



## Notice of meeting of

### East Area Planning Sub-Committee

- To:** Councillors Hyman (Chair), Cregan (Vice-Chair), Douglas, Firth, Funnell, King, Moore, Orrell, Taylor and Wiseman
- Date:** Wednesday, 17 December 2008
- Time:** 2.00 pm
- Venue:** The Guildhall, York

### AGENDA

Site Visits for this meeting will commence at 10am on Tuesday 16 December 2008 at Union Terrace Car Park

**1. Declarations of Interest**

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

**2. Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **Tuesday 16 December 2008 at 5pm.**

**3. Plans List**

To determine the following planning applications related to the East Area.

- a) **8 Cundall Close, Strensall, York, YO32 5ZW** (Pages 5 - 9)  
**(08/02561/FUL)**

A full application for a single storey pitched roof side extension and two storey pitched roof rear extension.[Strensall Ward]

- b) **Hall Farm, Church Lane, Huntington, York,** (Pages 10 -  
**YO32 9RE. (08/02493/FUL)** 16)

A full application for the installation of a 21m high lattice type telecommunications mast with associated equipment. **[Site Visit]** [Huntington and New Earswick Ward]

- c) **Royal Dragon, 16 Barbican Road, York,** (Pages 17 - 37)  
**YO10 5AA. (08/02081/FULM)**

A major full application for the erection of 3 storey detached building comprising 10no. flats and 2no. maisonettes (3x1 bed, 4x2 bed, 5x3 bed) on existing pay and display car park at rear of Royal Dragon Hotel. Demolition of north wing of existing single storey extension and rear single storey extension at the Royal Dragon Hotel to create new access from Barbican Road. **[Site Visit]** [Fishergate Ward]

- d) **Royal Dragon, 16 Barbican Road, York,** (Pages 38 - 43)  
**YO10 5AA.(08/02082/CAC - Conservation**  
**Area Consent)**

Conservation Area Consent for partial demolition of wall and railings at the Royal Dragon Hotel.**[Site Visit]** [Fishergate Ward]

- e) **Shipton Street County Infant School,** (Pages 44 - 62)  
**Shipton Street, York, YO30 7AU.**  
**(07/01633/FULM)**

A major full application for a change of use, extension and alteration of existing former school buildings and new build to form 38no. residential dwellings and community ward facility and associated access, open space and landscaping. **[Site Visit]** [Clifton Ward]

- f) **Shipton Street County Infant School,** (Pages 63 - 69)  
**Shipton Street, York, YO30 7AU.**  
**(07/01643/LBC - Listed Building Consent)**

Listed building consent for the conversion, extension and alteration of existing former school buildings to form part of a residential redevelopment scheme. **[Site Visit]** [Clifton Ward]

#### **4. Urgent Business**

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

#### Democracy Officer:

Name: Laura Bootland

- Telephone – (01904) 552062
- E-mail – [laura.bootland@york.gov.uk](mailto:laura.bootland@york.gov.uk)

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

- Registering to speak
- Business of the meeting
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**EAST AREA PLANNING  
SUB-COMMITTEE****SITE VISITS****Tuesday 16 December 2008**

<b>TIME</b>	<b>SITE</b>
<b>10:00</b>	<b>Depart Union Terrace Car Park</b>
<b>10:10</b>	<b>Shipton Street School. (3e)</b>
<b>10:45</b>	<b>Hall farm, Huntington (Site Visit to take place from All Saints Church). (3b)</b>
<b>11:25</b>	<b>8 Cundall Close (letter of objection has been received) (3a)</b>
<b>11:55</b>	<b>Royal Dragon, Barbican Road (3c)</b>



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

## **Scrutiny Committees**

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

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- 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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**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 17 December 2008  
**Ward:** Strensall  
**Parish:** Strensall And Towthorpe Parish Council

**Reference:** 08/02561/FUL  
**Application at:** 8 Cundall Close Strensall York YO32 5ZW  
**For:** Single storey pitched roof side extension and two storey pitched roof rear extension  
**By:** Mr Richard And Mrs Trish Haswell  
**Application Type:** Full Application  
**Target Date:** 7 January 2009

**1.0 PROPOSAL**

1.1 This application seeks planning permission for a two storey pitched roof rear extension and a single storey pitched roof side extension at 8 Cundall Close, Strensall. The rear extension would be on the south elevation of the property. The side extension would be on the east elevation. The property is detached and has a spacious rear garden. The application site is not within a conservation area and is located within an area of mixed development types. The application has been referred to Committee as both applicants are currently employed by City of York Council.

1.2 Property History : none

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary : York City Boundary 0001

DC Area Teams : East Area (2) 0005

2.2 Policies:

CYGP1  
Design

CYH7  
Residential extensions



### **3.0 CONSULTATIONS**

3.1 Internal - none

3.2 External

3.2.1 Strensall and Towthorpe Parish Council - no response as of 04.12.08.

3.2.2 Neighbour Response - No objections from consulted neighbours.

### **4.0 APPRAISAL**

4.1 Key issue(s): Effect upon neighbouring property and the street scene

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

4.3 Draft Local Plan Policy CYH7 states that planning permission will be granted for residential extensions where: (a) the design and materials are sympathetic to the main dwelling and the locality of the development; and (b) the design and scale are appropriate in relation to the main building; (d) there is no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy; and (e) proposals respect the spaces between dwellings; and (g) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

4.4 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that (1.25) Side extensions should be sympathetically designed to appear subservient to the main house. (1.26) The design of side extensions takes account of the height of the new building in relation to the distance from neighbouring properties.

4.5 The proposed rear extension is approx 5.8 metres wide, approx 5.0 metres long, approx 5.1 metres to the eaves, and approx 7.0 metres to the ridge. It is set down approx 0.5 metres below the ridge of the existing dwelling. There is sufficient amenity space remaining in the rear garden. The proposed single storey side extension is approx 7.8 metres long and projects out approx 2.00 metres. It is approx 2.8 metres to the eaves and approx 3.7 metres to the ridge. It is set back approx 6.2 metres.

4.6 Effect upon the Street Scene. The proposed two storey rear extension will not be visible from Cundall Close. It faces onto a railway line and open land to the rear. In any event it is well designed and harmonious with the existing dwelling. The proposed single storey side extension is set well back. The sense of space between the application property and the neighbouring property at 10 Cundall Close will be maintained. The extension is relatively modest, well designed and will not adversely effect the street scene.

4.7 Effect Upon Neighbouring Property. The side extension is of an acceptable scale and is not considered to appear as a dominant or overbearing structure. There is ample distance between the extension and the neighbours at (no 10) The rear extension will, at its closest point, be approximately 13.0 metres from the adjacent property (no 6) Neither of these two properties would be subject to any significant overshadowing or loss of daylight. The plans show an additional window is to be inserted on the upper floor of the existing east elevation. It is shown as being 'obscure glazed' and as such would be permitted development.

## 5.0 CONCLUSION

The proposal is unlikely to detract from the character and appearance of the area or have a detrimental impact on the neighbours within close proximity to the proposal.

## 6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS2 Approved plans and other submitted details - 09-61/08a 08-6/10a 08-61/09b received on 11/11/2008

## 7.0 INFORMATIVES: Notes to Applicant

1. In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to occupants of neighbouring properties. Nor is it considered that the size, scale or design of the two storey side extension would have any detrimental impact on the street scene. As such the proposal complies with policies H7 and GP1 of the City of York Draft Local Plan.

2. The Town and Country Planning (General Permitted Development) Order as amended on 1st October 2008 states under Class A, condition A.3 (b) that 'any upper floor window located in a wall or roof slope forming a side elevation of the dwelling house shall be -

(i) obscure-glazed, and

(ii) non-opening unless the parts of the window which can be opened are more than

1.7 metres above the floor of the room in which the window is installed'

So long as the proposed window on the existing east elevation is compliant with the above it is acceptable. Any variation may require a separate planning application.

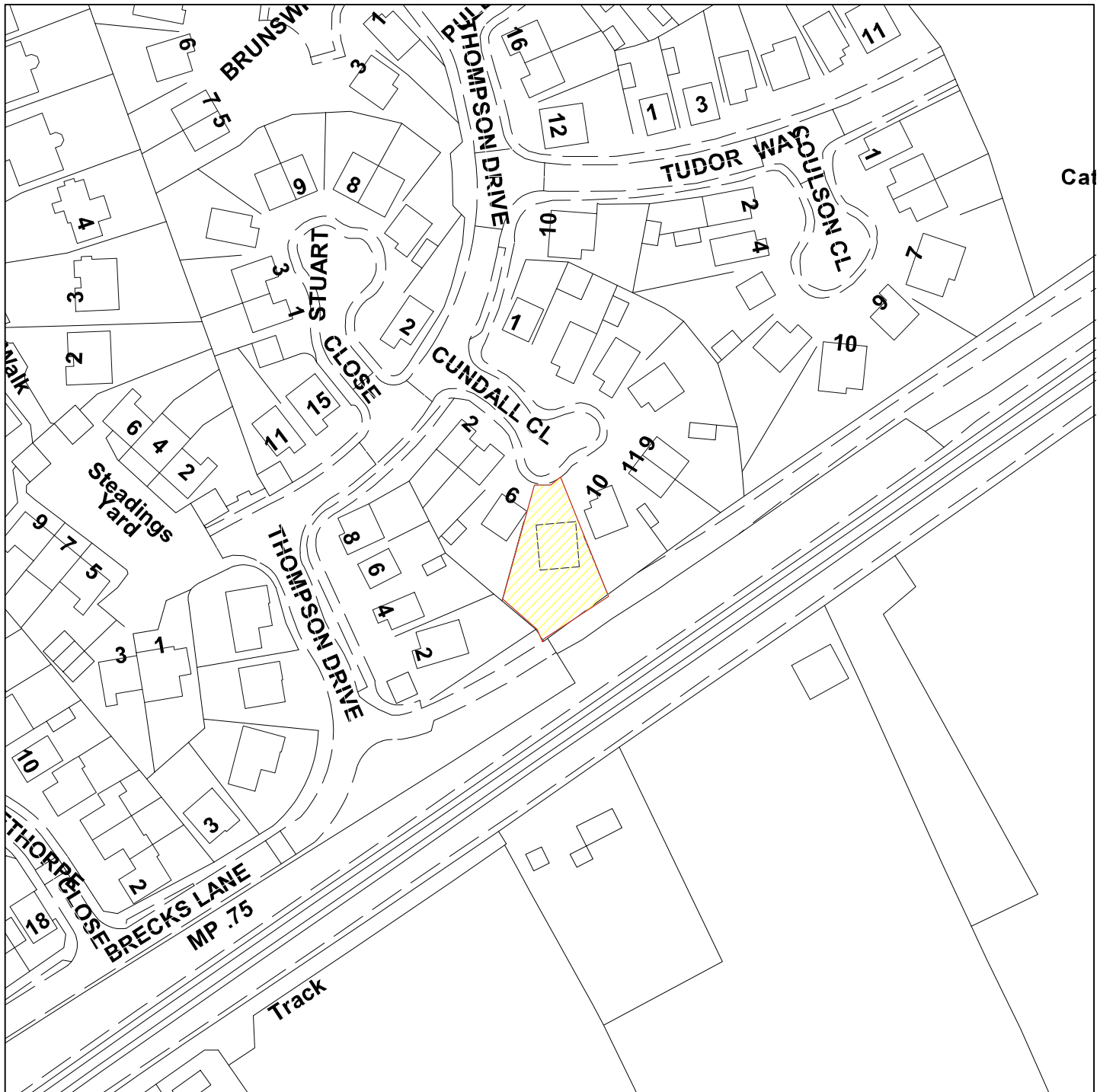
**Contact details:**

**Author:** Paul Edwards Development Control Assistant

**Tel No:** 01904 551668

# 8 Cundall Close

08/02561/FUL



Scale : 1:1250

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<b>Organisation</b>	City Of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application Site
<b>Date</b>	05 December 2008
<b>SLA Number</b>	Not Set

**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 17 December 2008

**Ward:** Huntington/New Earswick  
**Parish:** New Earswick Parish Council

**Reference:** 08/02493/FUL  
**Application at:** Hall Farm Church Lane Huntington York YO32 9RE  
**For:** Installation of 21m high lattice type telecommunications mast with associated equipment  
**By:** Vodafone Ltd  
**Application Type:** Full Application  
**Target Date:** 26 December 2008

**1.0 PROPOSAL**

1.1 This application seeks planning permission for the erection of a telecommunications mast and associated equipment at Hall Farm, Huntington. The mast would be located approximately 175m south of Church Lane and 270m west of Paddock Court in Huntington. The land is within the Green Belt but is outside Huntington Conservation Area.

