



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

AGENDA

Site visits for this meeting will commence at 11.00 am on Monday 28th April 2008 at Memorial Gardens.

1. Declarations of Interest (Pages 3 - 4)

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 - 26)

To approve and sign the minutes of the meetings of the West & City Centre Area Planning Sub-Committee held on 20th March 2008 and 1st April 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) Corries Solicitors, 11 Melrose's Yard, Walmgate, York, YO1 9XF (08/00518/FUL) (Pages 27 - 34)

Use for community daycare, clinical support, counselling and training and employment support in connection with substance misuse service (Class D1 use) *[Guildhall Ward]*

b) Express-O, 13 Bridge Street, York, YO1 6DA (08/00603/FUL) (Pages 35 - 42)

Change of use to mixed use of restaurant (Class A3) and hot food take away (Class A5) *[Micklegate Ward]*

c) Express-O, 13 Bridge Street, York, YO1 6DA (08/00594/FUL) (Pages 43 - 48)

External alterations including new entrance door following replacement of existing door with window, north street frontage *[Micklegate Ward]*

d) Express-O, 13 Bridge Street, York, YO1 6DA (08/00595/LBC) (Pages 49 - 54)

External alterations including resiting of entrance door following replacement of existing door north street with window, internal alterations including removal of partition wall *[Micklegate Ward]*

e) 65 Moorgate, York, YO24 4HP (08/00301/FUL) (Pages 55 - 60)

Two storey pitched roof side extension, single storey pitched roof front and rear extensions, after demolition of existing garage and conservatory (resubmission) *[Holgate Ward]*

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

Democracy Officer

Name: Tracy Wallis

Contact Details:

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

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

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

Contact details are set out above.

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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE**SITE VISITS****Monday 28th April 2008****The bus for Members will leave from Memorial Gardens at 11.00am**

TIME (Approx)	SITE	ITEM
11.15	65 Moorgate	e
11.45	13 Bridge Street	b, c & d
12.15	11 Melrose's Yard, Walmgate	a

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If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
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Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

Access Arrangements

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If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

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

যদি যথেষ্ট আগে থেকে জানানো হয় তাহলে অন্য কোন অর্ধতে তথ্য জানানোর জন্য সব ধরনের চেষ্টা করা হবে, এর জন্য দরকার হলে তথ্য অনুবাদ করে দেয়া হবে অথবা একজন দোঅবী সরবরাহ করা হবে। টেলিফোন নম্বর (01904) 551 550।

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Holding the Executive to Account

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

Scrutiny Committees

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

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

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- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
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City of York Council

Committee Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	20 MARCH 2008
PRESENT	COUNCILLORS B WATSON (CHAIR), SUE GALLOWAY (VICE-CHAIR), GILLIES, GUNNELL, HORTON, REID, SUNDERLAND, WALLER AND WISEMAN (SUBSTITUTE)
APOLOGIES	COUNCILLORS GALVIN

88. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Tesco Store, Tadcaster Road	Councillors B Watson, Horton, Gunnell, Wiseman, Sunderland and Gillies	At the request of Councillor Ann Reid
Playground to the rear of 73-87 Chapelfields Road	Councillors B Watson, Horton, Gunnell, Wiseman, Gillies, Sue Galloway and Reid	At the discretion of the Assistant Director (Planning and Sustainable Development)
34 St Mary's	Councillors B Watson, Horton, Gunnell, Wiseman, Gillies, Sunderland, Sue Galloway, Reid and Waller	As objections have been received and the recommendation is to approve.

89. DECLARATIONS OF INTEREST

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

Councillor Sunderland declared a personal non-prejudicial interest in Plans Item 4a (34 St Mary's), as she knew one of the local residents.

Councillor Horton declared a personal and prejudicial interest in Plans Item 4b (Playground Chapelfields Road) as he sat on the Shadow Executive when the disposal of this site was discussed. He left the room and took no part in the discussions.

Councillor Sunderland declared a personal and prejudicial interest in Plans Item 4b (Playground Chapelfields Road) as a Member of the Executive

who made the decision regarding the disposal of this site. She left the room and took no part in the discussions

Councillor Waller declared a personal and prejudicial interest in Plans Item 4b (Playground Chapelfields Road) as a Member of the Executive who made the decision regarding the disposal of this site. He left the room and took no part in the discussions.

Councillor Horton declared a personal non-prejudicial interest in Plans Item 4c (Tesco, Tadcaster Road) as he used this branch of Tesco.

90. MINUTES

RESOLVED: That the minutes of the meetings held on 14th February 2008 and 26th February 2008 be approved and signed by the Chair as correct records.

91. PUBLIC PARTICIPATION

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

92. 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.

92a 34 St Mary's, York, YO30 7DD (07/02969/FUL)

Members considered a full application, submitted by Westwood Homes (Yorkshire) Ltd, for the erection of two semi-detached four storey dwellings with associated garages, in connection with (06/01704/CAC).

The case officer updated the Sub-Committee on the following points:

- There was a correction to paragraph 1.5 of the Committee report – last scheme approved April 2007.
- Drawing 07A had been received. This clarified the details of the entrance steps, paving stones and the retaining wall to the lightwell. The Council's Landscape Architect advised that the proposed works, based on the plans posed no more of a risk to the (Chilean Pine) tree than the previously approved scheme.
- It was requested that Condition 8 regarding tree protection be expanded, to include the requirement for an exclusion zone where works/storage may not occur. The exclusion zone was to be checked on site by Officers at specific times before and during the works.
- The Planning Panel had no objections to the proposed development
- An additional thirteen objections had been received bring the total to eighteen. These were as follows:

- This proposed building is closer to the neighbour and would restrict/lead to a loss of light and space.
- The garages and driveways would add to the loss of openness as a consequence of the development.
- Although houses opposed to flats are welcomed, the design is poor, in particular the garages which would be uncharacteristic of the area.
- This would be crowded, overdevelopment of the street that would harm the conservation area – suggest there be only 1 house and site and that it only be 3 storeys in height.
- There would be an overall loss of openness.
- There would be an impact on the Monkey Puzzle tree due to the excavations required basement level and proximity of the proposed building.
- The entrance steps shown on the plans and elevations are inconsistent. They would also affect the tree in the front garden.
- The building would be out of keeping with the established front and rear building lines.
- The building would fail to preserve the appearance of the conservation area. The design is confused, superficial and a pale reflection on its surrounds. The rear elevation is a visual disaster. The design is not of architectural merit nor is it in character with the street.
- There would be a loss on 2 on street parking spaces.
- There would be no turning space within the plots and this would lead to vehicles parking on the road.
- Should the development commence there should be no obstruction of the street or damage to the Yorkshire stone pavements. Vehicles should be required to park in Marygate car park.
- There would be disruption during building works.

Representations were received, in objection, from a local resident who said that the economy of York relied on tourism and Members should bear this in mind when considering new planning applications; especially in terms of what proposed developments could add to the local area and the City as a whole. He said that St Mary's was a street in the conservation area and it was hoped that the proposed site could be left open or at the very least, filled with a building of a good quality contemporary design.

Representations were also received, in objection, on behalf of St Mary's conservation Group who said that the existing building was not harmful to the area and respected the building line. The proposed development was of a poor quality and design and did not respect the building lines of the street. He said that the proposed development would have a negative impact on the appearance of the local area.

Representations were received, in support of the application from the Applicant who raised the following points:

- Planning permission had already been granted for seven apartments.
- The Housing Assessment highlighted that there was a need for family homes and this is why the present proposal was before the Committee.

- The proposed dwellings would not be any closer to other properties than the existing house.
- There had been no objections from the highways department.

Members discussed the proposed scheme and thought that it was an improvement on the one already approved as it provided more garden space and much needed family homes.

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

REASON: That the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the conservation area and setting of nearby listed buildings, landscape features, amenity, highway safety, flood risk and protected species.

Action Required

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

92b Playground, Chapelfields Road, York (07/02966/FUL)

Members considered a full application, submitted by Spirit Regeneration Development Company LLP for the erection of none 2 storey dwellings with associated parking and access.

The case officer updated that the recommendation had been revised. The recommendation was to approve the scheme as amended plans had been received and these had addressed the officer's concerns regarding access. There were also plans to erect an acoustic fence to preserve the amenity of the residents.

Representations, in support of the proposed development, were received from the Applicant who said that work had been ongoing to develop this difficult piece of land for nearly three years. The proposed development would comprise nine top quality homes which would provide affordable rented accommodation.

RESOLVED: That the application be approved subject to the conditions listed below.¹

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

Drawing Number 06156/P01 Revision H received
18 March 2008

Drawing Number 06156/P02 Revision B received
20 December 2007

Drawing Number 06156/P03 Revision A received 20 December 2007

Drawing Number 06156/P04 Revision A received 20 December 2007

Drawing Number 06156/P05 Revision A received 20 December 2007;

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

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

2. The development shall be begun not later than the expiration of the three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

Reason: So as to achieve a visually cohesive appearance.

4. 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 £12,060.

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.

5. 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.

6. Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 8.2 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

7. The results of an assessment of the suitability of soakaways as the method of surface water drainage (following the guidelines contained within BRE Digest 365) shall be submitted to the local planning authority for approval prior to the commencement of development. Should the ground be unsuitable for the use of soakaways, then an alternative design should be submitted for approval under condition 10 of this permission.

