodation and employment uses. To the rear of the property behind the court yard area is sited a complex of student flats and the adjoining property no. 17 is a residential property.

4.15 The Environmental Protection Unit have raised concerns in respect of noise impacts upon future occupants and have indicated a package of noise mitigation measures to attenuate the effects of noise generated from the ground floor, the kitchen and from traffic on Lawrence Street. However, it is noted that the property has operated in this location as a Public House (with manager's accommodation above) and would continue to do so after renovation. The additional mitigation in

respect of external traffic noise is not considered to be necessary. Moreover, the implementation of such measures would compromise the Listed Building. Conditions requiring details of under floor noise attenuation and kitchen extraction would however, be imposed.

4. 16 With respect to the adjoining property number 17, due to the configuration of the accommodation part of the second floor accommodation would be sited above the adjacent property at number 17. The applicants have confirmed that noise insulation material will be applied over the floor boards and underneath carpeting to mitigate any effect and this would be conditioned. The attic space originally continued through both properties. The application proposes a partition to segregate the manager's accommodation (it was noted that this has already been constructed).

4. 17 In respect of the external features, one small window is proposed to the rear at first floor level, this would be to the staircase area. Given the use of the room and the distance from the extension to the public house and the residential accommodation to the rear (over 21 metres) this would not harm residential amenity.

4.18 To ensure adequate refuse storage, a timber boarded refuse store has been provided to the rear of the kitchen area.

4.19 Taking the above into account and with the imposition of appropriate conditions, it is not considered that the residential amenity of the neighbouring and future occupiers would be so adversely affected as to warrant refusal of the application.

D) Highway Issues

4.20 Planning Policy Guidance relating to transport PPG 13 seeks to locate new development within areas well served by public transport. The public house is sited in a sustainable location close to bus stops and within easy walking distance of the City Centre itself.

4.21 There are 4 car parking spaces laid out within the existing car park to the rear of the public house. In terms of cycle parking, the applicants have identified a site for 4 no. Sheffield cycle parking stands in line with requirements. This provision would be conditioned and would satisfy Policy T4 Cycle Parking Requirements.

4.22 Because the location is well served by public transport and within easy walking distance of the centre, the level of parking provision on site is satisfactory, subject to a condition being imposed in relation to cycle parking.

E) Archaeological Issues

4.23 The site lies within the defined area of archaeological importance (AAI). The site lies close to the line of a Roman road running east from York. The site lies south-east of the medieval city, close to the City Walls, Walmgate Bar and the church of St Lawrence. Considerable work has been undertaken at Brinkworth Terrace, 20 and 27 Lawrence Street, Lawrence Cloisters Lawrence Street, and at 4 Barbican Road. These interventions have produced evidence for a prehistoric

cremation, Roman and later structures, pits and wells associated with domestic activity and rubbish disposal, and Roman, Anglo-Scandinavian and medieval ditches and gullies which may have defined the boundaries of cultivation plots. This demonstrated the presence of a very rich set of archaeological features and deposits which, collectively, can be considered to be of national importance.

4.24 However as works have already commenced prior to permission being granted, including the two external extensions, a condition requiring similar area to excavated adjacent to these areas would be considered acceptable.

5.0 CONCLUSION

5.1 The proposed external works are generally acceptable in terms of design and materials used. With respect to internal works, the main features of interest have been retained. Subject to the imposition of the conditions outlined above, the scheme would not adversely affect the special architectural or historic interest of the Listed Building and the appearance of the Conservation Area would be preserved.

5.2 The Public House is sited in an area served by public transport and within easy walking distance of the City Centre itself. The existing car park provides 4 car parking spaces and the applicant has agreed to provide 4 no. covered, secure cycle parking stands in line with Policy T4.

5.3 With regard to amenity issues, it is not considered that the external works would adversely affect adjacent occupiers. However, in terms of noise issues, a comprehensive package of conditions would be imposed to ensure that the amenity of existing residents and future occupiers of the guest rooms would be protected.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 PLANS1 Approved plans

2 Prior to installation a sample of the clay pantile roof tile proposed to the single and two storey rear extensions must be approved in writing by the Local Planning Authority.

Reason: To retain and protect the character of the Listed Building.

3 Prior to the reopening of the Public House, excavation of two archaeological trial pits adjacent to the rear of the Public House building of a size commensurate to the footprint of the two rear extensions erected, shall be carried out by an approved archaeological unit in accordance with a specification supplied by the Local Planning Authority.