1.2 The proposed mast is of a lattice design and measures 21m in height. Three antennas would be positioned on top of the mast bringing the total height to 23.4m. Three transmission dishes would sit towards the top of the mast. Associated works include the creation of hardstanding for a maintenance vehicle car parking space, the creation of a 3m wide access track connecting the site to Church Lane, and three equipment cabinets which are no more than 2m in height.

1.3 The application is accompanied by a supporting statement, which includes details of the operational context, details of the siting and design, alternative discounted sites, a planning policy analysis, and confirmation that the developer will meet the International Commission on Non-Ionising Radiation Protection (ICNIRP) safety guidelines. The proposed mast is intended to provide 3G coverage to the local area as well as increasing the capacity for 2G coverage. It is contended by the applicant that there are limited locations to locate a mast to serve the local area. Sixteen alternative sites have been considered but discounted as being less acceptable than the proposed location due to factors such as proximity to listed buildings, the impact upon Huntington Conservation Area, or being operationally "sub-optimum" as they are towards the edge of the cell area. It is contended that the application site is the most suitable in terms of operational requirements, its separation from residential dwellings and Huntington Conservation Area, and its proximity to mature vegetation which limits potential views of the proposed structure.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary : York City Boundary 0001

DC Area Teams : East Area (2) 0005

## 2.2 Policies:

CYGP20

Telecommunication developments

CYGB1

Development within the Green Belt

## 3.0 CONSULTATIONS

### INTERNAL

3.1 Highway Network Management - Concerns raised over the potential vehicular damage to the Public Right of Way during its construction and maintenance. The distance from the access to the site is approximately 1km. They recommend the mast is relocated or alternative access routes are considered.

3.2 Environmental Protection Unit - No objections.

### EXTERNAL

3.3 Huntington Parish Council - No comments received at the time of writing the report. Verbal update to be given at committee.

3.4 New Earswick Parish Council

Object. The proposed mast would violate a Green Belt area. The height and design of the mast would create a hideous blot on the rural, scenic environment enjoyed by many residents. The well known and enjoyed view of All Saints Church would be completely ruined for New Earswick residents and the many walkers enjoying one of the most attractive riverside public footpaths around the city of York.

3.5 Local Residents and General Public

35 letters of objection received from local residents, and 1 letter of objection was received from The River Foss Society. The following points were raised:

- the mast is tall and will be widely visible from surrounding areas;
- the application site is part of an unspoiled landscape at present, this would be eroded by the telecommunications mast;
- there must be a better, less visually intrusive, possible location for the mast;
- phone reception is already good in the area, there is no need for an additional mast;
- the mast will detract from views into Huntington Conservation Area;

- there are public footpaths in the area which are currently enjoyed by local people, the mast will alter the existing natural landscape;
- health concern, there are schools and houses in the area;
- the mast may set a precedent for similar developments in this area;
- the proposed mast would harm local property values;
- the proposed development is in the Green Belt and there is no justification for this kind of development in the Green Belt;
- the proposed mast is too tall;
- the phone mast would be an eyesore in what is a very attractive green area of York;
- the proposed development is contrary to Planning Policy Guidance Note 8 and Local Plan Policy GP20;
- the area currently has a high amenity and environmental value, this will be eroded particularly by the paved road to the site which would cause direct environmental damage;
- the proposed mast is not shielded by trees or buildings.

#### **4.0 APPRAISAL**

##### 4.1 The key issues are:

- impact on the openness of the Green Belt; and
- the visual impact of the development

#### **POLICY CONTEXT**

4.2 Both Draft Local Plan Policy GB1 and national guidance contained within Planning Policy Guidance Note 2 'Green Belts' highlight the type of development which may be appropriate in the Green Belt. A telecommunications mast and associated equipment would not fall within any of these categories.

4.3 Paragraph 65 of Planning Policy Guidance Note 8 'Telecommunications' (PPG8) offers specific advice on telecommunication mast development in the Green Belt. It states that in Green Belts, telecommunications development is likely to be inappropriate unless it maintains openness. Protection of openness is the primary aim of Green belt designation, as explained in PPG2. Inappropriate development may proceed only if very special circumstances are demonstrated which outweigh the degree of harm to the Green Belt. It goes on to state that a lack of alternative sites outside of the Green Belt which meet operational requirements might be considered to be very special circumstances.

4.4 Draft Local Plan Policy GP20 sets out the criteria by which telecommunication masts should be assessed. This states that planning permission will be granted for telecommunications developments, including tall masts, provided:

- a) options for putting the masts on buildings or mast sharing have been explored; and
- b) visual intrusion has been minimised and as such there would be no significant harm to the character of the area; and
- c) there would be no adverse impact on the historic character of the city or its skyline; and

d) the apparatus meets government guidelines for telecommunications equipment.

#### PRINCIPLE OF DEVELOPMENT

4.5 It is considered that the proposal would constitute inappropriate development within the Green Belt. Inappropriate development may only proceed if very special circumstances are demonstrated which outweigh the degree of harm to the Green Belt. Central Government within PPG8 states that a lack of alternative sites outside of the Green Belt which meet operational requirements might be considered to be very special circumstances. The applicants have considered sixteen alternative sites, the majority of which are not within the Green Belt, and these have been eliminated for a variety of reasons. It is difficult for the Local Planning authority to conclude that other sites are available but not explored. It is noted that ten of the sixteen alternatives explored were outside of the identified operational area, which were not considered acceptable due to operational requirements. The six remaining alternative site options considered were discounted for reasons including the site being within a conservation area, the site being in a heavily populated area, or the site owner not wishing to lease land to the applicant. If it is accepted that the applicant has made reasonable but unsuccessful attempts to establish a potential site outside the Green Belt, then the principle of siting the mast within this Green Belt location would not necessarily constitute inappropriate development. It is necessary, however, to consider the impact of the proposal on the openness of the Green belt and the visual amenity of the area, in accordance with Central government guidance within PPG2 and Draft Local Plan Policy GP20.

#### VISUAL IMPACT OF THE DEVELOPMENT

4.6 It is not considered that the proposed development significantly harms the openness of the Green Belt. The mast is of a relatively slim, lightweight, lattice design, and whilst its height would make it visible from a number of vantage points it is not considered to significantly affect openness. The landscape would still be open in terms of outlook from surrounding areas.

4.7 PPG2 states that one of the purposes of including land within the Green Belt is 'to retain attractive landscapes, and enhance landscapes near to where people live.' Paragraph 3.15 of PPG2 expands on this by stating 'The visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt, which although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.' The proposed mast is located within an attractive landscape which is visible from a number of dwellings and vantage points in the area. The site and its surroundings are undeveloped and relatively flat, and the proposed mast would therefore be visually prominent. Whilst there are some trees within the general area, these are not considered close enough or of sufficient number or scale to visually screen the proposal from the surrounding area. In addition to the potential impact on views from surrounding dwellings, the area is well used by the community with the nearby public footpaths being used for a variety of leisure pursuits. The proposed mast would stand out and appear as an alien feature in an otherwise undeveloped part of the city.



4.8 PPG2 seeks to preserve the setting and special character of historic towns. Draft Local Plan Policy GP20 seeks to protect the city from any adverse impact on the historic character of the city or its skyline from telecommunication mast development. It is not considered that the proposed mast would be detrimental to the overall skyline of York given the separation distance between the application site and the city centre. It is also considered that the telecommunications mast would not have a significant impact on the historic character of the city. The proposed mast is approximately 175m south of Church Lane and 270m west of Paddock Court, the proposed mast is therefore a significant distance from Huntington Conservation Area. It is not considered that an objection can be sustained in terms of the impact of the mast on Huntington Conservation Area.

#### Highways

4.9 Concerns have been raised by Highway Network Management regarding the length of the access track and the physical impact on the Public Right of Way. These concerns have been passed on to the applicants. No response has been received at present and an update on this issue will be given at Planning Committee.

#### Concerns of local residents

4.10 A number of objections from local residents referred to the health implications of locating a telecommunications mast on this site. The applicant has submitted a Certificate confirming that the proposed equipment and installation is designed to be in full compliance with the requirements of the ICNIRP Public Exposure Guidelines on radio frequency. Therefore, in accordance with advice within PPG8, and in the absence of any special indication otherwise, it is not necessary to consider further the health aspects of the proposed development. Paragraph 98 of PPG8 states: "... it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains Central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them." It is not considered, therefore, that objections can be sustained on health grounds.

4.11 The issue of property value and sales are outside the consideration of this planning application, this is confirmed in PPG8.

4.12 With regard to 'need' the applicant has submitted a supporting statement that refers to the operational requirement for the base station in this locality. PPG8 clearly states that it is not for the Local Planning Authority to question the need for the equipment and therefore this is not a material consideration in the determination of this application.

## 5.0 CONCLUSION

5.1 It is considered that the siting of the proposed mast within this location would cause significant visual harm to the character and appearance of this attractive green landscape.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Refuse

1 The site is within an area of Green Belt. It is considered that the location, design, and height of the proposed development would be harmful the character, appearance and visual amenity of the area. It is considered that the proposed development would introduce a visually intrusive structure into a landscape which is attractive, open and undeveloped and is enjoyed by both local residents and visitors to the area. As such the proposed development is considered contrary to Policies GB1 and GP20 of the City of York Council Draft Local Plan, and Central Government advice contained within Planning Policy Guidance 2: "Green Belts" and Planning Policy Guidance 8: "Telecommunications".