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

8. There shall be no storage of any materials including soil adjacent to the bank top of the watercourse.

Reason: To ensure that there will be no risk of the watercourse becoming blocked by debris from the stockpiles or bank slipping due to increased loading of the bank top.

9. Development shall not begin until details of foul and surface water drainage works have been

submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details. Surface water details shall include a scheme for the provision, implementation and maintenance of a surface water regulation system. The rate of discharge of the approved scheme shall not exceed that of a 'greenfield' site.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and to ensure that drainage of the site does not adversely affect existing watercourses or riparian owners.

10. No development shall begin until a topographic survey showing the proposed finished floor levels and ground levels is submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure there will not be any detriment to the drainage of the surrounding properties.

11. Existing drainage routes through the site shall be maintained during the development.

Reason: to prevent flooding and protect upstream and downstream riparian owners.

12. Details of the culverting of the adjacent watercourse should be submitted to and approved in writing by the Local Planning Authority.

Reason: to prevent flooding and protect upstream and downstream riparian owners.

13. No dwelling to which this planning permission relates shall be occupied unless or until the carriageway basecourse and kerb foundation to the new estate road and footpath to which it fronts, is adjacent to or gains access from, has been constructed. Road and footway wearing courses and street lighting shall be provided within three months of the date of commencement on the construction of the penultimate dwelling of the development.

Reason: To ensure appropriate access and egress to the properties, in the interests of highway safety and the convenience of prospective residents.

14. Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance

with details which have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the egress of water and loose material onto the public highway.

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

Reason: In the interests of highway safety.

16. Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

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

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

18. Prior to the commencement of any development on site, replacement access and parking arrangements for 71 and 73 Chapelfields Road as shown in the approved plans 06156/P01 Revision H (received 18 March 2008) shall be provided.

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

19. The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday

to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

20. 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.

21. The design of all dwellings shall be in accordance with the contents of the sustainability statement (stamp dated 20.12.2007) submitted, which will satisfy the requirements of Policy GP4a and will achieve an Eco homes rating of "Very Good".

Reason: In the interests of sustainable development and Policy GP4a

22. Notwithstanding the submitted plans and prior to the commencement of the development hereby permitted full details of the method and design of street lighting for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: In order to protect the amenities of neighbours and the character and appearance of the area from excessive illumination.

23. Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

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

24. No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. 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.

25. The first floor window in the side elevation of the dwelling on Plot 9 facing the dwelling on Plot 8 shall be removed.

Reason: to protect the amenity of the occupants of the dwelling on Plot 8

INFORMATIVES:

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:

Adoption of highways - Section 38 - Michael Kitchen 01904 551336

Environmental Health Informative

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. 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

REASON: That the proposal, subject to the conditions listed above, would on balance not cause undue harm to interests of acknowledged importance, particularly the following:

- Residential amenity,
- Loss of open space,
- The appearance of the area,
- Surface water drainage,
- Highway safety,

and is considered to improve the availability of affordable homes within the city in accordance with the Corporate Strategy. The proposed development would accord with Policies GP1, GP4a, GP7, H2, H4A, L1C and H3C of the City of York Development Control Local Plan.

Action Required

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

92c Tesco, Tadcaster Road, Dringhouses, York, YO24 1LW (08/00173/FUL)

Members considered a full application, submitted by Mr Moise Coulon, for the erection of two 10.6m wind turbines.

Members requested that an Informative be added in relation to contacting the Energy Advice Centre regarding future possibilities for the use of renewable energy sources on this site.

RESOLVED: That Officers be delegated authority to grant approval subject to the imposition of the conditions detailed in the report, the following additional informative and no further issues or objections being raised prior to the expiry of the publicity period.¹

INFORMATIVE

That the applicants are requested to contact the Energy Efficiency Advice Centre at 20 George Hudson Street, York, YO1 6WR; telephone number: 01904 554406 regarding future possibilities for the use of renewable energy sources on this site.

REASON: That the proposal, subject to the conditions outlined in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the residential amenity of the neighbours and the visual amenity of the locality. As such, the proposal complies with Policies GP1 and GP5 of the City of York Development Control Local Plan (2005); national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development" and Planning Policy Statement 22 "Renewable Energy".

Action Required

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

COUNCILLOR B WATSON, Chair
[The meeting started at 3.05 pm and finished at 4.15 pm].

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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	1 APRIL 2008
PRESENT	COUNCILLORS B WATSON (CHAIR), SUE GALLOWAY (VICE-CHAIR), GILLIES, GUNNELL, HORTON, REID, WALLER AND MOORE (SUBSTITUTE)
APOLOGIES	COUNCILLORS GALVIN AND SUNDERLAND

93. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Catherine House, Harwood Road, Northminster Business Park, Upper Poppleton	Councillors Gillies, Gunnell, Horton, Waller and Brian Watson	As the proposals were for development within the Green Belt.
Waggon and Horses, 19 Lawrence Street, York	Councillors Gillies, Gunnell, Horton, Waller and Brian Watson	To allow Members to familiarise themselves with the site.

94. DECLARATIONS OF INTEREST

Members were invited to declare any personal or prejudicial interests they might have in the business on the agenda. None were declared.

95. 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.

96. 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.

96a Catherine House, Northminster Business Park, Harwood Road, Upper Poppleton, York (07/02963/OUTM)

Members considered a Major Outline Application, submitted by Pavers Shoes Ltd for an extension to a warehouse (2456sqm) with associated parking and access.

The Development Control Officer reported that if Members of the Sub-Committee were minded to approve the application then it would need to be referred to the Secretary of State for final approval as it would constitute inappropriate development in the Green Belt. He also confirmed that additional details in relation to the drainage system had now been submitted.

Members raised concerns that a sustainability statement had not been submitted and asked that a condition be added in relation to this.

Representations were received in support of the application by the Applicant's agent who said that there was a justified need for the business to expand as they had experienced a significant growth in internet sales. Alternative sites had been looked at but a viable alternative had not been found. They also confirmed that they would be happy to accept a condition in relation to sustainability of the development.

RESOLVED: That the application be approved subject to the conditions detailed in the report, the following additional conditions and subject to the approval of the Secretary of State.¹

- Development shall not begin until details of a Sustainable Urban Drainage System and foul water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

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

- Prior to commencement of the works hereby approved, a sustainability statement shall be submitted in writing to the Local Planning Authority. Development shall then be carried in strict accordance with the written approved details and implemented in their entirety to the satisfaction of the Local Planning Authority and thereafter retained.

Reason: In the interests of sustainable development.

REASON: That the proposal, subject to the conditions detailed in the report and the additional conditions laid out above, would not cause undue harm to interests of

acknowledged importance, with particular reference to York Green's 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.

Action Required

1. To refer the decision to the Secretary of State.

JB

**96b Waggon & Horses, 19 Lawrence Street, York, YO10 3BP
(08/00272/FUL)**

Members considered a full application, submitted by George Bateman and Son Ltd, for a one and a two storey extension, the use of the first floor as seven bed and breakfast rooms ancillary to the public house and a flat roof dormer to the front elevation.

The case officer updated the Sub-Committee on the following points:

- That work had already started on the site.
- Workmanship on the site was of a poor quality; specifically in relation to the roofing on the single storey rear extension. A Design, Conservation and Sustainability officer would visit the site and make recommendations for remedial work to be carried out.
- A Health and Safety officer would be visiting the site to assess Health and Safety implications and to investigate concerns Members had raised at the site visit.

Members asked the case officer to include a condition in relation to sustainability . They also asked whether it would be possible for the trial pits, as detailed in condition 3 of the report, to be dug in light of work having already commenced on this site. The case officer confirmed that this was still possible. Members also asked that condition 8 of the report be amended to state that cycle storage should be covered and condition 5 be amended to reflect works already done in relation to the dormer window to the front of the building.

Representations were received, in support of the application, from the applicant's agent who said that agreed working hours were now being adhered to.

Members expressed their disappointment with the poor quality of the workmanship they had seen at the site visit and with the lack of adherence to Health and Safety Regulations on the site. They also raised concerns in relation to works being started before planning permission had been granted.

RESOLVED: That the application be approved subject to the conditions detailed in the report and the following amended conditions. ¹

Amended condition 3 Prior to the reopening of the Public House, excavation of two archaeological trial pits shall be carried out by an approved archaeological unit in accordance with a specification supplied by the Local Planning Authority. One shall be opened inside the two storey rear extension and the other adjacent to the single storey extension which shall be of a commensurate size to the footprint of the single storey extension.

Reason: The site lies within an Area of Archaeological importance and the development must record archaeological deposits which may be found.

Amended condition 5 Prior to the occupation of the Manager's accommodation, the details of the fenestration to the newly formed front dormer shall be approved in writing by the Local Planning Authority and it shall be installed in accordance with this approval and retained thereafter. Prior to installation a detailed drawing of external windows to the two storey extension to the rear shall be submitted and approved in writing by the Local Planning Authority and thereafter retained.

Reason: To protect the special character of the Listed Building

Amended condition 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.