Reason: The site lies within an Area of Archaeological Importance and the

development must record archaeological deposits which may be found.

4 Adequate sound insulation shall be carried out to the first and second floors of the building. Details of the measures to be taken shall be submitted for the written approval of the Local Planning Authority and the approved scheme shall be fully implemented prior to the building being occupied.

Reason: To protect the amenity of adjoining and future occupants

5 Prior to installation detailed drawing of external windows to the two storey extension and dormer window to the front elevation shall be submitted and approved in writing by the Local Planning Authority.

Reason: To protect the special character of the Listed Building.

6 A noise assessment of the proposed kitchen extraction system must be submitted to and approved in writing by the Local Planning Authority and be fully implemented before occupation of the building.

Reason: To protect the amenity of future occupants

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

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

Reason - To protect the amenity of local residents

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

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

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL:

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the Waggon and Horses Grade II Listed

Building, highways considerations and the amenity of existing residents and future occupiers. As such the proposal complies with policies HE2, HE3, HE4, GP1, T4 , V3 and CYHE10 of the City of York Development Control Local Plan and Planning Policy Guidance Notes: PPG15 and PPG 13.

2. Contamination:

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

3. Control of Pollution Act 1974:

Your 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) 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".
- b) 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.
- c) 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.
- d) 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.
- e) There shall be no bonfires on the site.

Contact details:

Author: Clare Davies Development Control Officer

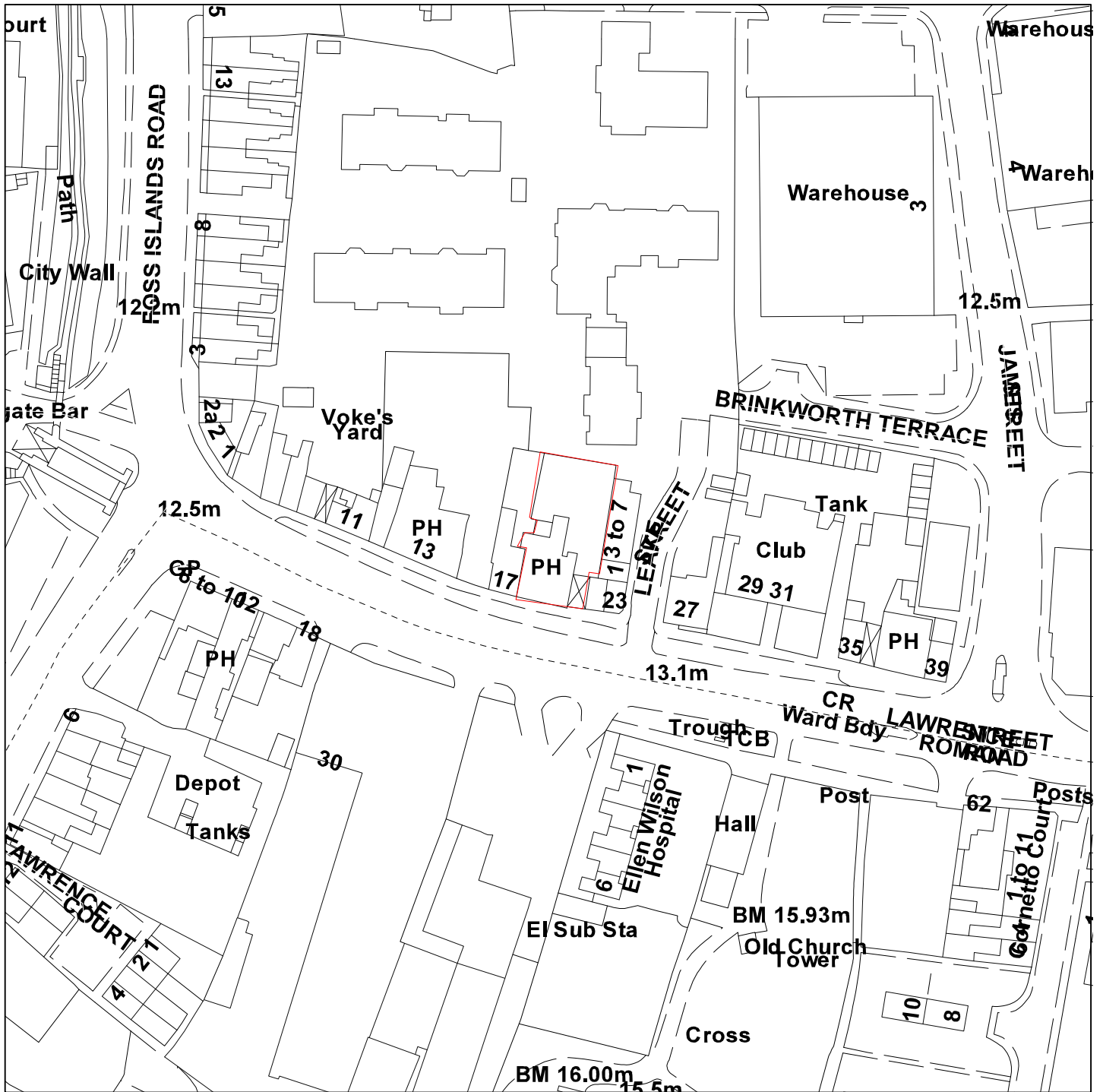
Tel No: 01904 551493

Waggon & Horses, 19 Lawrence Street

08/00272/FUL



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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	19 March 2008
SLA Number	Not Set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 1 April 2008 **Parish:** Guildhall Planning Panel

Reference: 08/00271/LBC
Application at: Waggon And Horses 19 Lawrence Street York YO10 3BP
For: Internal and external alterations including one and two storey rear extensions, provision of 7no. bed and breakfast bedrooms to first floor and flat roof dormer to front elevation.
By: George Bateman And Son Ltd
Application Type: Listed Building Consent
Target Date: 11 April 2008

1.0 PROPOSAL

1.1 The application relates to the Waggon and Horses Public House situated on Lawrence Street. The property is a Grade II Listed Building, dating from 1773. The original dwelling house at no. 17 Lawrence Street and the Public House at no. 19 form part of the Listed Building. To the rear of the property is a courtyard, accessed via an archway from Lawrence Street. The courtyard is partly laid out for parking and part grassed. The grassed area forms the beer garden. The courtyard of the property is bounded by a red brick wall and by the rear of the buildings on Leake Street.

1.2 The property falls within the Central Historic Core Conservation Area no. 1.

1.3 This application is for listed building consent and proposes internal and external alterations to the listed building, including the demolition of a small, modern, flat roofed, C20th toilet block.

1.4 Externally the alterations include the erection of a two storey pitched roof extension to the rear of the property, on the site of the demolished toilet block. A single storey extension to the rear, with a lean to roof and a flat roof dormer to the front elevation to replicate the existing flat roofed dormer.

1.5 Internally the works involve alterations to facilitate the refurbishment of the ground floor Public House, the creation of 7 no. guest bedrooms (to be operated in conjunction with the Public House) on the first floor and manager's accommodation to the second floor.

1.6 A Design and Access Statement has been submitted with the application and revised plans were submitted on 11th March 2008 providing further details of proposed internal work, confirming the retention of existing features.

Relevant Planning History:

1.7 It is noted that the applicant has commenced works on site prior to obtaining either planning permission or listed building consent, see Key Issue A). An

Enforcement file has been opened ref (08/00026/LBUILD) and the applicants have been advised that works are undertaken at their own risk. A number of complaints have been received by the public in respect of these unauthorised works.

1.8 A full planning application ref (08/00272/FUL) has been submitted in conjunction with this application. This application seeks consent for the erection of a single storey and a two storey extension to the rear of the public house, a flat roofed dormer to the front elevation and seeks to establish 7no. guest rooms to be operated in conjunction with the Public House.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

Contaminated Land

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Floodzone 2 Flood Zone 2 CONF

Listed Buildings Grade 2; Waggon And Horses 17- 19 Lawrence St 0037

2.2 Policies:

CYHE4

Listed Buildings

3.0 CONSULTATIONS

EXTERNAL:

3.1 The residents of number 17 Lawrence Street have responded to state that works have commenced prior to listed building consent being issued. Full details of their concerns are reported on the associated planning application (08/00272/FUL).

INTERNAL:

3.2 Conservation and Sustainable Development: Respond to state that this property is a Grade II Listed Building situated in Central Historic Core Conservation Area no.1. The Waggon and Horses Public House dates from 1773 with early nineteenth century additions and late nineteenth century alterations. They confirm that the proposals have been the subject of pre-application discussions on site on 23 January 2008. Further information was requested by Conservation in respect of the internal works concerning the historic fabric of the building. This was supplied by the applicant on 11th March 2008.