## 7.0 INFORMATIVES:

### Contact details:

**Author:** Michael Jones Development Control Officer

**Tel No:** 01904 551325

# Hall Farm, Church Lane, Huntington 08/02493/FUL



GIS by ESRI (UK)



Scale : 1:2500

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	08/02493/FUL
<b>Date</b>	11 December 2008
<b>SLA Number</b>	Not Set



is located outside the conservation area boundary and is thus not subject to conservation area controls. However, conservation area consent is required for the partial demolition of the existing wall and railings at the front of the Royal Dragon, which is required in order to provide improved visibility at the new access. This is considered under a separate Conservation Area Consent application (Ref.no. 08/02082/CAC), also on this agenda

1.4 Revised plans have been submitted incorporating a number of major changes to the scheme. These include:

- i. the repositioning of the front gable section away from 1-4 Barbican Mews by 3.0m and reducing the overall massing of this gable section;
- ii. reducing the overall height of the building by 500mm to 11.0m;
- iii. removing the front dormer as appeared in the original scheme and adding additional dormers on the rear roof slope;
- iv. increasing the width of the proposed northern access to 3.7m from the original 3.2m; and
- v. altering the design of the front and rear elevations of the building.

1.6 As the result of changes as described above, the building would measure 22.0m X 16.0 (maximum) with an eaves height of 8.0m and an overall height to the ridge of 11.0m. Both 1-4 Lawrence Court and 1-4 Barbican Mews measure 8.0m high. These properties are positioned in line with the proposed building.

1.7 Access into the site would be through the proposed access to the north of the Royal Dragon, which connects Barbican road with the application site. The existing access to the south of Royal Dragon would be retained as an exit point.

1.8 There are currently 31 parking spaces within the pay and display car park. This would be reduced to 17 by virtue of the development proposed, of which 7 no. parking spaces would be retained for the existing restaurant, with the remainder allocated to future residents.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

2.2 Policies:

CYSP10  
Strategic Windfalls

CYSP6  
Location strategy

CYGP1  
Design

CYGP3  
Planning against crime

CYGP4A  
Sustainability

CYGP4B  
Air Quality

CYGP9  
Landscaping

CYGP15  
Protection from flooding

CYHE2  
Development in historic locations

CYT4  
Cycle parking standards

CYT16  
Long stay car parks

CYH3C  
Mix of Dwellings on Housing Site

CYH4A  
Housing Windfalls

CYH5A  
Residential Density

CYED4  
Developer contributions towards Educational facilities

CYL1C  
Provision of New Open Space in Development

CYSP3  
Safeguarding the Historic Character and Setting of York

CYSP8  
Reducing dependence on the car

CYC6  
Dev't contributions to comm facilities

### 3.0 CONSULTATIONS

#### EXTERNAL

3.1 Fishergate Planning Panel - no reply received

3.2 Environment Agency consulted. Responses received 27 October 2008 and 28 November 2008. The Agency has no objections to the principle of the proposed development. Conditions recommended.

3.3 Yorkshire Water consulted. Responses received 29 October 2008 and 25 November 2008. Conditions recommended.

3.4 Safer York Partnership consulted. Response received 14 October 2008. The following comments were made:

- Entrance and Exit to the development: Both the entrance and exit to the site must be clearly signed especially for road users as the new development is proposing a one way circuit.
- Natural Surveillance: The present site layout gives good natural surveillance as it is overlooked by the flats.
- Lighting: Appropriate lighting should be designed to cover potential high risk areas such as the parking bays and the site entrance. The refuse and cycle shed areas should be illuminated.
- Landscaping: This should not impede natural surveillance and must not create hiding places for intruders.
- Refuse and Cycle Shed areas: These areas should be secured to reduce the risk of theft and arson. The proposed cycle shed appears to be overlooked from the development and the refuse area is in a location that should not cause an issue to the hotel or the proposed development if a fire occurs.
- Main Entrance: The main entrance should be fitted with an access control system.
- Balconies: Enclosures to balconies at all levels should be designed to exclude handholds and to eliminate the opportunity for climbing up, down or across between balconies.
- CCTV: Consideration should be given to having CCTV cover the parking area, refuse and the cycle shed.
- Windows: Ground floor windows and those easily accessible above ground floor must be successfully tested to BS 7950.
- Site Security: Every effort should be made to secure plant, machinery and materials during the building and development phase.
- Secured by Design: This should be considered by the developers.

3.1 Neighbours consulted, site notice posted, and advertised in local newspaper. 5 letters of objection received raising the following concerns:

- The proposed site has only one entrance/exit which leads directly onto a busy part of the ring road (A1036);
- Temporary traffic management measures may need to be introduced during the construction process in order to avoid risk to both pedestrians and road users;

- the construction would be exceptionally dangerous to pedestrians, in particular young school children;
- the proposal would pose a greater danger than the present car park;
- permanent modifications would need to be made to the road layout in order to allow residents of these new dwellings access in and out;
- the road safety measures would be difficult to introduce without considerable inconvenience to road users;
- the noise and mess to be created during the construction process would represent an unacceptable disturbance to the occupants at 12A Barbican Mews, 7 Barbican Mews and the local community;
- the proposal would obstruct the views of the property at 12A Barbican Mews, 7 Barbican Mews and 10 Barbican Mews;
- the design of the scheme is not in keeping with the local area;
- the proposed development would have a significant impact on 10 Barbican Mews and 7 Barbican Mews in terms of the loss of daylight;
- the daylight/sunlight assessment is incorrect;
- the proposal would affect the privacy of the residents at 10 Barbican Mews and 7 Barbican Mews;
- the proposal would increase noise level in the evenings and littering associated with late night activities.
- The introduction of more dwellings would put a significant strain upon the available parking facilities, leaving Barbican Mews to cope with the overflow;
- it may be necessary to introduce 'Permit Parking' to Barbican Mews in order to secure residents' spaces. Such measures would be inconvenient for local residents as well as putting additional strain on local authority due to ongoing monitoring;
- the proposal would reduce the value of the property;
- to build more dwellings in York during the current economic climate is unwarranted and unjustified.
- The proposal is a four storey building and not the planned three as the roof space would provide top floor accommodation;

## INTERNAL

3.5 City Development Unit consulted. Responses received 29 October 2008 and 26 November 2008. The following comments were made:

- The proposed residential use on this site is acceptable in policy terms;
- The density of the proposed development is approximately 109 dwellings per hectare.
- The Council's Strategic Housing Market Assessment indicates that greatest demand across York is for 2-bed and 3-bed homes. It also highlights that demand is for houses rather than flats;
- Highway Network Management team should be consulted on the loss of car parking;
- A Sustainability Statement has been submitted. This needs to be judged in accordance with the Council's Interim Planning Statement on Sustainable Design and Construction;



3.6 Lifelong Learning and Leisure consulted. Response received 29 October 2008. As there is no on-site open space, commuted sums should be paid to the Council for amenity open space, play space and sport pitches.

3.7 Highway Network Management consulted. First response received 27 October 2008. The following comments were made:

- No objections are raised to the proposed reduction of car park spaces;
- The car parking provision for the flats is 10 spaces for 12 apartments; this is considered acceptable given the proximity of the site to the city's transport links.
- The proposed new access is shown as 3.2m wide. This should be increased to a minimum of 3.7m with a height clearance of 4.5m throughout to permit emergency vehicles, principally fire tenders, to enter the site;
- Communal cycle stores are not the preferred option as they can result in security problems;
- Cycle spaces should be at a minimum rate of one per 1- 2 bedroomed dwelling and two per 3 bedroomed or over.
- It is not considered that the proposed development would justify additional cycle storage for the restaurant;
- Conditions recommended to any permission granted. Other than the standard highway conditions, conditions requiring a full 3 stage road safety audit and a Method of Work Statement condition have been recommended.

3.8 Second response received 2 December 2008 following the submission of revised drawings. The following comments were made:

- The entrance has been widened to 3.7m. This is now considered to satisfy the requirements for emergency vehicles.
- The cycle storage has been increased to cater for 24 cycles. This is considered to be acceptable.
- conditions recommended previously still apply

3.9 Environmental Protection Unit consulted. Response received 16 November 2007. The following comments were made:

- The site is within the Air Quality Management Area. However, the residential units are set back from the carriageway. Furthermore, there is not likely to be an increase in traffic generated by the site and that there is provision for bicycle storage for the proposed future residents.
- Watching brief informatives should be placed on the permission to cover the remediation of any contamination that may be found during development (informatives 3 and 4).
- A condition is recommended to ensure the residential units are adequately protected from the road traffic noise (condition no.12).

3.10 Learning, Culture and Children Services: On the basis of the types of apartments proposed, 2 extra secondary school places are needed. As such a financial contribution of £32,540 is required.

3.11 Design, Conservation and Sustainable Development consulted.

## Conservation

First response received 5 October 2008. The following comments were made:

- By virtue of the scale and design of the proposed building, it would be prominent in views into and out of the conservation area, and views from the city walls;
- substituting the rendered panels with a more traditional natural finish would preserve the proposed contemporary appearance;
- the glazed projecting gable which form the front roof hip (as shown on the original drawings) should be omitted to preserve the setting of neighbouring historic assets;

3.12 Second response received 28 November 2008. It is considered that the revised plans have addressed comments made in the original response.

## Sustainability

Response received 4 November 2008. The following comments were made:

- The details submitted with the application have broadly covered the key issues in the Interim Planning Statement and Policy GP4a of the City of York Draft Local Plan 2005. The following aspects of the scheme are particularly welcomed:

- a. commitment to minimal parking and the promotion of sustainable transport modes
- b. The design and commitment to build to a BREEAM Eco-Homes 'Very Good'
- c. use of local, natural and responsibly sourced materials.
- d. sustainable drainage
- e. use of a Construction Environmental Management Plan
- f. recycling provisions
- g. use of SUDS,
- h. designed to reduce demand for energy,
- i. commitment to generate 10% of the sites energy demand from renewable sources.

3.14 Engineering Consultancy consulted. Response received 14 October 2008. The consultancy objected as insufficient information has been provided to determine the potential impact the proposals may have on the existing drainage systems.

## 4.0 APPRAISAL

4.1 The main issues to be considered are as follows:

- i. Residential development in an existing car park
- ii. Visual amenity and impact on the conservation area
- iii. Residential amenity
- iv. Housing mix
- v. Parking and highway safety,
- vi. Environmental protection
- vii. Flood risk and drainage
- viii. Sustainability

ix. Other material considerations

RESIDENTIAL DEVELOPMENT IN AN EXISTING PAY-AND-DISPLAY CAR PARK

4.2 Policy T16 of the City of York Draft Local Plan seeks to reduce the number of peak hour car trips, that contribute significantly to congestion and environmental pollution.

4.3 The site is currently used as a pay-and-display public car park. It became established in 2006 as a result of the granting of a Certificate of Lawful Use, the applicant have successfully demonstrated then that the pay-and-display public car park has been in continuous use for a period of over 10 years.