REASON: That the proposals, subject to the conditions detailed in the report and the above amended conditions, 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 Guidance Notes:
PPG15 and PPG13

Action Required

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

**96c Waggon & Horses, 19 Lawrence Street, York, YO10 3BP
(08/00271/LBC)**

Members considered a Listed Building Consent application, submitted by George Bateman and Son Ltd, for internal and external alterations including one and two storey rear extensions, provision of seven bed and breakfast rooms to the first floor and a flat roof dormer to the front elevation.

The case officer updated the Sub-Committee on the following points:

- A condition requiring the preservation of the ground floor, floor tiles would be added
- Design, Conservation and Sustainable Development had provided comments in relation to the proposed combined fireplace to the Pool Room and lounge. They did not believe that fire surrounds had been in existence in either room when they made their original site visit. They advised the installation of separate hearths and fire surrounds to each room to create separate back to back fireplaces. They considered a modern combined hearth providing an opening between the two rooms to be out of keeping with the age, style and character of the interior this listed building. Condition 3 would therefore be amended to take into account this advice.

RESOLVED: That the application be approved subject to the conditions detailed in the report and the following amended conditions, additional conditions and Informatives:¹

Amended condition 3 Prior to installation, detailed drawings of two separate fire surrounds and hearths for the pool room and front lounge must be submitted and approved by the Local Planning Authority and thereafter retained.

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

Additional condition 5 The original floor tiles to the ground floor hallway and bar area shall be preserved in situ.

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

Informatives

- The pantiles to the rear single storey roof extension have been fitted very poorly. Poor works detract from character and appearance of a Listed Building and the works must be remedied to the written satisfaction of the Local Planning Authority.
- Additional Listed Building Consent would be required for any proposed works to the secondary staircase and this is unlikely to be supported.

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

Action Required

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

96d York City Art Gallery, Exhibition Square, York, YO1 2EW (08/00401/LBC)

Members considered a Listed Building Consent Application submitted by York Museums Trust, for alterations and repairs to the existing glazing at high level to the South Gallery.

The case officer updated that the justification for the scheme (set out in paragraph 4.4 of the report) had been expanded to include the fact that York Museums Trust needed to meet indemnity requirements for insurance purposes. The Gallery needed to provide space with a controlled environment in terms of heat and light levels and the proposed alteration (covering of roof windows) would allow the South Gallery to meet these requirements so that both borrowed and permanent displays can be housed appropriately.

The Architect and representatives of York Museums Trust were in attendance to answer questions.

Members asked for clarification as to why the original proposal to install protective film to the windows and hang high tensile fabric blinds would no longer work and the architect responded that the Gallery needed to shut out a huge amount of light and the protective film was not able to achieve this. There were also problems with the film degrading over time.

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

REASON: That the proposals, subject to the conditions detailed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the special historic interest of the listed building. 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 the weekly planning decision list within agreed time scales. JB

COUNCILLOR B WATSON, Chair

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

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 29 April 2008 **Parish:** Guildhall Planning Panel

Reference: 08/00518/FUL
Application at: Corries Solicitors 11 Melrose's Yard Walmgate York YO1 9XF
For: Use for community daycare, clinical support, counselling and training and employment support in connection with substance misuse service (Class D1 use)
By: CRI Limited
Application Type: Full Application
Target Date: 29 April 2008

1.0 PROPOSALApplication site

1.1 The application relates to the premises at 11 Melrose's Yard. The building is 3-storey and was previously occupied as office space. The yard is accessed from between 64 and 66 Walmgate, both commercial units with flats above. Also in the yard is Imp Hut at No.9, this is a recording studio used by persons of all ages. Otherwise the yard is bound by the blank elevation of a number of units that are accessed from Dixon's Yard, to the west and a 2 metre high wall/fence between the yard and a car park to the north.

Proposal

1.2 The application seeks planning permission for a change of use to a non-clinical training/education facility that would be operated by Crime Reduction Initiatives (CRI). The CRI's present offices are at 6 Peckitt Street, that premises is akin to a terraced house, the application building is desired as it would provide larger, more appropriate floorspace.

1.3 The use would provide support services, a treatment programme to persons who have been involved with substance misuse, crime, anti-social behaviour and domestic violence. The service offered is a training/care programme, which clients sign up for. It provides rehabilitation consisting of education, counselling and training, to allow clients to gain social and life skills and also employment links. No medical or clinical services occur. The existing CRI facility has around 90 registered clients whom attend either group or one to one meetings.

1.4 The application is a re-submission after an application to use the site for the CRI was refused in November 2007. On that occasion the application failed to justify the loss of office space and it was considered the use would be inappropriate in the proposed location, as the site is poorly overlooked and surrounding occupants would not feel safe or secure.

1.5 The application is brought to committee at the request of Councillor Brian Watson who is concerned that the location of such a premises is a sensitive issue, and if the application is to be approved, it should be subject to adequate conditions.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006
Conservation Area Central Historic Core 0038
City Boundary York City Boundary 0001
DC Area Teams Central Area 0002
Floodzone 2 Flood Zone 2 CONF
Floodzone 3 Flood Zone 3

2.2 Policies:

GP3 Planning against crime
E3b Employment sites

3.0 CONSULTATIONS

Internal

Design, Conservation and Sustainable Development

3.1 No comment as the change of use would not affect the conservation area.

Environmental Protection Unit

3.2 No objection.

Highway Network Management

3.3 No response to date.

External

Planning Panel

3.4 No objection.

Safer York Partnership

3.5 Previously advised about the likelihood of clients and their associates congregating in and around the yard that may lead to anti-social behaviour and drugs issues that would affect amenity. The problem with the proposed use is that while clients inside the building could be controlled, there is limited scope for their actions, or those of their associates outside of the building. Anecdotal information from Police officers suggests there is already quite an amount of drugs related activity near the application site and any increase in such activity would be a concern.

Publicity

3.6 The application was publicised by letters of neighbour notification and press notice. The deadline for comments was 9.4.08. To date 3 letters have been received. The following points have been made -

- Proposed use incompatible with a residential area where a number of children are around.
- There are already a number of similar facilities nearby which cause problems - Robinson Court for drug offenders is in Walmgate and the homeless centre is proposed at Castle Mills Bridge.
- Would bring drinkers and drug users back onto the streets.
- Harm to image/perception of the city.
- Advised that there are reports that around the present premises, on Peckitt Street, incidents include drug related paraphernalia left on the street, and local residents have been intimidated. It is asked that steps are taken to ensure persons using the facility are respectful and keep the area tidy.
- No objection to non-clinical support but the premises should not be allowed to change to one where clinical/medical support is offered.

4.0 APPRAISAL

4.1 Key issues

- Principle of use/loss of office space
- Amenity
- Visitor and staff parking

Principle of use

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

4.3 The site was previously used as offices; the proposed use would take the site out of an office use (class B1) and into class D1 - non-residential institution, of the use classes order. As such the proposal is required to meet the criteria of policy E3, which seeks to retain employment sites in their present use, unless it can be demonstrated alternative sites are available, and one of points b, c or d, listed in 4.2 are met.

4.4 The application site has been marketed at a competitive rate since August 2005 but remains unoccupied. In the agents view this is due to the lack of high street presence/prominence of the building. The period of time which the premises have been on the market demonstrates there is a lack of demand for this site. The proposed use is ancillary to office use as around 20 employees (care workers and office staff) would be located in the building. In this case the proposed use is supported.

Amenity of surrounding occupants and safety concerns

4.5 Policy GP3 of the Local Plan advises that crime prevention is a material planning consideration and identifies measures, which should be considered in developments

in order to create safer environments. These are natural surveillance, secure locations for vehicle parking, and the use of lighting and CCTV (the latter only when development leads to a significant increase in activity).

4.6 Safer Places is a companion to national Planning Policy Statement 1, it covers the planning system and crime prevention. The document advises that planning should seek to deliver safe sustainable communities; this can be achieved by designing places where people feel safe and secure, where crime and disorder, or the fear of crime doesn't undermine quality of life. The document discusses the attributes of safe places and the ways in which places can be laid out so that crime can be discouraged and different users do not cause conflict. Recommendations include promoting public spaces that are well overlooked, creating places with a sense of ownership, responsibility and community, the use of well-designed security features, the promotion of places where human activity can create a sense of safety and reduced crime risk.

4.7 According to the CRI the proposed service users of the site would include:

- Adults and young people with substance misuse problems
- People who are homeless and living and working on the streets
- Offenders in prison and those serving community sentences
- Families and communities affected by crime, substance misuse and anti social behaviour
- Victims of domestic abuse

4.8 The safer places document advises that crime is likely to occur when there is a presence of persons likely to commit crime due to their short term circumstances, for example drug addiction, unemployment or social exclusion, and the presence of targets, this would be exacerbated in a vulnerable enclosure without the benefit of adequate surveillance or the presence of crime preventers.

4.9 Objectors to the proposal are concerned about security, safety and crime. The Imp Hut recording studio (at 9 Melrose's Yard) is used by children, and they consider the studio would lose business if the proposed use relocated next door. There are concerns that undesirable persons 'hanging around' the area would increase, which would harm local businesses and residential amenity. Reference has been made to the Baseline Project building in Piccadilly, and other similar facilities, where persons using the centre, those affected by drugs; alcohol and violence hang around.