3.3 Conservation and Sustainable Development note that a site visit on 10th March revealed that works have commenced. They raise no objections to the demolition of the flat roofed, C20th toilet block. They comment that the two storey addition to the rear is in keeping with the character of the listed building, as is the single storey addition. The natural clay pantile roofing material shown on site and proposed for the two extensions is acceptable and this should be conditioned. Large scale detail of external windows should be approved prior to insertion. The proposed dormer should match the existing and be consistent with original fenestration (i.e. sliding sash). The works show that 5 no. conservation area roof lights have been installed. And they are appropriate to the character of the listed building.

3.4 A number of conditions are required to ensure that important internal features which have not been shown on the application plans are retained, or that new features proposed would be acceptable. They are as follows:

- Details of new fire surrounds and combined hearth to pool area and front lounge to the ground floor.
- Design of rear door to two storey addition.
- Design of window to Bedroom 2.
- Design of all new internal doors (by submission or large scale drawing or photograph where to be reused).
- Details of fire coating methodology and specification to doors.

3.5 They state that these outstanding issues should be conditioned to preserve the special interest of the Listed Building.

4.0 APPRAISAL

Policy:

4.1 Planning Policy Guidance Note 15 (PPG 15), Planning and the Historic Environment sets out the Government's position in terms of applications relating to the demolition and alterations to listed buildings. Para 3.8 of PPG 15, states that generally the best way of securing the upkeep of historic buildings is to keep them in active use and states that new or continuing uses will often require some degree of adaptation. Para 3.12, states that in judging the effect of any alteration or extension it is essential to have assessed the elements which make up the special interest of the building in question. They may not only include obvious visual features such as staircases, or plaster ceilings, but the layout of the building and spaces within it. Para 3.18, states that where proposed works would not result in the total or substantial

demolition of the listed building, or significant part of it, the Secretaries of State would expect the authority to address the same considerations as it would in relation to an application in respect of alterations or extensions.

4.2 Policy HE4 of the City of York Development Control Local Plan applies. Policy HE4 refers to Listed Buildings and states that consent will only be granted for the following types of development where there is no adverse effect on the character, appearance or setting of the listed building: development in the immediate vicinity of the listed building; demolition; internal or external alterations; change of use or the erection of satellite antenna.

KEY ISSUES

A) Consideration of Work Already Undertaken

4.3 Unfortunately it is noted that the majority of external works and some internal works have already been carried prior to listed building consent being determined and therefore part of the assessment of this application is in effect retrospective.

4.4 Government guidance contained within PPG 15: Planning and the Historic Environment confirms that Section 8 of the Act allows listed building consent to be sought where works have already been completed. However, the guidance states that the same procedures must be followed and that any application must be considered in terms of its merits, as if the works had not taken place and not as a fait accompli. The application has therefore been considered on this basis.

B) Impact upon the Grade II Listed Building

4.5 The demolition of the C20th toilet block extension would not affect the special interest of the listed building. The two storey addition to the rear is generally in keeping with the character of the listed building, as is the single storey addition. The natural clay pantile roofing material shown on site and proposed for the two extensions is acceptable and this should be conditioned.

4.6 To preserve the historic interest of the listed building, large scale detail of windows should be approved prior to insertion and this would be conditioned. The proposed dormer to the front elevation should match the existing and be consistent with original fenestration (i.e. sliding sash) this would be conditioned. The works show that 5 no. conservation area roof lights have been installed and they are appropriate to the character of the listed building.

4.7 In terms of internal works, a schedule of the features of historic interest has been compiled by Conservation and Sustainable Development and those required to be retained indicated. The features to be retained include staircases; fireplaces; overlight glazing; cupboards and doors. The applicant has provided additional information (11th March 2008) to show retention of these items.

4.8 It is requested that the submission of further details of proposed new features and methodologies be submitted for approval. This would include details such as new fire surrounds and new external and internal doors. Provision of details with regard to the fire resistant coating to original doors is also required. This would be conditioned.

5.0 CONCLUSION

5.1 It is regrettable that works have progressed on this Grade II Listed Building prior to consent being issued, however, in line with PPG15, the application is considered upon its own merits.

5.2 The proposed external works are generally acceptable in terms of design and materials used. Conditions would be required with regard to roof samples and window details to the rear two storey extension and front dormer to ensure that they would be appropriate. With respect to internal works, main features have been retained and a number of conditions are proposed to ensure details and proposed methodologies would be acceptable.

5.3 With the imposition of the conditions outlined it is considered that the scheme would not adversely affect the special architectural or historic interest of the Listed Building.

5.4 The proposal therefore satisfies Policy HE4 of the City of York Development Control Local Plan and national planning guidance PPG 15.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 PLANS1 Approved plans

2 Prior to installation, large scale drawings of all proposed new internal doors must be submitted to the Local Planning Authority and approved in writing.