4.4 This application seeks to replace the existing pay and display private car park with a private residential scheme. It is considered that the proposed loss of a pay-and-display car park would comply with the objectives policy T16 of the City of York Draft Local Plan, by reducing the number of car borne journeys into the city. Furthermore, the site is situated just outside the city centre boundary and would secure the redevelopment of a brownfield site. Due to its location the site also has good accessibility to jobs, shops and services by non-car modes. As such, the proposed residential use on this site is considered acceptable in principle. No objections are raised by the City Development team in policy terms.

VISUAL AMENITY AND IMPACT ON THE CONSERVATION AREA

4.5 Following the comments of the Council's conservation officer, the latest scheme has been amended in order to reduce the impact on the character and appearance of the conservation area. Initial concerns regarding the impact of the glazed projecting front gable have now been addressed following the submission of amended drawings. The overall height and massing of the building have also been reduced so that it would appear less prominent from the City Walls and the rest of the conservation area. The submitted cross-sectional drawing shows that the overall height of the proposed building would be no higher than the Royal Dragon and 5-16 Barbican Mews. A condition has been recommended to ensure that the building would be no higher than 11.0m (condition no.16).

4.6 The proposed building would also be well screened by the massing and positioning of Royal Dragon building and the surrounding buildings fronting Barbican road and Paragon Street. No objections are raised regarding its design and contemporary appearance. As such, it is unlikely that the proposed scheme would harm the character, setting and appearance of the conservation area and the locality.

4.7 The revised scheme introduces dormer windows onto the rear elevation of the building. However, they would be relatively unseen from surrounding public viewpoints. Furthermore, they would not be seen from within the conservation area by virtue of the screening effect afforded by the roof the proposed building. Hence it is unlikely that the visual appearance and amenity of the area would be unacceptably harmed.

## RESIDENTIAL AMENITY

4.8 The latest amendments have incorporated a number of changes seeking to address the issues concerning the loss of daylight and overbearing. The original scheme incorporated a large gable element projecting beyond the front of the building line by 6.0m, leaving a distance of less than 3.0m from 1-4 Barbican Mews. As this would have appeared intrusive and overbearing when viewed from 1-4 Barbican Mews and may also have resulted in an unacceptable loss of daylight, revised drawings have been submitted to relocate this front gable element away from 1-4 Barbican Mews by 3.0m. The impact on adjacent residents would also be minimised by reducing the scale of this front gable element and by reducing the overall ridge height of the building.

4.9 There would be a distance of approximately 21.0m between the proposal and nos 5 -16 Barbican Mews. This is considered to be acceptable in an urban setting given that similar distances between buildings have already been established in this locality. The use of recessed balconies would minimise the loss of privacy and overlooking. Due to a separation distance in excess of 25.0m it is unlikely that the proposal would unacceptably affect the privacy and the level of daylight entering into 7 and 10 Barbican Mews.

4.10 The south east section of the building would be in close proximity to the southern boundary. Nevertheless its footprint would only be set 1.0m forward in relation to the building line at 1-4 Barbican Mews. Hence it is unlikely that the relationship between the two blocks would result in an unacceptably loss of amenity. An informative has been recommended to ensure that all parts of the building including side gutters would be within the application site (informative no.3).

4.11 Having taken the above into account, it is not considered that the development would unacceptably harm the residential and visual amenities of the locality.

## HOUSING MIX

4.12 A total of three 1 bed, four 2 bed and five 3 bed units would be provided. On the basis that 75% of the units would be two and three bed units, it is considered that the scheme would not be in conflict with the standards set out in Strategic Housing Market Assessment and would accord with policy H3c of the City of York Draft Local Plan 2005.

## PARKING AND HIGHWAY SAFETY

4.13 As requested by the Highway (Network Development)Team, the amended plans show the minimum width of the proposed access increased to 3.7m with a height clearance of 4.5m. The amended drawings also show that 24 cycle spaces would be provided, increased from 12 as originally proposed. A condition has been recommended to ensure that adequate covered cycle spaces would be provided within the application site (condition no.6).

4.14 The existing pay and display car park contains a total of 31 spaces. This would be reduced to 17 spaces, all of which would be used by the future residents and the

customers of the Royal Dragon only. It is considered that by replacing the pay-and-display car park with a residential development, the proposal would contribute towards restricting the availability of parking outside the city centre boundary, which in turn would restrict vehicle movements into the city. This accords with the Central Government advice contained within Planning Policy Guidance no.13 "Transport" and policy T16 of the City of York Draft Local Plan 2005.

4.15 This is an enclosed site with no access being proposed to link the existing Barbican Mews development with the scheme proposed. Hence it would be unlikely that the existing parking spaces at Barbican Mews would be used by the future occupants of this development.

4.16 New vehicular access is proposed to the north of the site to ease traffic flow to and from the existing southern access. The proposed access would also enable a one-way traffic system to be introduced, whereby vehicles would enter the site through the northern access while exiting the site via the existing southern access. Highway Network Management have no objection to this arrangement subject to the widening of the northern access to 3.7m with a height clearance of 4.5m (as now shown on the revised drawings).

4.17 Other than the standard highway conditions, a method of work statement condition has been recommended (condition no.11) to manage traffic during the construction period. A three stage road safety audit (condition no.3) has also been recommended to minimise the road safety risks associated with changes imposed by the development. To ensure that the junction between the internal access road and the highway is designed to the highway standards, a condition has been recommended requiring such details to be submitted prior to the commencement of development (condition no.5).

## ENVIRONMENTAL PROTECTION

4.18 The site is within the Air Quality Management Area. Nevertheless, the residential units are set back from the carriageway sufficiently for this not to be a concern. Furthermore, there is unlikely to be an increase in traffic generated by the site as the number of parking spaces has reduced from 31 to 17 and there is provision for bicycle storage for the proposed future residents.

4.19 To protect future residents from road traffic noise and noise from the restaurant, a noise level condition has been recommended (condition no.12). In the interests of the amenity of nearby residents, a condition restricting the hours of construction and demolition is also required (condition no.13).

## FLOOD RISK AND DRAINAGE

4.20 The application site itself is within Flood Zone 1 i.e. at low risk of flooding, with the access being located within Flood Zone 2. No objections are raised to the proposal by the Environment Agency subject to a condition requiring the submission of a surface water drainage scheme for the site, based on sustainable drainage principles and giving details of existing and proposed surface water run off rates, and providing confirmation that run off will be reduced by a further 30% to take account of

climate change. Yorkshire Water has raised no objections in principle and has recommended three standard conditions relating to foul and surface water drainage. They also recommend that consideration is given to the use of sustainable systems of drainage (e.g. soakaways and permeable hardstandings) but have stated that surface water may be discharged to the combined public sewer in Barbican Road, subject to a controlled rate of discharge. It is considered that the conditions recommended by the Environment Agency and Yorkshire Water conditions 21, 22, 23 and 24) would address the lack of information referred to by Engineering Consultancy and would ensure that the site is properly drained. It is generally considered inappropriate to refuse planning permission in cases where planning conditions can be imposed to mitigate against any identified harm.

## SUSTAINABILITY

4.22 In order to meet the Council's requirements of generating 10% of the sites energy demand from renewable sources, the preliminary energy study carried out has identified a number of feasible options which includes solar thermal water heating system and the use of Photovoltaic roof panels. These panels will be orientated to the south; this would optimise the amount of renewable energy generated and would offset main supplies. In addition, the building has been oriented to receive maximum exposure from low angle winter and mid-season sunlight. The building would also contain sufficient level of thermal mass in order to moderate internal temperatures. The development would aim to provide a 25% improvement in carbon emissions over the new approved document Part L of the Building Regulations.

4.23 Water conservation measures have been considered through the use of rainwater harvesting systems. There is also a potential to recycle rainwater from roof run-off within the development. Water efficient fixtures and fittings including low-flush WCs, spray taps and low water use showers would also be incorporated as part of the Codes for Sustainable Homes assessments.

4.24 Building materials for the development will be sourced locally where possible, and make use of recycled and low embodied energy options where feasible. 'Green Guide to Housing Specification' has been referred to throughout the development of the design and material with low embodied energy. For example, it would be a contractor requirement to source 90% of all timber from Forest Stewardship Council certified product suppliers or equivalent. In addition, contractors would be required to use recycled, locally sourced materials and those with a low embodied energy (Green Guide A or B rating) where practical.

4.25 On completion of the development, recycling would be encouraged through the provision of adequate storage for recyclable materials in line with the BREEAM and Code for Sustainable Home requirements.

4.26 In addition, the site is within walking distance from the city centre and local amenities. Adequate cycle storage would be provided within the site.

4.27 In compliance with the standards set out in IPS on Sustainable Design and Construction, a Code for Sustainable Homes Level 3\*\*\* condition (condition no. 25)

and a 10% on-site renewable generation condition (condition no. 26) have been recommended.

**OTHER CONSIDERATIONS:**

4.28 Planning Against Crime: A Secured by Design condition is required to address the recommendations of the Safer York Partnership (condition no.18).

4.29 Education and open space contributions: The education provision within the catchment area of the development has insufficient capacity to accept more pupils, such that additional places are required in the interests of the sustainable development of the city in accordance with Policy C6 of the Development Control Local Plan and the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities". A condition has been recommended to secure a financial contribution for additional school places to be provided within the local catchment area (condition no.19). In accordance with policy L1c of the City of York Draft Local Plan and the advice note on commuted sum payments for open space, an off-site open space contribution is also required (condition no.20).

4.30 Having taken the above into account, it is considered that the proposed development would not cause undue harm to the main issues identified. As such the proposal complies with national advice contained within Planning Policies Statement (PPS) no.3 "Housing", PPS 1 "Delivering Sustainable Development" and the policies set out in Regional Spatial Strategy for Yorkshire and Humber 2008 and the City of York Draft Local Plan 2005.

**5.0 CONCLUSION**

By virtue of the above this application is recommended for approval.

**COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

- 067 PL 015 rev B,
- 067 PL 008 rev D,
- 067 PL 014 rev A,
- 067 PL 013 rev B,
- 067 PL 016 rev B,
- 067 PL 009 rev A,
- 067 PL 010 rev A,
- 067 PL 011 rev A,

067 PL 012 rev B,  
067 PL 017 rev B,  
067 PL 019 rev B,  
067 PL 018 rev A, and  
067 PL 020 rev A received 24 November 2008, 27 November 2008 and 28 November 2008

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

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

3 A full 3 stage road safety audit shall be carried out in respect of the proposed new access to the site from the inner ring road, in accordance with advice contained within the Design Manual for Roads and Bridges ref: HD 19/94 and guidance issued by the City of York Council. Stage 1 of the road safety audit shall be submitted to and agreed in writing by the Local Planning Authority prior to works commencing on site.

Reason: To minimise the road safety risks associated with changes imposed by the development.

4 Prior to the development coming into use, all areas used by vehicles and pedestrians 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 and in the interests of residential amenities and highway safety.