4.10 Officers have been concerned that the yard area suffers from poor natural surveillance and thus persons living in the flats nearby and occupants of business premises would not feel secure. The yard cannot be gated to control access (which would help overcome this issue) due to multiple users of the yard whom require free access.

4.11 In this resubmission the applicants have explained further how the facility operates, and the steps taken to prevent disturbance. The aim of the facility is to educate clients and make them aware of what is and is not acceptable in society. Clients have to sign up to this agreement and to this extent could be reasonably be expected to act accordingly, in particular when on the doorstep of the facility. The

applicants have advised that (although it occurs infrequently) they attempt to prevent any associates of clients 'hanging around' the premises, as they are aware of the perception this creates. There is a significant staff presence associated with the premises (a ratio of around 1 staff to 7 clients) who have a supervising role over clients.

4.12 The service looks to work with the community, to inform neighbours/surrounding businesses of the practice. At other centres this has been in the form of open days and dialogue with neighbours to make them aware of the premises and how they are run. Should there be any concerns, persons are encouraged to contact the practice; managers are contactable on a 24-hour period. The service plays a pro-active role in increasing persons/clients awareness of the public realm and the expectation to respect it. As such it can aid in enhancing the area, through dealing with existing problems opposed to creating problems.

4.13 It has been proposed that security cameras would be installed and monitored by the reception during office hours and recorded. The presence of such and members of staff on the premises should be adequate to prevent any disturbance or anti-social behaviour. The premises would only operate between around 09:00 and 18:00. The facility (as it is only an education centre) is unlikely to attract people outside opening hours and thus would not affect crime/perception of crime at that time. However CCTV would operate out of hours and the premises are alarmed and linked to a security company whom would immediately attend the site should the alarm be triggered. Should permission be granted, through conditions it could be ensured such measures are implemented.

Visitor and staff parking

4.14 There is no requirement for car parking due to the city centre location although there is space to the front of the premises which could be used for either car or cycle parking. Cycle parking (secure and covered) would be asked for by condition if the application were approved (at a rate of 1 space per 4 staff as required in the Local Plan).

5.0 CONCLUSION

5.1 It is considered that the proposed use would not have a material impact on crime and disorder as clients would be supervised by staff and the presence of CCTV would act as a deterrent. Through promotion of awareness of the practice, surrounding occupants could feel reasonably secure and not threatened by the presence of the facility.

5.2 On balance it is considered that provided there is compliance with conditions, which would require improving awareness, security measures and hours of operation, the proposed facility would not harm the quality of life of surrounding occupants.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 PLANS2 Apprvd plans and other submitted details

3 The use hereby permitted shall not be open outside the following hours:

Monday to Fridays 08:00 to 18:30

No opening on Saturdays and Sundays.

Reason: In the interests of the amenity of surrounding occupants.

4 Prior to the premises opening a statement which advises how the premises operates and how it can be contacted shall be sent to surrounding occupants (the extent of neighbours notified shall be approved by the Local Planning Authority). Signs shall also be installed (in locations to be approved) at the premises advising of contact details.

Reason: In the interests of safety and amenity.

5 The premises shall be used as an education and training centre only and shall not offer/provide any clinical/medical treatment.

Reason: In the interests of the amenity of surrounding occupants.

6 Prior to first use of the premises CCTV cameras shall be installed (in locations which shall be approved by the Local Planning Authority) by the applicants. The CCTV system shall operate on a 24 hour basis, be recorded, and monitored by staff during opening hours.

Reason: In the interests of security.

7 HWAY18 Cycle parking details to be agreed

7.0 INFORMATIVES:

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 loss of office space, amenity and safety and the character and appearance of the conservation area. As such the proposal complies with Policies E3b, GP3 and HE3 of the City of York Local Plan Deposit Draft.

Contact details:

Author: Jonathan Kenyon Development Control Officer

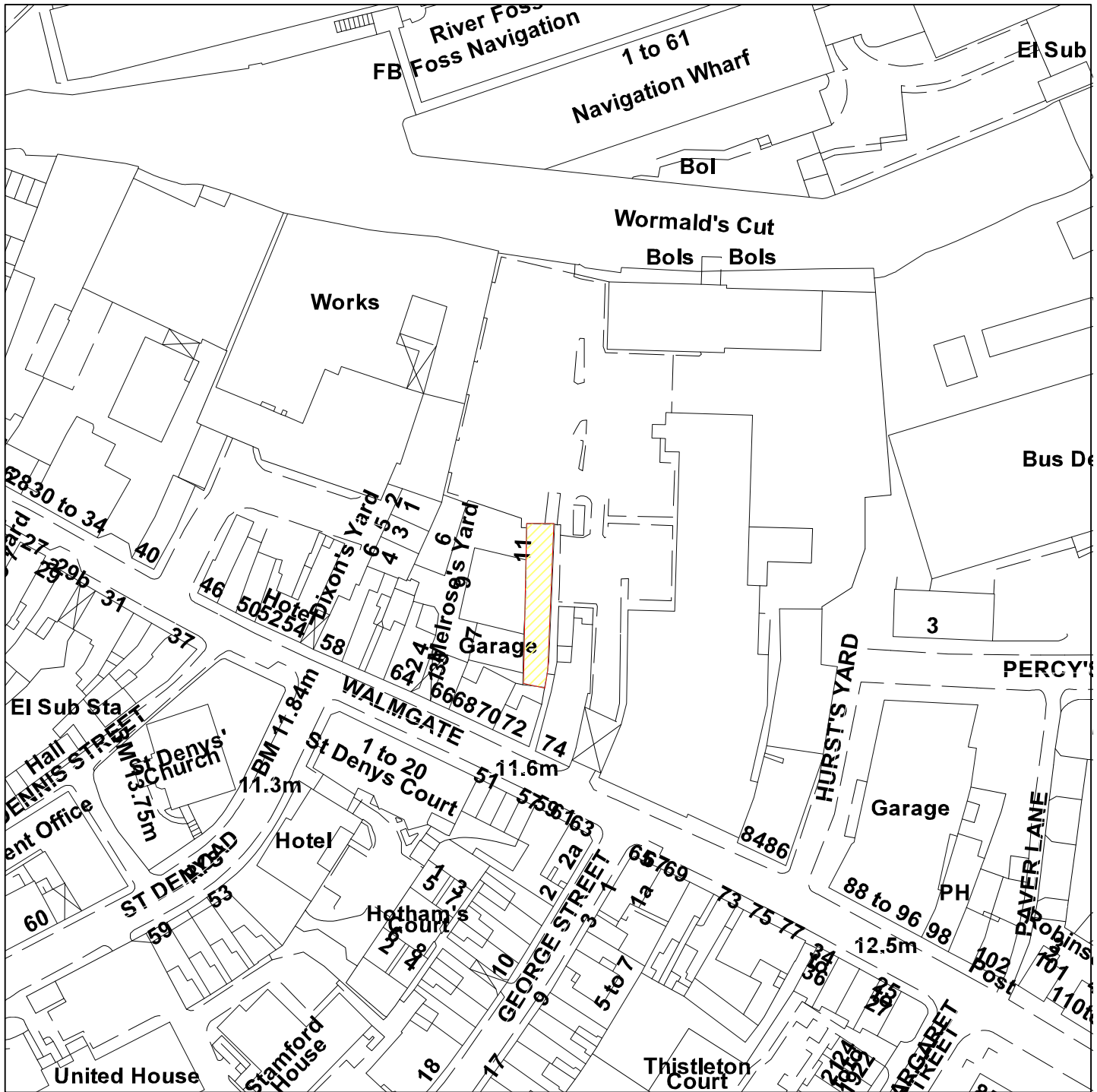
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11 Melroses Yard, YO1 9XF

08/00518/FUL



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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	17 April 2008
SLA Number	Not set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Micklegate
Date: 29 April 2008 **Parish:** Micklegate Planning Panel

Reference: 08/00603/FUL
Application at: Express-o 13 Bridge Street York YO1 6DA
For: Change of use to mixed use of restaurant (Class A3) and hot food take away (Class A5)
By: Ms Lydia Williams
Application Type: Full Application
Target Date: 9 May 2008

1.0 PROPOSALApplication site

1.1 The application relates to 13 Bridge Street. The site includes the sandwich/food shop which fronts onto Bridge Street and also unit 2, which faces North Street and is a hot food takeaway selling fish and chips. The building is grade II listed and in the Central Historic Core conservation area.

Proposed development

1.2 Planning permission is sought to make the unit one. It would operate as a cafe/restaurant with a significant takeaway element. There are alterations proposed in association with the change of use however these are specifically detailed in companion applications for listed building consent and full planning permission.

Relevant site history

1.3 Planning permission was given to split the ground floor and the installation of unit 2 at the premises in 2003, reference 03/02946/FUL.

1.4 The existing shopfront on the North Street elevation was granted permission in 2004, reference 04/01028/FUL. The application was supported as there was no harm to the listed building - the side elevation has been rebuilt since its original, and the installation of the shopfront would break up the existing 'dead frontage' on the elevation.