Reason: To retain and protect the character of the Listed Building.

3 Prior to installation, detailed drawings of the proposed combined fire surround to the pool area and front lounge must be submitted to and approved in writing by the Local Planning Authority.

Reason: To retain and protect the character of the Listed Building.

4 Prior to implementation the specification and methodology of the Fire Resistant coating to the internal doors shall be submitted and approved in writing by

the Local Planning Authority.

Reason: To protect the character of the Listed Building.

**7.0 INFORMATIVES:
Notes to Applicant**

1. Reason for Approval

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the Waggon and Horses Grade II Listed Building. As such the proposal complies with policy HE4 of the City of York Development Control Local Plan 1995 and Planning Policy Guidance Note: PPG15.

Contact details:

Author: Clare Davies Development Control Officer

Tel No: 01904 551493

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 1 April 2008 **Parish:** Guildhall Planning Panel

Reference: 08/00401/LBC
Application at: York City Art Gallery Exhibition Square York YO1 2EW
For: Alterations and repair to existing glazing at high level to the south gallery
By: York Museums Trust
Application Type: Listed Building Consent
Target Date: 11 April 2008

1.0 PROPOSAL

1.1 The application relates to the City Art Gallery, a late Victorian building dating from 1878 which is listed at grade 11. It was restored and extended in 1952.

1.2 The proposal relates to the south gallery where it is required natural daylight is obscured so the gallery is compliant with indemnity requirements and can thus display rare and sensitive national collections. To achieve this it is proposed the window glazing is covered by panels of plasterboard.

1.3 A recent application was approved at committee on 29.1.08 for alterations to the Art Gallery. In the south gallery consent was granted to repair the roof and remove the suspended ceiling, thus exposing the original ceiling. It was intended that artefacts in the gallery could be protected from sunlight by installing protective film to the windows and hanging tensile fabric blinds. However it has since been found that the means of protecting sunlight would be inadequate.

1.4 The previous application was determined by committee at the request of Councillor Watson, whom has asked that this application is also brought to planning committee.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area
 Conservation Area Central Historic Core
 City Boundary York City Boundary 0001
 DC Area Teams Central Area
 Listed Buildings Grade 2; City Art Gallery Exhibition Square York 0615
 Listed Buildings Grade 2; Railings And Gates Fronting Kings Manor 0618

2.2 Policies:

CYHE4 Listed Buildings

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

3.1 Advise that the full volume of the gallery space would still be appreciated despite this proposal, although it would depend entirely on artificial lighting. Regarding the proposed works advise that joints between the boards (used to obscure the windows) would be expressed as a small recess so the central zone either side of the ridge, which defines the area of glazing, could be differentiated from the rest of the ceiling. The insertion of the panels would require secondary structure and it is important that this does not damage the existing structure, details of such should be a condition if consent is granted.

3.2 Conclude that there would appear to be justification for this change which would allow the gallery to have more flexibility of use. It is considered that the alterations would not adversely affect the special architectural and historic interest of the building.

EXTERNAL

Planning Panel

3.3 No objection. Comment that the panel wish to see quality designed into any natural lighting for the gallery.

Publicity

3.4 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments has been given as 26.3.08. No written representations have been made to date.

4.0 APPRAISAL

KEY ISSUES

4.1 The special historic interest of the listed building

RELEVANT PLANNING POLICY

4.2 PPG15: Planning and the Historic Environment states that it is the role of the planning system to strike a balance between promoting sustainable economic growth, making provision for development to meet the economic and social needs of the community and ... preserving the built and natural heritage.

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

JUSTIFICATION

4.4 No other space within the gallery can at present accommodate the sensitive materials of national importance that would be displayed in the south gallery. As such it appears the works would be justified.

SPECIAL HISTORIC INTEREST OF THE LISTED BUILDING

4.5 Subject to compliance with the conditions recommended the panels proposed to block the windows could be removed without harm to the fabric of the listed building. The panels would read as an alteration to the building and would still enhance the gallery space in relation to the previous arrangement which included a suspended ceiling. Although the gallery would depend wholly upon artificial light, overall it is considered that there would be no harm to the special historic or architectural interest of the building.

5.0 CONCLUSION

5.1 The works are justified as they would allow for the display of sensitive national collections and would not harm the listed building. It is recommended consent be granted subject to conditions regarding the construction/installation of the panels.