5 HWAY14 Access to be approved, details reqd

6 Notwithstanding the information obtained on the approved drawings, prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

7 HWAY19 Car and cycle parking laid out

8 HWAY21 Internal turning areas to be provided

9 HWAY31 No mud on highway during construction



10 HWAY36 Servicing within site, details reqd

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

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

12 The building envelope facing Barbican Road and Paragon Street shall be constructed so as to achieve internal noise levels of 30 dB LAeq 1 hour and 45 dB LAMAX between the hours of 23:00 and 07:00 in bedrooms and 35 dB LAeq 1 hour between 07:00 and 23:00 in all other habitable rooms. These noise levels are with windows shut and other means of acoustic ventilation provided. The detailed scheme shall be approved in writing by the local planning authority and fully implemented before the use hereby approved is occupied.

Reason: To safeguard the amenity of future residents.

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

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

Reason: To safeguard the amenities of adjoining residents.

14 VISQ3 Boundary walls to be retained

15 VISQ8 Samples of exterior materials to be app

16 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 11.0 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.

17 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.

18 Prior to the development commencing details that show how 'Secure by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secure by Design' details prior to occupation or use of any part of the development hereby approved.

Reason: In the interest of community safety, to reduce the fear of crime and to prevent, crime and disorder in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998.

**INFORMATIVE:**

In addressing the requirements of this condition, consideration should be given to the comments of the Police Architectural Liaison Officer, who has recommended that both the entrance and exit to the site must be clearly signed, particularly for road users. Appropriate lighting should also be designed to cover potential high risk areas such as the parking bays and the site entrance. The refuse and cycle shed areas must be illuminated. In addition, landscaping should not impede natural surveillance and must not create hiding places for intruders, and that refuse and cycle shed areas should be secured to reduce the risk of theft and arson.

The main entrance should be fitted with an access control system. This may be a PAC entry system, a door entry phone system and electric lock release or a combination of these. Entrance and exit doors and frames to blocks should be of robust, vandal resistant material. Vandal resistant viewing panels should be fitted. Entrances should be well lit, both internally and externally. Enclosures to balconies at all levels should be designed to exclude handholds and to eliminate the opportunity for climbing up, down or across between balconies. Consideration should also be given to having CCTV cover of the parking area, refuse and the cycle shed, and that ground floor windows and those easily accessible above ground floor must be successfully tested to BS 7950: 1997 standards. Finally, North Yorkshire Police would expect the developers of the site to make every effort to secure plant, machinery and materials during the building and development phase.

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

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

**INFORMATIVE:**

The provisions of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, The obligation should provide for a financial contribution calculated at £32,540. The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities".

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

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

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

**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 £16,668.

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.

21 Development shall not begin until details of foul and surface water drainage works, including details of any balancing works and off-site 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.

**INFORMATIVE**

To comply with this condition the applicant is expected to provide details of the

existing surface water system together with details of the proposals for the new development. In addition, the existing and proposed surfacing and ground levels for the site and adjacent properties should be shown. A topographical survey and proposed finished floor and ground levels are also expected to be provided. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties. Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

In accordance with PPS25 and in agreement with the Environment Agency / City of York Council, peak run-off from brown-field sites must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

As the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, carried out in winter. Details of oil interception are also required.

22 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

23 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

24 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- i. details of existing and proposed surface water run off rates.
- ii. confirmation that run off will be reduced by a further 30% to take into account climate change.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface

water drainage system.

25 Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. This shall indicate that at least a CSH Level 3\*\*\* rating shall be achieved. This shall be followed by the submission of a Code for Sustainable Homes Final Certificate (issued at post construction stage). This shall be submitted to the Local Planning Authority after completion and before first occupation of the building, and shall confirm that at least the minimum code level 3\*\*\* rating was achieved as indicated in the initial CSH Design Stage assessment.

Reason: In the interests of sustainable development.

26 Unless otherwise agreed in writing by the Local Planning Authority, a minimum of 10% of the expected energy demand for the development hereby approved shall be provided through on site renewable generation for heat and/or electricity. Prior to the commencement of development a statement outlining how this is achieved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable and accords with Policy GP4a of the draft City of York Local Plan and the City of York Interim Planning Statement on Sustainable Design and Construction.

27 Notwithstanding the information shown on the approved drawings, prior to the commencement of the development details of the windows in the side elevations of the building shall be submitted to and approved in writing by the local planning authority. Thereafter the approved details shall be fully implemented unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the amenities of the adjoining residents.

28 Unless otherwise agreed in writing with the Local planning authority, the windows in the side elevations of the building hereby approved shall at all times be fitted with obscure glazing to a standard equivalent to Pilkington level 3 or above.

Reason: In the interests of the amenities of the adjoining residents.

## **7.0 INFORMATIVES: Notes to Applicant**

### **1. REASON FOR APPROVAL**

In the opinion of the Local Planning Authority the proposal, subject to the conditions

listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- principle of the proposal,
- visual amenity and impact on the conservation area,
- residential amenity,
- housing mix,
- parking and highway safety,
- environmental protection,
- flood risk and drainage,
- sustainability
- planning out crime.

As such the proposal complies with Planning Policy Statement no.1 "Delivering Sustainable Development", Planning Policy Statement no.3 "Housing", Planning Policy Guidance no.15 "Planning and the Historic Environment", Regional Spatial Strategy for Yorkshire and the Humber (2008) and Policies SP10, SP6, GP1, GP3, GP4a, GP4b, GP9, GP15, HE2, T4, T16, H3c, H4a, H5a, ED4, L1c, C6, SP3 and SP8 of the City of York Local Plan Deposit Draft.

2. INFORMATIVE:

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

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

3. The applicant is reminded that all parts of the development including foundations and side gutters should be within the property boundary of the application site (Royal Dragon, 16 Barbican Road).

4. In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken, and where remediation (clean-up) is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

5. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

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

- (i) The work shall be carried out in such a manner so as to comply with the

general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

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

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

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

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

**Contact details:**

**Author:** Billy Wong Development Control Officer

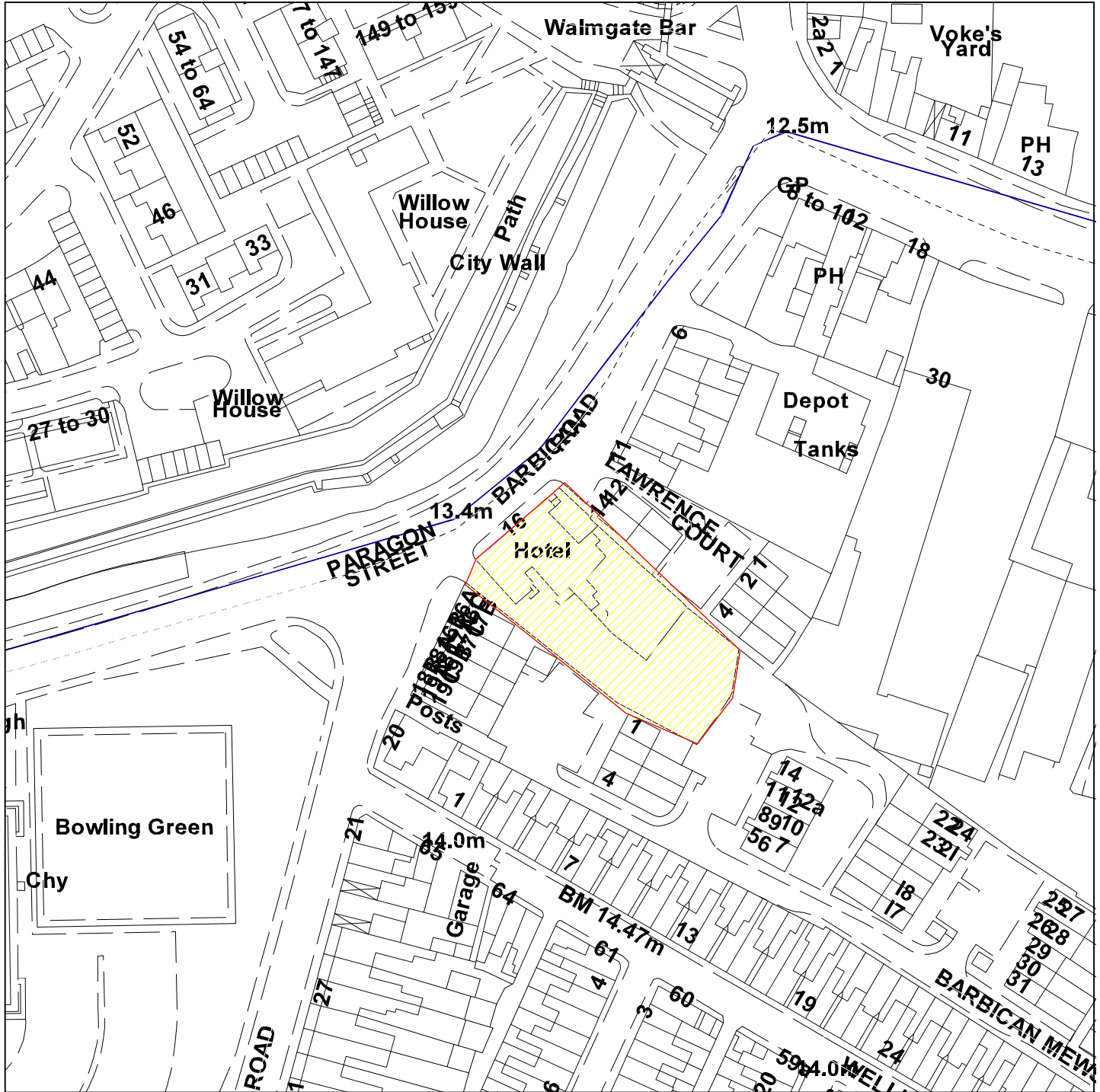
**Tel No:** 01904 551326

# Royal Dragon, Barbican Road

08/02081/FULM



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	City Of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application Site
<b>Date</b>	05 December 2008
<b>SLA Number</b>	Not Set



## COMMITTEE REPORT

**Committee:** East Area

**Ward:** Fishergate

**Date:** 17 December 2008

**Parish:** Fishergate Planning Panel

**Reference:** 08/02082/CAC

**Application at:** Royal Dragon 16 Barbican Road York YO10 5AA

**For:** Conservation Area Consent for partial demolition of wall and railings at the Royal Dragon Hotel

**By:** WJF Development Ltd

**Application Type:** Conservation Area Consent

**Target Date:** 22 October 2008

### 1.0 PROPOSAL

#### SITE DESCRIPTION

1.1 The application site is located at the Royal Dragon in Fishergate. The Central Historic Core Conservation Area boundary cuts across the footprint of the building, such that only the main two and three storey Royal Dragon building lies within the conservation area; the remainder of the single storey extensions to the rear of Royal Dragon are located outside the conservation area boundary.

1.2 The existing 1.8m high boundary wall and railings between Royal Dragon and 12-14 Barbican Road fall within the conservation area boundary.

#### PROPOSAL

1.3 This is a Conservation Area Consent application to demolish a 1.3m length of the existing 1.8m high boundary wall and railings to provide visibility for the new access. The proposed work requires conservation area consent as it abuts a highway with a height of over one metre.

#### PERMITTED DEMOLITION WORK

1.4 The proposed demolition work would also involve the removal of the existing single storey extension to the north of Royal Dragon and the single storey additions to the rear of Royal Dragon. Consent is not required to demolish the rear extensions as they are outside the conservation area.