1.5 In 2006 permission was granted to extend the opening hours of the premises to 02:20 on Fridays and Saturdays, reference 05/02007/FUL.

1.6 The applications for the site come to planning committee at the request of Councillor Brian Watson, so the application can be judged against policy S7 of the Local Plan which seeks to reduce the amount of hot food takeaways on Micklegate/Bridge Street and Low Ousegate.

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 Grade 2; 13 Bridge Street York YO1 1DA 0447

2.2 Policies:

CYS5 Non-retail uses in shopping streets

CYS6 Control of food and drink (A3) uses

CYS7 Evening entertainment including A3/D2

3.0 CONSULTATIONS

Internal

Design, Conservation and Sustainable Development

3.1 Object to the proposed shopfront detailing.

Highway Network Management

3.2 No objection.

Environmental Protection Unit

3.3 No response to date.

External

Planning Panel

3.4 No response to date.

Publicity

3.5 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments is 30.4.08. No written representations have been made to date.

4.0 APPRAISAL

4.1 Key issues

- Principle of change of use
- Residential amenity
- Highway safety
- Character and appearance of the conservation area

- Special historic interest of the listed building

Relevant policies to the proposed use

4.2 Policy S5 of the Deposit Draft Local Plan states that in shopping streets not defined as Primary Shopping Streets, planning permission will be granted for Class A uses at ground floor level where this would not harm the vitality of individual streets or the vitality and viability of the City Centre as a whole. This policy acknowledges the Central Government advice in Planning Policy Statement 6 that a more flexible approach in streets outside the Primary Shopping Area is appropriate. In particular, it accepts that different uses, during the day and in the evening, can complement and reinforce each other.

4.3 Policy S6 states that planning permission for the extension, alteration or development of premises for food and drink uses will only be granted in York City Centre provided i) there is no unacceptable impact on the amenities of surrounding occupiers as a result of traffic, noise, smell or litter, ii) the opening hours of hot food takeaways are restricted where this is necessary to protect the amenity of surrounding occupiers, iii) car and cycle parking meets the standards defined in the Local Plan, iv) acceptable external flues and means of extraction have been proposed and v) where security issues have been addressed.

4.4 Policy S7 states that proposals for new leisure uses (including use class A3) that complement York City Centre will be permitted provided that there is no adverse cumulative effect on the vitality and viability of the Centre, and there is no adverse effect on residential amenity.

Principle of change of use

4.5 Bridge Street is not a primary shopping street thus the proposed use would not be contrary to either policy S5 of the Local Plan or national guidance within PPS6: Planning For Town Centres. Both of which accept that other uses that retain vitality and viability should be allowed in the city centre on streets not identified as primary shopping streets. However policy S7 of the Local Plan must also be considered. S7 seeks to prevent an over concentration of drinking establishments and hot food takeaways on Bridge Street. It is considered that this proposal would not be contrary to policy S7. The proposed main use of the site is A3, which is a restaurant/café, a use which policy S7 does not seek to resist. There would be an element of takeaway, but the site already has a takeaway (the fish and chip shop) which although it fronts North Street is within the same premises. The site would involve a restaurant/café element, including a significant amount of seating on the Bridge Street side of the premises, as shown on the proposed floor plans. It is considered no significant harm would occur through amalgamating the two units.

Residential amenity

4.6 The proposed use would allow customers to eat inside the premises opposed to only takeaway. Persons eating in the premises are less likely to cause significant noise disturbance and as such the impact on residential amenity would be immaterial. It can be a condition that the extant hours of operation are retained.

Highway safety

4.7 The amalgamation of the two units would not affect highway safety.

Character and appearance of the conservation area

4.8 Policy HE3 states that within Conservation Areas, proposals will only be permitted where there is no adverse effect on the character or appearance of the area.

4.9 The change of use only would have a neutral affect on the conservation area. The associated external alterations and their impact are assessed in the companion planning application.

Special historic interest of the listed building

4.10 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.

4.11 The application is for the change of use only. The only change to the floor plan is the removal of a modern partition wall. This has occurred already and nibs have been retained, so there is evidence of the opening. This alteration does not harm the listed building.

5.0 CONCLUSION

5.1 The change of use would create a cafe/restaurant in the premises, with an amount of takeaway. Bridge Street is not a primary shopping street and there is no new takeaway proposed. As such the proposed use is consistent with policy. There would be no harm to amenity or highway safety. The alterations to the listed building would not adversely affect its special historic interest and the impact on the conservation of the change of use alone is neutral.

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans
- 3 The opening hours of the premises shall be restricted to the following times:

Monday - Thursday 1100 hours - 0030 hours on the following day
Friday - Saturday 1100 hours - 0220 hours on the following day
Sunday 1100 hours - 0130 hours on the following day

All customers and staff shall have vacated the premises by these closing times, and all operating activities associated with the use shall also have ceased, including all plant and equipment being turned off/shut down.

Reason: In the interests of the amenity of surrounding residents.

4 The extract system and any other plant associated with the premises e.g. air conditioning or ventilation systems, shall not be operated after midnight on any day, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenity of nearby residents.

5 The extent of the service counter and the customer seating area shall be in accordance with the approved plans.

Reason: To ensure the proposed use contains a significant element of restaurant/cafe use and is not only a hot food takeaway.

INFORMATIVE

You are reminded that this permission is for a mixed use of A3 and A5. To use the building only for a takeaway would require planning permission.

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 principle of the proposed use, residential amenity, highway safety and the character and appearance of the conservation area. As such the proposal complies with Policies S5, S6, S7 and HE3 of the City of York Local Plan Deposit Draft.

2. You are reminded that Listed Building Consent is also required for the proposed alterations to the building associated with the change of use and the development should commence in accordance with any conditions added to the consent.

Contact details:

Author: Jonathan Kenyon Development Control Officer

Tel No: 01904 551323

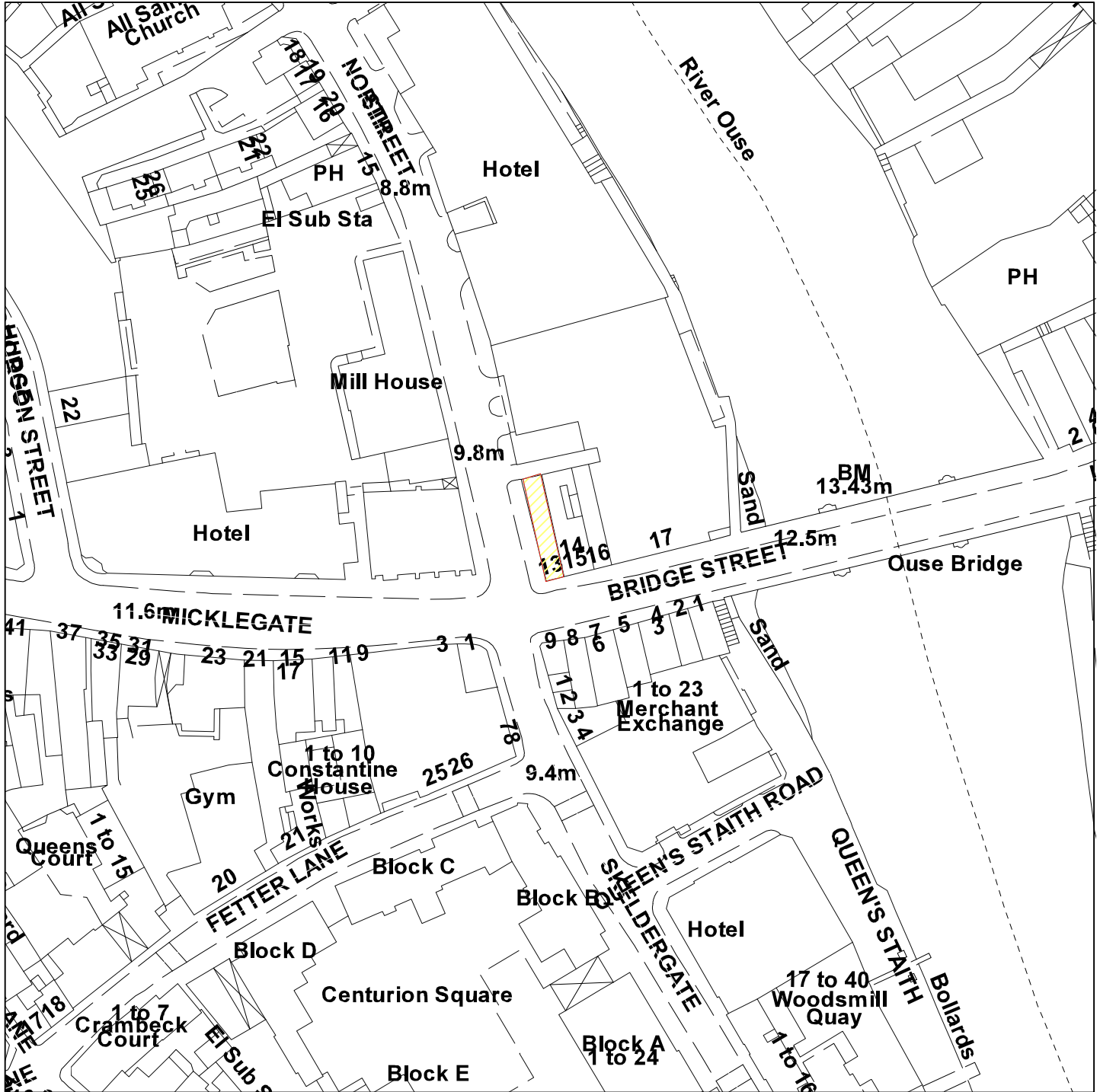
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13 Bridge Street, YO1 6DA

08/00603/FUL



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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	17 April 2008
SLA Number	Not set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Micklegate
Date: 29 April 2008 **Parish:** Micklegate Planning Panel

Reference: 08/00594/FUL
Application at: Express-o 13 Bridge Street York YO1 6DA
For: External alterations including new entrance door following replacement of existing door with window, north street frontage
By: Ms Lydia Williams
Application Type: Full Application
Target Date: 9 May 2008

1.0 PROPOSALApplication site

1.1 The application relates to 13 Bridge Street. The site includes the sandwich/food shop which fronts onto Bridge Street and also unit 2, which faces North Street and is a hot food takeaway selling fish and chips. The building is grade II listed and in the Central Historic Core conservation area.