6.0 RECOMMENDATION: Approve

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

2 PLANS2 Apprvd plans and other submitted details

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

a) Large scale details that show the new supporting framework attached to the existing spars in such a way as to cause no damage to the original structure and details.

b) Specification of ironwork repairs to the truss.

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

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the special historic interest of the listed building. As such the proposal complies with Policy HE4 of the City of York Local Plan Deposit Draft.

Contact details:

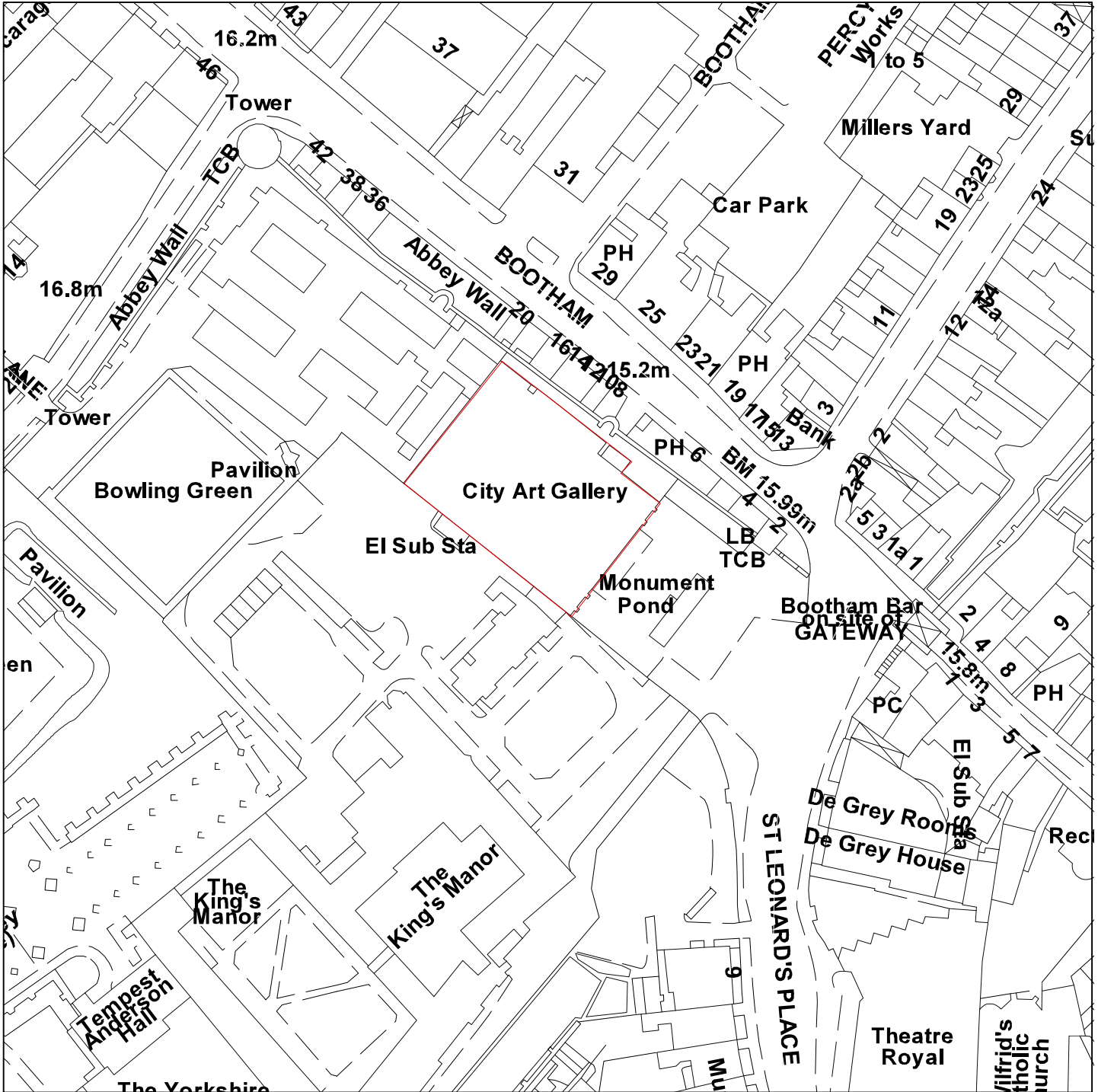
Author: Jonathan Kenyon Development Control Officer
Tel No: 01904 551323

York City Art Gallery, Exhibition Square

08/00401/LBC



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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	19 March 2008
SLA Number	Not Set

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