1.5 The existing north wing extension is within the conservation area and has a volume of over 115 cubic metres. However, as the result of the judgement in Shimizu (UK) v Westminster City Council 6/2/1997, it has been established that partial demolition of a building under or over 115cu.m does not require conservation area consent unless it involves substantial demolition and not the demolition of part of the fabric only.

1.6 The current direction on demolition work in conservation areas is contained within Circular 01/2001. Appendix D of the Circular outlines the House of Lords judgement in the case of Shimizu (UK) v Westminster City Council. The House of Lords considered that works for the demolition of an unlisted building in a conservation area must also involve the total or substantial destruction of the building concerned. This means that many works which involve the destruction of the fabric of part only of a building will not be works of demolition and will not require conservation area consent.

1.7 The proposed demolition work would not involve total or substantial destruction of the Royal Dragon building. Hence it is not considered that conservation area consent is required to demolish the existing north wing extension.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

2.2 Policies:

CYHE5

Demolition of Listed Buildings and Buildings in Conservation Areas

## **3.0 CONSULTATIONS**

EXTERNAL

3.1 Neighbours consulted, site notice posted, and press advertised. Expired 1 October 2008 and 11 December 2008. No response received to date.

3.2 Fishergate Planning Panel consulted. First consultation expired 25 September 2008 and the second consultation expired 11 December 2008 following the submission of amended drawings. No response received.

INTERNAL

3.3 Design, Conservation and Sustainable Development consulted. Response received 27 November 2008. The following comments were made:

- the revised scheme proposes to retain the majority of the wall whilst allowing vehicular access to the development site;
- this is considered to be an acceptable compromise as the wall will retain a presence in the streetscene;
- conditions should be attached requiring the applicant to secure the safety and stability of the retaining wall and railings.

## 4.0 APPRAISAL

4.1 The main planning issue raised by this application is whether the proposed demolition of the first 1.3m of the boundary wall and attached railings would harm the character and setting of a conservation area.

4.2 Policy HE5 of the City of York Draft Local Plan states that listed building consent and/or conservation area consent will not be granted for the demolition of listed buildings or buildings which positively contribute to the character or appearance of the area. Where exceptionally demolition or partial demolition is permitted, no demolition shall take place until a building contract for the carrying out of works of redevelopment has been made and planning permission for those works has been granted. The boundary wall appears to be contemporary with the front range of the hotel. It makes a positive contribution to the setting of the building and the street-scene. Its complete loss would to a small degree erode the character of the conservation area.

4.3 Central Government advice in relation to demolition within conservation areas is contained within Planning Policy Guidance Note 15 (PPG15) - "Planning and the Historic Environment". In exercising conservation area controls, Local Planning Authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area in question. Account should be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and the wider effects of demolition on the surroundings and on the conservation area as a whole.

4.4 PPG15 states that the general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. The Secretary of State expects that proposals to demolish such buildings should be considered against the same broad criteria to demolish listed buildings. Where a building makes little or no contribution, full information about what is proposed for the site after demolition should be provided. Consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment. It has been held that the decision maker is entitled to consider the merits of any proposed development in determining whether consent should be given for the demolition of an unlisted building in a conservation area.

4.5 The boundary wall appears to be contemporary with the front range of the hotel. The comments of the conservation Officer are noted, in that the wall makes a positive contribution to the setting of the building, and the streetscene. Its complete loss would to a small degree erode the character of the conservation area. The revised plans show the majority of the wall and attached railings would be retained, whilst allowing vehicular access to the development site. Under the circumstances, this is considered to be a reasonable compromise, as the wall will still retain a presence in the street-scene.

4.6 It is considered that a condition should be attached to ensure that the wall and railings are not demolished independently, before planning permission is granted and a legally binding contract for the carrying out of the works of redevelopment of the site to which these demolition works relate (i.e. land at the rear of the Royal

Dragon) is made and evidence of the contract has been produced to and agreed in writing by the Local Planning Authority

4.5 Having taken the above into account, it is considered that the proposed development accords national Planning Policy Guidance no.15 "Planning and the Historic Environment" and the policies set out in the City of York Local Plan. Hence, this application is recommended for approval.

## 5.0 CONCLUSION

By virtue of the above this application is recommended for approval.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

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

Reason: To ensure compliance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

067 PL 008 rev C

067 PL 017 rev B

067 PL 019 rev B

067 PL 018, and

067 PL 020 received 29 August 2008, 26 August 2008 and 27 November 2008

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

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

3 The wall and railings shall not be demolished before planning permission is granted and a legally binding contract for the carrying out of the works of redevelopment of the site to which these demolition works relate (i.e. land at the rear of the Royal Dragon) is made and evidence of the contract has been produced to and agreed in writing by the Local Planning Authority, or in the absence of such a contract an alternative confirmation of commencement of the development has been submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that the premature demolition of the wall and railings does not take place to the detriment of the character and appearance of the Conservation

Area.

4 Prior to the commencement of the demolition works, a detailed, written schedule shall be submitted to and approved in writing by the Local Planning Authority indicating the measures to be taken to secure the safety and stability of the section of wall that is to be retained. The approved schedule shall be implemented in its entirety following the demolition of the section of wall for which consent is hereby granted.

**7.0 INFORMATIVES:  
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact of the demolition works on the character, setting and appearance of the Conservation Area. As such the proposal complies with Policies HE5 of the City of York Local Plan Deposit Draft.

**Contact details:**

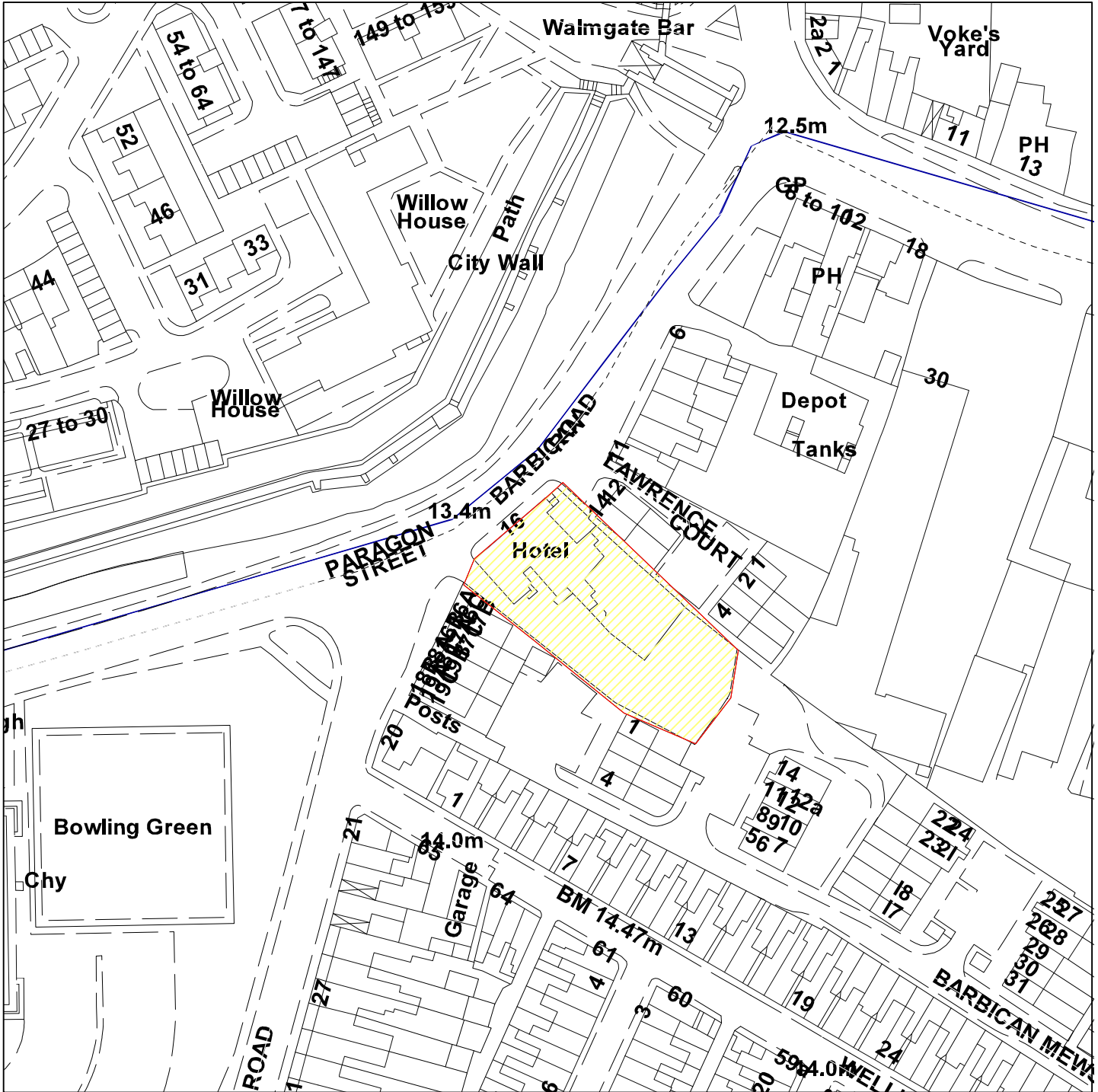
**Author:** Billy Wong Development Control Officer  
**Tel No:** 01904 551326

# Royal Dragon, Barbican Road

08/02082/CAC



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<b>Organisation</b>	City Of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application Site
<b>Date</b>	05 December 2008
<b>SLA Number</b>	Not Set

## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 17 December 2008  
**Ward:** Clifton  
**Parish:** Clifton Planning Panel

**Reference:** 07/01633/FULM  
**Application at:** Shipton Street County Infant School Shipton Street York YO30 7AU  
**For:** Change of use, extension and alteration of existing former school buildings and new build to form 38no. residential dwellings and community ward facility and associated access, open space and landscaping  
**By:** Advent Developments Ltd  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 10 October 2007

### 1.0 PROPOSAL

1.1 Planning permission is sought to redevelop the Shipton Street school site in Clifton. Formally owned by the City Council it was sold to a private developer last year. The school buildings on the site and part of this application are all Grade II listed, these being the main school building and the stand alone former nursery building. The site is not in a conservation area.

1.2 The proposal is threefold. The main school building will be converted to form 19 houses over two floors. There will be two rows of units separated by a central access which is currently the main internal corridor of the school. The roof of this corridor will be removed and this central access will be open to the sky. Entry to the houses will be via this central access which in turn will be accessed from existing entrances into the building.

1.3 Opposite the main school building along the southwestern boundary of the site and either side of the nursery building will be new build townhouses and 4 flats. The houses will offer accommodation over 3 floors to a maximum height of approx. 9.5 metres. The nursery building itself will be converted into 4 units. In total this makes a total of 38 new residential units offering a mix of 9 one bed, 19 two bed and 9 three bedroom units. A room for community use will also be provided at the western end of the main converted school building. The new central courtyard area between the two distinct parts of the development will be landscaped. This will be laid to grass with some minor tree planting proposed.