Proposed development

1.2 Planning permission is sought for alterations to the existing shopfront on North Street and a new entrance. A companion application for listed building consent has been submitted, reference 08/00595/LBC.

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 Grade 2; 13 Bridge Street York YO1 1DA 0447
Listed Buildings Grade 2; 14-15 Bridge Street York YO1 1DA 0448

2.2 Policies:

CYGP16 Shopfronts

CYHE6 Shopfronts in historic locations

CYHE3 Conservation Areas

CYHE4 Listed Buildings

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development

3.1 Object to the plans as submitted. There is concern that the (currently) separate shopfronts and elevations on the front and side elevations are visually distinct and different in character. This is apparent, in particular when viewed from Skeldergate, when the two elevations are seen together.

3.2 The installation of a new entrance would draw the two shopfronts together making the building visually cluttered. This is exacerbated by the fact that the existing and proposed shopfront elements are of different designs which does not seem a particularly cohesive design approach on such a prominent corner listed building in the conservation area. Generally corner shopfronts would be of the same design to retain a sense of uniformity.

3.3 The proposal is thus felt to have a negative impact on the character of the listed building and the character and appearance of the conservation area.

Highway Network Management

3.4 No objection. Ask that no doors open onto the highway.

Planning Panel

3.5 No objection.

Publicity

3.6 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments is 30.4.08. No written representations have been made to date.

4.0 APPRAISAL

4.1 Key issues

- Special historic interest of the listed building
- Character and appearance of the conservation area
- Highway safety

Special historic interest of the listed building

4.2 HE6 states planning permission will only be granted for alterations to existing shopfronts in conservation areas or on listed buildings where the proposed design preserves or enhances the character of the area or building.

4.3 GP16 states alterations to shopfronts will be granted planning permission where they reflect the scale, proportion, materials and architectural style of the building to which they are attached and the area in which they are located.

4.4 The side elevation has been re-built and the Salt and Vinegar (unit 2) shopfront is a modern addition. In principle alterations to this elevation are acceptable, however the design must preserve the appearance of the building.

4.5 It is considered that following the design of the North Street shopfront (as proposed) so near to the Bridge Street shopfront would harm the appearance of the building, as the detailing and proportions vary. The Bridge Street shopfront is preferred in terms of its visual impact.

4.6 If the shopfront is to be extended, the Bridge Street shopfront details/proportions should be copied and the shopfront preferably continued, to turn the corner. A separation between this and the North Street shopfront should be retained. The applicants have been informed of such and it is expected revised plans will be provided and an acceptable scheme agreed. Members will be updated at committee.

Character and appearance of the conservation area

4.7 Policy HE3 states that within Conservation Areas, proposals will only be permitted where there is no adverse effect on the character or appearance of the area.

4.8 The design of proposed shopfront will determine whether the impact on the conservation area will be acceptable.

Highway safety

4.9 The amalgamation of the two units would not affect highway safety. It could be a condition that doors open inward only.

5.0 CONCLUSION

5.1 Revised plans are awaited before it can be determined whether the scheme is acceptable. It is considered the scheme as submitted would be unacceptable, there would be harm to the listed building and the conservation area. However it is expected this can be resolved before committee and members shall be updated accordingly.

5.2 Should permission be granted it would be subject to conditions requiring large scale details of the alterations to ensure that the detailing and materials of the shopfront are acceptable and that no doors open onto the highway.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS2 Apprvd plans and other submitted details
- 3 VISQ2 Large scale details of shopfront required

4 The materials to be used externally shall match those of the existing Bridge Street shopfront in colour, size, shape and texture.

5 HWAY29 No gate/door to open in highway

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL (SUBJECT TO RECEIPT OF ACCEPTABLE DRAWINGS)

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, the character and appearance of the conservation area and highway safety. As such the proposal complies with Policies GP16, HE3, HE4, HE6 of the City of York Local Plan Deposit Draft.

Contact details:

Author: Jonathan Kenyon Development Control Officer

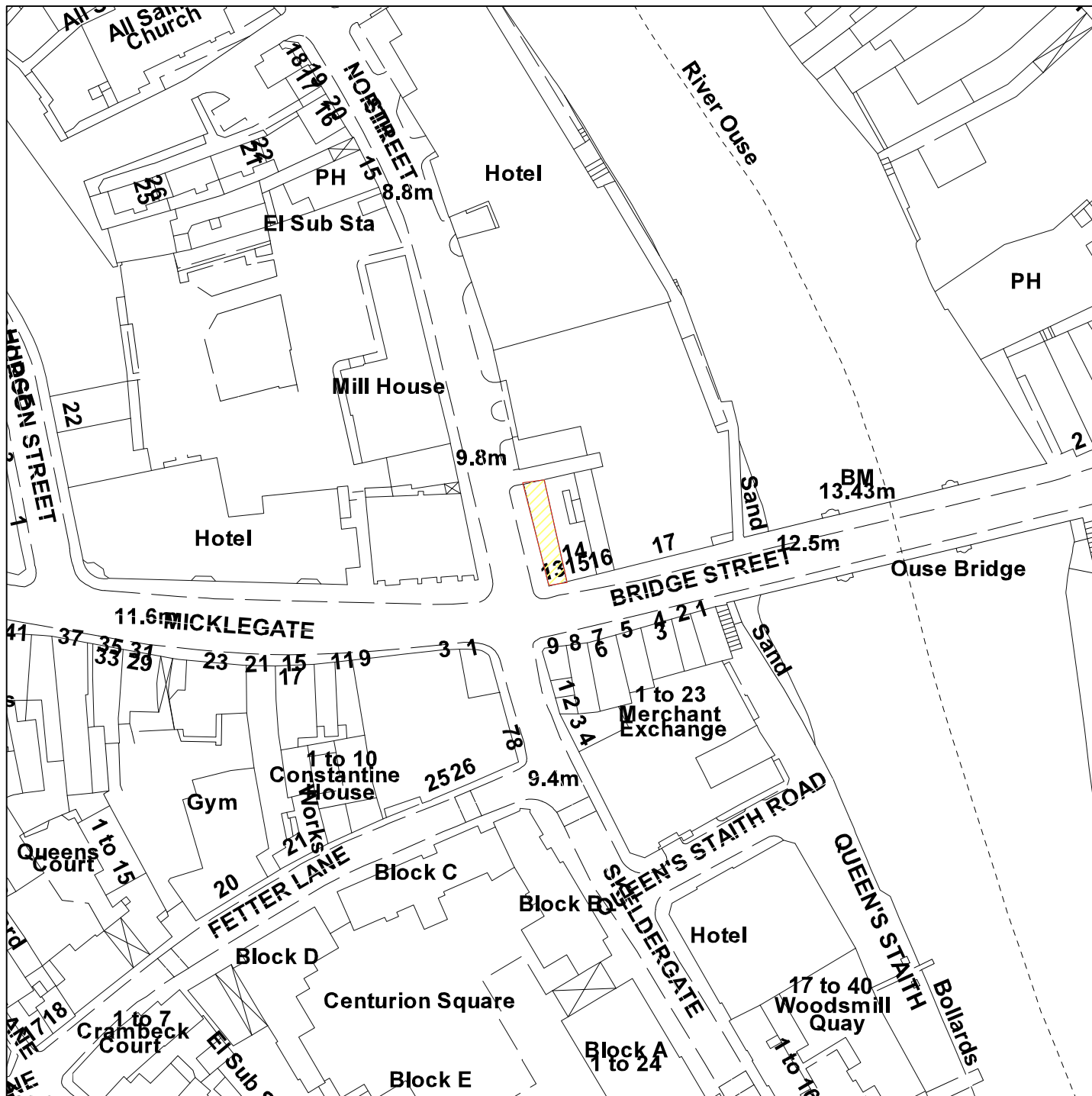
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13 Bridge Street, YO1 6DA

08/00594/FUL



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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Micklegate
Date: 29 April 2008 **Parish:** Micklegate Planning Panel

Reference: 08/00595/LBC
Application at: Express-o 13 Bridge Street York YO1 6DA
For: External alterations including resiting of entrance door following replacement of existing door north street with window, internal alterations including removal of partition wall
By: Ms Lydia Williams
Application Type: Listed Building Consent
Target Date: 13 May 2008

1.0 PROPOSAL

1.1 The application relates to 13 Bridge Street. The site includes the sandwich/food shop which fronts onto Bridge Street and also unit 2, which faces North Street and is a hot food takeaway selling fish and chips. The building is grade II listed and in the Central Historic Core conservation area.