1.4 Access to the site will be via Newborough Street via the existing entrance access. There will be a further gated pedestrian access off Shipton Street in the north western corner of the site. There will be parking for 37 vehicles within the site.

1.5 The site is triangular in shape and stands within a high density residential area with the terraced houses of Newborough Street and Shipton Street to its northern and eastern boundaries. York City football ground is on its southwestern flank.

1.6 There are two separate and distinct applications to be considered. This planning application will deal with the planning issues such as design, highway safety, access and parking , amenity, landscaping, affordable housing and any impact on the setting of the Listed Buildings. The next agenda item is a Listed Building consent application and that will deal solely with issues of the historic environment with particular regard to the conversion of the two listed buildings and the impact the physical alterations will have on the historic character and appearance of these buildings.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

Listed Buildings Grade2; Shipton Street School Attached Schoolmasters House

2.2 Policies:

CYED3

Change of use of Pre-School, Primary and Secondary Educational Facilities

CYH4A

Housing Windfalls

CYH5

Residential densities over 25 per ha

CYH2A

Affordable Housing

CYC6

Devt contributions to comm facilities

CYL1C

Provision of New Open Space in Development

CYT4

Cycle parking standards

CYGP1

Design



CYGP4A  
Sustainability

CYHE2  
Development in historic locations

CYHE4  
Listed Buildings

### **3.0 CONSULTATIONS**

#### **3.1 Highway Network Management**

The proposal is to form 38 dwellings on the site through a combination of conversion of the existing buildings and new build.

Access to the site is to be taken from Newborough Street via an existing vehicular entrance which is to be widened and improved to enable two-way traffic flow. The junction with Newborough Street is to be formed with kerb buildouts to manage the currently unrestricted on-street car parking and improve pedestrian crossing facilities across the junction bellmouth. The build outs together with proposed waiting restrictions are considered necessary to ensure that parked vehicles do not obstruct sightlines at the access or traffic flow at the access itself. The improvement of this access also provides a lay-by which is intended to be for the use of car club vehicles.

The internal layout of the scheme has been designed to an adoptable standard and is capable of accommodating a refuse vehicle. Adequate turning has been provided in order to enable vehicles to leave in a forward gear. Vehicle swept paths have been provided which demonstrate that the access as proposed will work satisfactorily.

Car parking has been provided in accordance with CYC Annex E maximum standards and together with a package of sustainable travel measures officers do not consider that the proposal will have a detrimental impact on the surrounding highway. The site is located within walking distance of the city centre and is within an acceptable distance of frequent bus services. Cycle parking in accordance with the authorities standards has also been provided on site.

The applicants have confirmed their agreement to;

- 1) provide funding of £1500 towards the implementation of Traffic Orders
- 2) provide funding of £6080 towards the provision of a car club vehicle in the vicinity of the site
- 3) offer first occupiers the choice of either a 12 month bus pass or a free cycle.

The above measures are considered necessary to reduce the dependence on the private car and to manage the available car parking more effectively. The measures are to be secured through a S106 Agreement. Standard conditions are also recommended (conditions 5 – 13 inclusive).

### 3.2 Urban Design and Conservation.

Shipton Street School was the first school building in York by the noted local architect Walter Brierley (please preamble of 28/08/07 consultation for further comments on significance). It is located in an area of high density terrace housing adjacent to York City football ground. The area is not a designated conservation area. The school was listed (grade 11) in June 2003 in response to a threat of demolition following its closure in the summer of 2001. A development brief was prepared for the site in January 2006 on behalf of Property services.

The main range is a single storey building with a deep plan formed by classrooms located either side of a central spine corridor. The lack of light deep within the plan and the proximity of terrace housing 12m away from its north façade place restrictions on options for reuse. Given the limitations of the building and its site we have accepted that the best use of the cellular arrangement is the conversion to small houses. The units would preserve the layout of the school as it was developed by Brierley's office to respond to the increase in pupil numbers, and it would result in the removal of the later C20th additions. The conversion is radical though in its loss of the current single storey roof (now felted) of the spine corridor. This is necessary to allow access and light into the building without altering the distinctive external elevations of the scheme. Although some of the original door and window positions along the central corridor would alter, we hope to secure conditions which preserve characteristic detailing of the school with a substantial reuse of doors and windows, albeit upgraded for external performance.

The previous nursery unit was already much altered internally. The conversion makes full use of the roof void which was previously blocked off with modern suspended ceilings.

The scheme accepts a level of new development on site on the southern perimeter. Whilst we have had reservations about the impact of the new build on the setting of the school the development appears to be in accordance with the brief which suggested a maximum height of 2.5 storeys in total so that new development would not over-dominate the existing school. This enabling development provides enclosure to the southern side of the central area, where the tar-macadam playground has been substantially removed in favour of green landscape and car-parking. Revisions to the new work have resulted in new development being "pulled away" from the west side of the school so that its water tower remains visible in views from within and outside of the site. Also the nursery building has been given more breathing space. The new work adopts a version of the pronounced dormer windows which are a distinctive element of the Brierley building; otherwise the materials palette of the new buildings has been chosen with differentiation in mind. Although the setting of the building has been altered by the proposed new work, it is considered that the integrity of the earlier school buildings can still be perceived on site. It is also considered that the density and grain of development as a whole is compatible with the surrounding area.

### 3.3 Landscape Architect.

No objections.

### 3.4 Environmental Protection Unit

The traffic impact assessment submitted with the application indicates that traffic movements associated with the new development are likely to be significantly less than those associated with the previous use of the site as a school. The proposal is therefore unlikely to have any negative impact on air quality in the vicinity of the site or the surrounding area. Current air quality in the vicinity of the site presents no risk to human health and is suitable for the introduction of further residential premises. On this basis there are no objections to this proposal on grounds of air quality.

The Contaminated Land officers also requires that a contaminated land desk study be provided.

### 3.5 Archeaology

Site lies outside the area of archaeological importance but in an area which has produced evidence for Romano-British and post-medieval activity. Some archaeological remains relating to this period have been found in the vicinity in the past and therefore a watching brief on this site is recommended as similar deposits may be found here. The standard watching brief condition is recommended (condition 16).

### 3.6 Sustainability officer

Welcomes the applicants commitment to achieving Code for Sustainable Homes level 3. No objections subject to condition (condition 19).

### 3.7 Internal Drainage Engineers.

No objections subject to a condition restricting surface water runoff rates (condition 20).

## EXTERNAL.

### 3.8 Clifton Planning Panel

No objections but consider that the 3 bedroom houses should be included in the affordable housing provision as this will suit a family better than a 2 bedroom property.

### 3.9 Yorkshire Water.

No objections subject to conditions and information about surface water discharge rates.

3.10 Neighbouring properties and sites were consulted by letter and several site notices were placed around the site. 4 letters of objection were received making the following observations:

From the occupiers of 44, 45 and 47 Newborough Street.

i) Concern expressed over plans to restrict parking opposite and adjacent to the entrance to the site. Parking is a major problem in the area and reduce spaces adjacent to no's 45 and 47 Newborough Street is not acceptable.

ii) Parking in surrounding streets is almost impossible at present during the day and any more cars will cause significant problems. Object to any plans which will restrict parking on Newborough Street.

iii) Is the restriction on parking really necessary as fire engines and delivery drivers can get in and out of this junction without any problems.

iv) No. 47 Newborough Street is also a fish and chip shop and business will be severely restricted by these restrictions. Where will customers park? This could result in the business closing down.

From the occupier of 2 Shipton Street.

v) Concerned from looking at the plans that some of their outbuildings are no longer there and are part of the development.

## **4.0 APPRAISAL**

### **4.1 KEY ISSUES.**

- Principle of residential development.
- Affordable Housing.
- Access and Highway safety.
- Impact on the setting of the Listed Buildings.
- Residential amenity.
- Landscaping.
- Sustainability

### **4.2 Principle of residential redevelopment**

4.3 Planning Policy Statement 3, Regional Spatial Strategy 12 and Draft Local Plan Policy H4A (Housing Windfalls) encourage new housing development to be located on previously developed land. The latter policy states that planning permission will be granted where the site is within the urban area, has good accessibility, is of an appropriate scale and density and would not have a detrimental impact on existing landscape features.

4.4 The site would fall within the definition of 'previously developed land', is located in a predominantly residential area within the main urban area of the City and has good accessibility. Therefore, the principle of redevelopment of the site for residential purposes is acceptable in policy terms, subject to consideration of issues such as local residential amenity, scale and density and there being no impact on the setting of the listed building (as discussed below).

Policy ED3 of the Draft local plan says that planning permission will only be granted for the redevelopment of education facilities where it can be demonstrated that the existing site is surplus and no longer required, the proposal is of a scale and design which is appropriate to the area and any redevelopment should have minimal impact on surrounding residential amenity.

4.5 Policy H4a (Housing Windfalls) stipulates that proposals for residential development on land not already allocated for housing will be granted planning permission in accordance where:

- a) The site is within the urban area and is vacant, derelict or underused, or it involves infilling, redevelopment or conservation of existing buildings,
- b) The site has good accessibility to jobs, shops and services by non-car modes, AND
- c) It is of appropriate scale and density to surrounding development, and
- d) It would not have a detrimental effect on existing landscape features.

4.6 Policy H5 outlines the appropriate densities for new residential developments. A minimum density of 40 dwellings per hectare is encouraged for developments in the urban areas. The policy also suggests that the scale and design of the proposed residential development should be compatible with the character of the surrounding area and must not harm local amenity. In relation to the density of this development a total of 38 dwellings are proposed on an area of 0.4 hectares thus equating to approximately 95 dwellings per hectare. Therefore the density is above the recommended minimum in policy H5a of 40 dwellings per hectare.

Affordable Housing.

4.7 Policy H2a (Affordable Housing) states that the City of York Council will seek to ensure, through negotiation and agreement, that proposals for new housing development of 15 dwellings/0.3Ha or more will include affordable housing in line with the council's Housing Market Assessment Draft 2006.

4.8 In accordance with policy H2a and the Council's Affordable Housing Advice note (July 2005), the following affordable tenure split has been agreed on all suitable allocated and windfall sites in York: 45% for affordable rent plus 5% for discounted sale, to address priority housing needs in the city. Where properties offered for discount sale are not purchased, it is appropriate that these are used for affordable rent.

4.9 The affordable housing provision on this site has been agreed at 11 units which represents a 28% provision, with 60:40 split between social rent and discount sale. This followed a detailed independent viability assessment and is a clear reflection of the current poor market conditions. The provision also takes in to account that the applicant is providing a community room in the scheme for use by the local community. However, the details of the ongoing management and use of this room remain unclear and negotiations are continuing on this. Should the community room ultimately not be provided the affordable housing provision will be increased to 12 units, representing 31% and this would be conditioned as such in the associated Section 106 agreement.

4.10 The original affordable housing offer when the application was first submitted was only 5% and officers considered this to be wholly unacceptable. Negotiations on this issue have been long and protracted and have included independent viability assessments. The final figure does also reflect the current poor market conditions. That said, the build costs on this site are quite high given the extent of the work

required to the listed building and therefore it is considered unlikely that a figure close to the 50% figure outlined in the policy would have been achieved even in a buoyant market.