1.2 The application is for listed building consent to create a new entrance into the premises from North Street, seal the existing North Street entrance and convert it to a window and remove an internal partition wall between the two units. The application is part retrospective as the partition wall has been removed already.

1.3 A companion application for full planning permission has been submitted and also one for the change of use of the building to restaurant/cafe and takeaway use.

1.4 In 2003 full planning permission and listed building consent were granted to sub-divide the ground floor of the application site into two units. These applications involved the installation of a partition wall and the creation of a new window and door on the North Street elevation. In 2004 permissions (full and listed building) were granted for the existing shopfront on the North Street elevation.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006
 Conservation Area Central Historic Core 0038
 Listed Buildings Grade 2; 13,14,15 Bridge Street York YO1 1DA

2.2 Policies:

CYHE4 Listed Buildings
 CYHE6 Shopfronts in historic locations

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development

3.1 Object. There would seem little justification for the proposed alteration given the two existing entrances to the premises on Bridge Street and North Street and proposal is felt to have a negative impact on the character of the listed building and the character and appearance of the conservation area.

3.2 There is concern that the (currently) separate shopfronts and elevations on the front and side elevations are visually distinct and different in character. This is apparent, in particular when viewed from Skeldergate, when the two elevations are seen together. The installation of a new entrance would draw the two shopfronts together making the building visually cluttered. This is exacerbated by the fact that the existing and proposed shopfront elements are of different designs. The proposal appears in-cohesive on such a prominent corner listed building in the conservation area. Generally corner shopfronts would be of the same design to retain a sense of uniformity.

Planning Panel

3.3 No objection.

Publicity

3.4 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments is 30.4.08. No written representations have been made to date.

4.0 APPRAISAL

4.1 Key issues

- Justification
- Special historic interest of the listed building

Relevant planning policy

4.2 PPG15 Planning and the Historic Environment advises that applications for listed building consent must be able to justify their proposals. They will need to show why works which would affect the character of a listed building would be desirable or necessary.

4.3 It is a requirement of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve the special historic interest of the listed building and the character and appearance of the conservation area. This is reinforced in policy HE4 of the draft Local Plan which 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 The application is to combine the two premises at this site and extend the frontage. The works would benefit the building by consolidating the unit, creating a

larger mixed use. The larger shopfront would increase the prominence of the premises.

Special historic interest of the listed building

4.5 The proposed internal alteration is the removal of a modern partition. Evidence of the partition remains and the alteration does not affect the special historic interest of the listed building.

4.6 The side elevation has been re-built and the Salt and Vinegar (unit 2) shopfront is a modern addition. In principle alterations to this elevation are acceptable, however the design must preserve the appearance of the building.

4.7 It is considered that following the design of the North Street shopfront (as is proposed), so near to the Bridge Street shopfront would harm the appearance of the building, as the detailing and proportions vary. The Bridge Street shopfront is preferred in terms of its visual impact.

4.8 If the shopfront is to be extended, the Bridge Street shopfront details/proportions should be copied and the shopfront preferably continued, to turn the corner. A separation between this and the North Street shopfront should be retained. The applicants have been informed of such and it is expected revised plans will be provided and an acceptable scheme agreed. Members will be updated at committee.

5.0 CONCLUSION

5.1 Revised plans are awaited before it can be determined whether the scheme is acceptable. It is considered the scheme as submitted would be unacceptable; there would be harm to appearance of the listed building. However it is expected this can be resolved before committee and members shall be updated accordingly.

5.2 Should permission be granted it would be subject to conditions requiring large scale details of the alterations to ensure that the detailing and materials of the shopfront are acceptable.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- | | | |
|---|--------|---|
| 1 | TIMEL2 | Development start within 3 yrs (LBC/CAC) |
| 2 | PLANS2 | Apprvd plans and other submitted details |
| 3 | VISQ2 | Large scale details of shopfront required |

4 The materials to be used externally shall match those of the existing Bridge Street shopfront in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL (SUBJECT TO RECEIPT OF ACCEPTABLE DRAWINGS)

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 Policies HE4 and HE6 of the City of York Local Plan Deposit Draft.

Contact details:

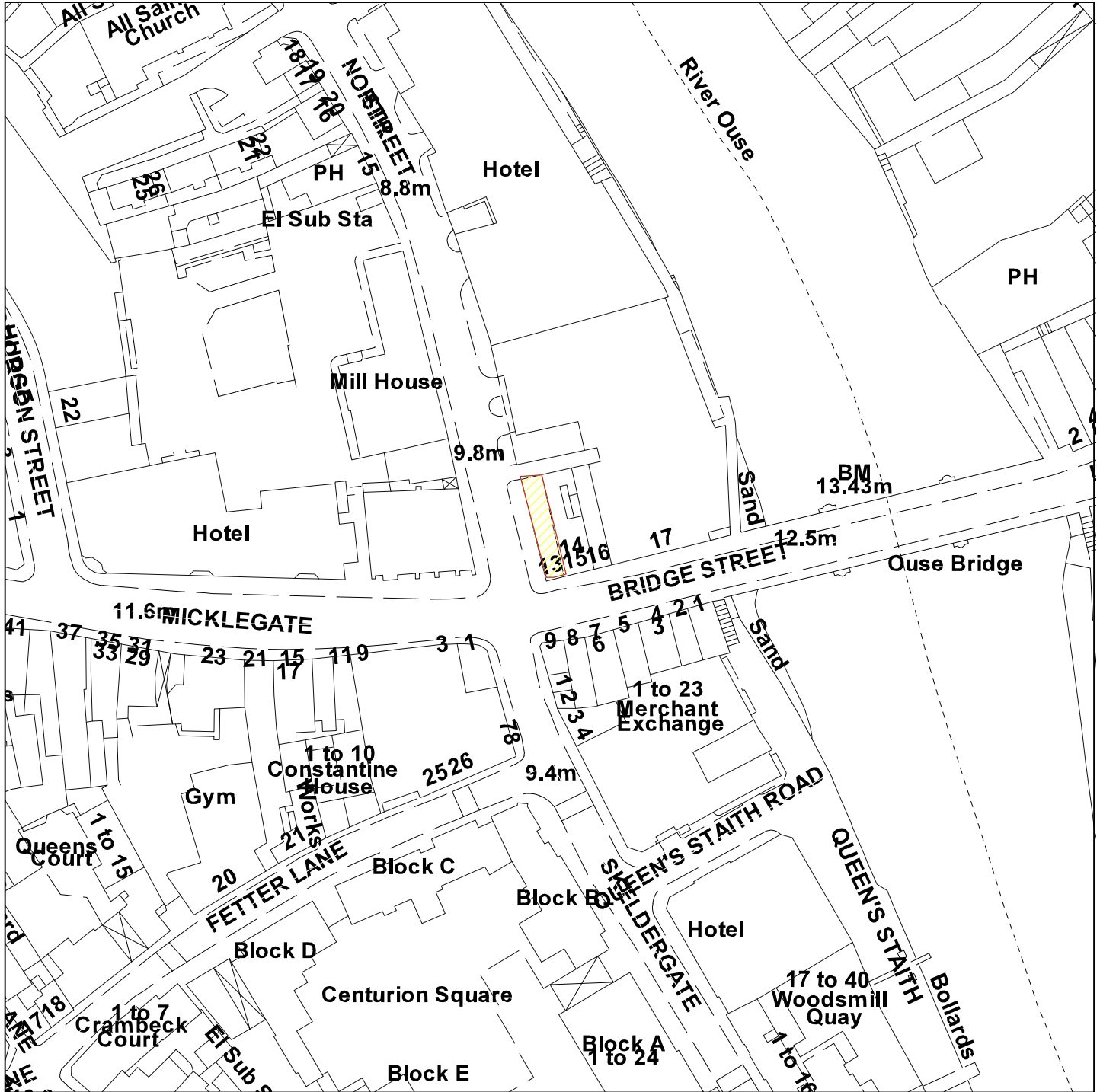
Author: Jonathan Kenyon Development Control Officer
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13 Bridge Street, YO1 6DA

08/00595/LBC



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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Holgate
Date: 29 April 2008 **Parish:** No Parish

Reference: 08/00301/FUL
Application at: 65 Moorgate York YO24 4HP
For: Two storey pitched roof side extension, single storey pitched roof front and rear extensions, after demolition of existing garage and conservatory (resubmission)
By: Mr R Wheller
Application Type: Full Application
Target Date: 7 April 2008

1.0 PROPOSAL

1.1 This application seeks permission for the erection of a two-storey pitched-roof side extension along with single-storey front and rear extensions after demolition of existing garage and conservatory; in order to provide additional living space and replacement garage.

1.2 The two-storey element will project to the same level as the existing bay window to the front; and will project 3.1 metres to the side; and to the same height to the eaves and ridge as the existing dwelling. The single-storey front porch style extension will project to the same distance also. The single storey rear extension will project 3.3 metres from the existing rear elevation, with a length of 10.7 metres and will have a height of 2.2 metres to the eaves and 3.9 metres to the highest point.

1.3 This application has been called-in to Sub Committee by Councillor Denise Bowgett because there are other houses in the vicinity that have similar extensions.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

DC Area Teams West Area 0004

Schools Acomb Primary 0182

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

3.1 Response to neighbour consultation letters which expired on 12.03.08.

Two letters received from neighbouring residents, the first stating no objection, but wish to ensure the grass verge to the front of the property is protected during building works, second letter from no. 63 Moorgate raises objection regarding overshadowing to rear garden; scale, massing and design of proposal, dominating original dwelling and causing terracing effect; loss of outlook from front windows; maintenance issues.

4.0 APPRAISAL

4.1 The key planning issues are:

- Visual impact on the dwelling and surrounding area;
- Impact on neighbouring properties.

Development Control Local Plan Policy

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

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

Supplementary Planning Guidance

4.4 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that good design and a scale of development that respects the original dwelling and established pattern of development are essential to making a quality extension. An extension in the style of the existing dwelling is likely to be the most acceptable. It further states that the basic shape and size of the extension should be sympathetic to the design of the original house and that the scale of the extension should not dominate the original building. Side extensions should be subservient, there appearance will be improved if the extension is set back from the main building.

National Planning Policy

4.5 Planning Policy Statement 1 states that it is the Government's objective to ensure high quality development through good and inclusive design (paragraph 5). It goes on to state in paragraph 34 that this applies to all development and design which is inappropriate to its context, or which fails to take the opportunities available for improving the character and quality of an area should not be accepted.

Relevant Planning History

4.6 Application No. 07/01865/FUL - Two-storey pitched roof side extension, single storey pitched roof front and rear extensions, after demolition of existing garage and conservatory - Withdrawn 25.09.07.

Assessment

4.7 This traditional style detached house is sited within a spacious residential area, outside of the conservation area. The street is largely made up of detached and semi-detached two-storey dwellings, sited within large plots. A long detached garage and attached conservatory are currently sited to the rear within a large garden.

4.8 The previous submission was withdrawn, which showed a similar scheme, but with a two-storey rear projection. This element was considered to cause harm to the neighbouring property and has now been removed from the scheme, with the two-storey element being sited only to the side.

4.9 The proposed additions are large in scale in relation to the original dwelling, and do not give a subservient appearance. The proposed gable feature mirrors that of the existing dwelling and the scale and design. Considered in isolation the proposal would not harm the appearance of the existing dwelling given the detached nature of the property. Though close to the neighbouring property at No. 63 Moorgate, a gap of approximately 1 metre will still be retained on no.63s side of the boundary; it is considered that this along with the lower ridge height at the host dwelling will not result in a terracing effect sufficient to justify the refusal of the application.

4.10 However, the large existing space between the host dwelling and this neighbouring property will be lost. The character of the surrounding area is of large plots with clear spaces between dwellings. It is considered, therefore, that the proposal will cause harm to the character and appearance of the area, due to the bulk of the proposal adjacent to the boundary.

4.11 The main impact upon neighbouring properties will be upon No. 63 Moorgate. The proposed side extension will project in front of the adjacent windows to this neighbouring property, however, it is not considered this would cause significant detriment, due to loss of light or outlook. Some loss of light may occur to the first floor bathroom window, however this is not a primary habitable room. Again, though some evening overshadowing to the neighbouring rear garden may occur, it is not considered to be of severe detriment, bearing in mind the size of the garden to be

enjoyed. It is not considered any loss of amenity will be caused due to the siting of the rear extension to any neighbouring properties, particularly further to the removal of the existing large garage.

4.12 The treatment of the grass verge to the front cannot be conditioned as part of the planning process. Neither can future maintenance issues be a material consideration.

5.0 CONCLUSION

5.1 It is considered that the proposal will cause harm to the spacious appearance of the surrounding area. This would be contrary to policy GP1 which expects development proposals to respect or enhance the local environment and be of a scale and design that is compatible with neighbouring buildings, spaces and the character of the area and policy H7 which requires proposals to respect the spaces between dwellings. The proposal is also contrary to the City Council's "Guide to extensions and alterations to private dwelling houses" in that it fails to respect the established pattern of development.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed extension, by virtue of the scale and massing in proximity to the boundary with the neighbouring property, would harm the visual amenity of the surrounding area, which is characterised by spacious plots with clear gaps between dwellings.

This would be contrary to the Development Control Local Plan policy GP1 which expects development proposals to respect or enhance the local environment and be of a scale and design that is compatible with neighbouring buildings, spaces and the character of the area and policy H7 which requires proposals to respect the spaces between dwellings. The proposal is also contrary to the City Council's Supplementary Planning Guidance "Guide to extensions and alterations to private dwelling houses" in that it fails to respect the established pattern of development and Planning Policy Statement 1 which states that development and design which is inappropriate to its context, or which fails to take the opportunities available for improving the character and quality of an area should not be accepted.

Contact details:

Author: Gareth Arnold Area Team Leader

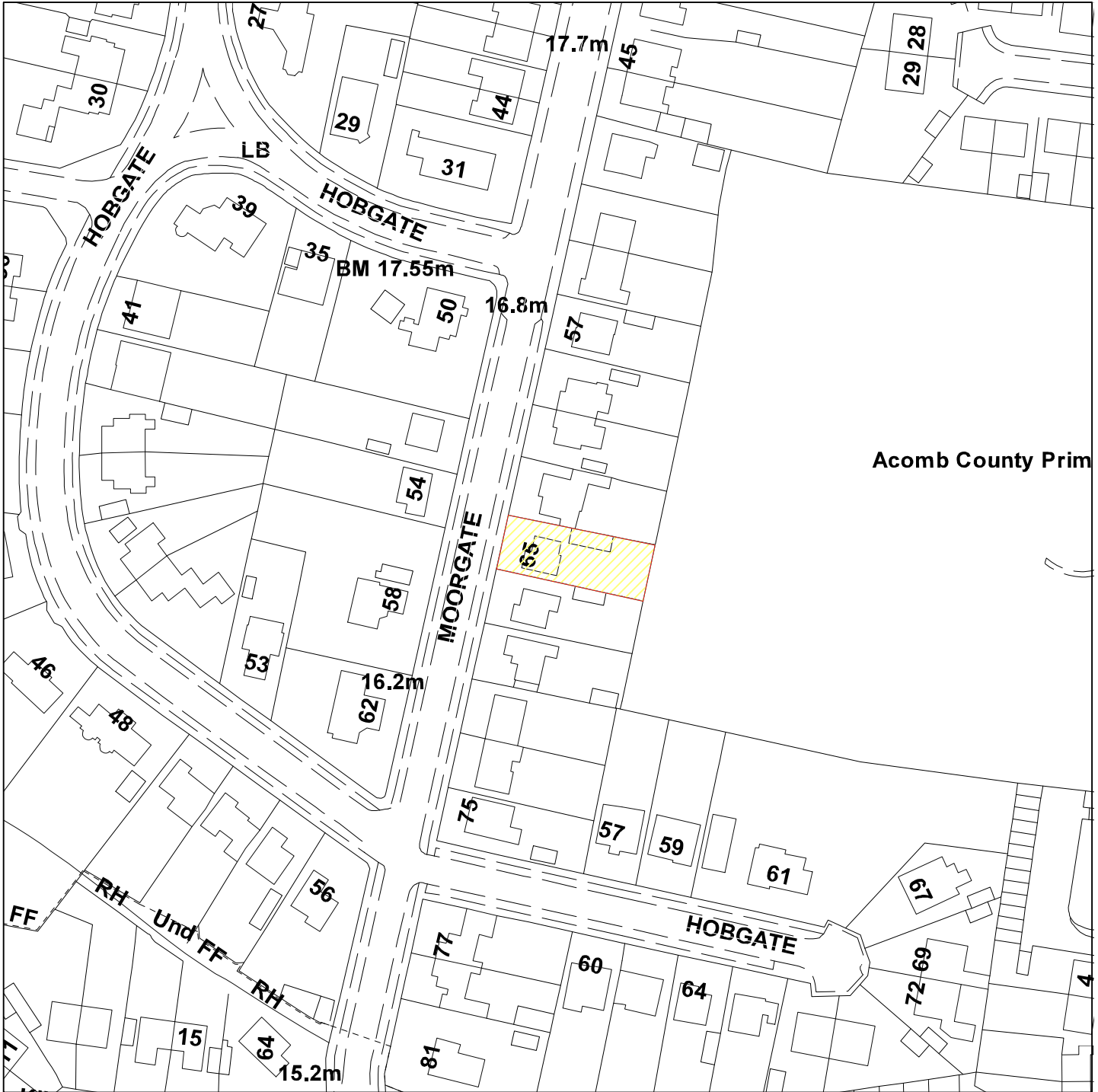
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