4.10 However, in granting permission now, the Council need to protect the interests of affordable housing as it is likely the site will be developed at a later date when the market may have recovered. Consequently should permission be granted it will be conditional on a reappraisal being carried out once the development actually starts. Should the market have recovered, there will be the potential for the proportion of affordable housing to be increased. This will form part of any Section 106 agreement. Discussions over the use of the community room are ongoing and any conclusion to these will be reported to members at the meeting.

Access and Highway safety.

4.11 Access to the site is via Newborough Street via the existing entrance into the school. This runs between no's 45 and 47 Newborough Street and both of these residents have objected to the off-site highway arrangement works as they consider that this will result in the loss of on-street residential parking spaces. The main off-site works include the widening and improvement of the existing vehicular entrance into the site to enable two-way traffic flow. The existing access is currently only suitable for single flow traffic and is therefore considered unsuitable in its current form to serve the level of residential development proposed. The junction with Newborough Street is to be formed with kerb buildouts to manage the currently unrestricted on-street car parking and improve pedestrian crossing facilities across the junction bellmouth and improve sight lines at this junction.

4.12 The improvement of this access also provides a lay-by which is intended to be for the use of car club vehicles. A traffic order is proposed to restrict the use of the lay-by to car club vehicles only. Car clubs have been proven to act as a useful tool in restraining car ownership levels and would be secured through a Section 106 agreement. The provision of the car club is therefore likely to be of benefit to not only to residents of the development but also surrounding residents.

4.13 The occupiers of no's 45 and 47 have raised objections on the grounds that the proposed alterations will reduce levels of residents parking in the area and the scheme generally will result in parking displacement from the proposed site which will result in more people wishing to park on local roads. Parking provision within the site is at a minimum but is in accordance with CYC Annex E maximum standards and together with the proposed package of sustainable travel measures officers do not consider that the proposal will have a detrimental impact on the surrounding highway. The site is in a highly sustainable location, is within walking distance of the city centre and is within an acceptable distance of frequent bus services. Good quality cycle parking in accordance with the authorities standards is also to be provided on site to further promote non car travel.

4.14 Officers consider that the combined impact of limited car parking together with the sustainable travel initiatives being provided mean that the site will be self contained and should not result in the displacement of car parking to adjacent streets.

4.15 It is acknowledged that a limited number of spaces will be lost as a result of these works but when assessing the impact of the loss of a limited number of on-street spaces against the highway safety implications of not providing the kerbside build outs as described in para. 4.9 above, officers consider that the build outs are necessary. This work is considered necessary in order to facilitate the development. Vehicles have been known to park in the current access route. However, according to highway officers, vehicles parked here are committing an obstruction and therefore the prohibition of parking in this location cannot be considered to represent a loss of on-street parking facilities.

#### Impact on the setting of the Listed Buildings

4.16 Both the main building and the infants (nursery) block are to be converted into residential use. Both these buildings are Grade II listed and issues to do with physical works to them are not part of this planning application and are considered in the Listed Building consent application which is the next item on the agenda. However it is relevant here to consider how the new build development affects the setting of these Listed Buildings.

4.17 Policy Context: This is set out in Planning Policy Guidance Note 15: Planning and the Historic Environment, and Policy HE4 of the City of York Draft Local Plan. These allow for alterations to listed buildings and development around listed buildings providing their character, appearance and setting are preserved.

4.18 The scheme proposes an element of new development along the southern perimeter adjacent to the York City football ground. The new houses would stand on either side of the listed nursery building. A key issue therefore is the impact these houses will have on the setting of this listed building.

4.19 The layout has evolved slightly through amendments, principally to allow for more space around the nursery entrance, so that the key elements of this building such as the porch and oriel window will have more "breathing space" and they will be seen from further away. The amendments also allow the building to appear slightly less cramped and therefore stand better within its own private space. Minor adjustments have been made to the details of the new build houses and these slightly reduce the apparent scale and keep the eye at eaves level. Materials use has been simplified but the design and appearance remains largely contemporary. Officers have not objected to this as it was felt that there would be little value in trying to copy the style of the listed building given its unique school architecture design and the desire for this to retain its own historic identity.

4.20 Officers acknowledge that the development remains a little cramped and ideally the new build would be more modest in size and maintain more space around both the nursery building and also in the north west corner of the site closest to the main school building. However, what the new build does provide is its own identity. It is a development based on a central courtyard theme and this and the triangular shape of the site largely dictates its layout. The new buildings represent a form of "enabling development" and would facilitate the complex refurbishment of the existing listed buildings, which given the length of time they have now been derelict, is an important

consideration. Planning Policy Guidance Note 15 states, “new uses may often be the key to a building’s preservation and controls over land use, density, plot ratio, daylighting and other planning matters should be exercised sympathetically where this would enable a historic building to be given a new lease of life”. The building has been empty for over seven years and it is deteriorating. Officers therefore support the proposals as they would give new life to the existing structure and its site whilst preserving the school buildings as a recognisable Brierley school which has served the local community over many years. The increased height of the new buildings represent a more dominant form of development but the distance and relationship with the smaller listed nursery building is considered acceptable in this case as copying its relatively modest size could have resulted in a somewhat uneasy relationship. It also provides enclosure to the southern side of the central area, where the tar-macadam playground will be substantially removed in favour of green landscape and car-parking.

4.21 The new build work adopts a version of the pronounced dormer windows which are a distinctive element of the Brierley building and the materials palette of the new buildings (mixture of render and timber boarding) has been chosen with differentiation in mind. Although the setting of the building has been altered by the proposed new work, it is considered that the integrity of the earlier school buildings can still be perceived on site and these can be read clearly within the new development. Therefore officers conclude that the proposed new development does not adversely affect the setting of the Listed Buildings on site.

Design, appearance and residential amenity.

4.22 Policy GP1 of the Draft Local Plan states that new development proposals will be expected to be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character, incorporate good quality landscape proposals and ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or be dominated by overbearing structures.

4.23 With regard to this proposal it is considered that the density and grain of development as a whole is compatible with the surrounding area, which in itself, is of a high density. The impact on the general amenity of existing neighbours through overlooking and loss of privacy is fairly limited because much of the outlook from the development is either contained within the boundaries of the site or in the case of the rear elevations of the development on the southern boundary, out over the football ground. The main school elevation facing Shipton Street will utilise existing windows and whilst it is acknowledged that the proposal introduces residential accommodation into the building, the windows are quite high level and the separation distance between these and the houses on the opposite side of Shipton Road replicates existing front elevation, terrace to terrace relationships in the vicinity.

4.24 The main impact of the development will be on the houses closest to the side elevations of these proposed new build houses. Principally these would affect no.'s 41, 43 and 45 Newborough Street and no's 2 and 4 Shipton Street.



4.25 With regard to the properties on Newborough Street, the rear of these houses will face the side elevation of the southeastern most block of new houses and the plans show that they will present a blank gable end wall to Newborough Street. The separation distance at this point is 11 metres, which is considered adequate in an urban setting. The height of this elevation is 9.5 metres which is also higher than the Newborough Street houses. However, given the local character of high density terrace development where a distance of 11 metres prevails across streets in a front to front relationship, officers consider that on balance, the relationship is acceptable. The new houses are almost due west of the existing houses on Newborough Street and therefore should retain the same levels of sunlight into the rear of these properties as they do presently, save for some loss late in the day. However, officers do not consider the extent of this loss to be materially harmful. There is a private alleyway running along the rear of the Newborough Street houses which separates these houses from the application site. This helps to retain some sense of space between the two sites and means that the easternmost new house will not stand immediately adjacent to the rear boundary wall of no's 41-45. This helps to increase the sense of separation a little and dilute the perception of the development dominating the outlook and creating an unacceptable sense of enclosure when viewed from the rear of no's 41-45 Newborough Street. There are no windows proposed in this side elevation and a condition removing PD rights for new openings is recommended (condition 17).

4.26 With regard to the impact on no's 2 and 4 Shipton Street, the proposed new building in the north west portion of the site stands to the rear of no. 2 and is adjacent to a rear yard area. There is no direct overlooking of this land from the new houses and a condition is also recommended to prevent new openings being placed in this elevation without prior consent. There is presently a high wall on this boundary and this helps to offset the presence of this building close to the boundary and prevent overlooking from ground floor rooms over adjacent land. The distance from the rear elevation of no. 2 Shipton Street to the front elevation of the nearest new house is approx. 14 metres and again this would generally be considered to be substandard. However, the facing windows are both bedrooms and 14 metres would be in accordance with other separation distances in the area. Given this and the constraints of the site and affordability of the scheme in general, on balance officers consider this to be acceptable. The occupiers of no.2 have written to express concern that the development appeared to include land owned by them. However, officers are confident that the development is contained within the site boundaries of the former school. If this is not the case then this would be a civil matter between the two parties.

4.27 With regard to the existing school building, the conversion will result in one opening at first floor level overlooking the rear area of no. 67 Newborough Street. This will be a bedroom window and officers do not consider the amenity of this neighbour to be materially harmed by this.

4.28 Within the site itself, the distances between the front of the main school building and the new houses range from between approx. 47 metres in the eastern portion of the site to approx. 10 metres in the western portion. However, the development has been designed to reflect an enclosed courtyard design and the separation distances achieved reflect the triangular nature of the application site. The two distinct parts of

the development stand at approx. 45 degrees to one another and so views between the developments across the internal landscaped area are slightly oblique. However, in order to offset any harm this may cause between the closest habitable room windows (in the north west portion of the site only), the bottom panes are shown to be obscure glazed. Officers raise no objection to this.

4.29 Within the main school building itself, the two rows of houses are separated by the aforementioned central corridor. Entrances and front rooms to these houses are across this corridor from one another at a distance of only 4.4 metres. In order to offset any harm this may cause, all the units show bathrooms facing out onto this corridor with obscure glazing. This is considered acceptable.

4.30 Lights from the headlamps of cars using the internal parking area could shine within the ground floor rooms of some of the units but landscaping and other forms of enclosure within the site should help to filter this to acceptable levels. The front elevations of the houses in the south eastern corner of the site have garages and entrance doors only at ground floor level.

#### Landscaping.

4.31 A landscaping scheme has been agreed with officers. The central courtyard area will be laid to grass with tree and shrub planting within it. The use of block paving in this area is recommended in order to give the impression of small courtyards attached to the central green space. Whilst not a large area, the space introduces an attractive open area within the central portion of the site and this helps to unite the old and new building blocks. The area provides a reasonably sheltered and attractive communal area.

#### Sustainability.

4.32 A sustainability report was submitted with the application. It is pointed out that the application was submitted prior to the approval of the Council's Interim Planning Statement on Sustainability. A large part of the development involves the conversion of an existing building and this obviously makes use of existing materials. The site is also in a highly sustainable location. The sustainability statement offers a commitment that the development will achieve the Code for Sustainable Homes Level 3 and a condition is recommended to reflect this. Subject to this, officers raise no objections on the grounds of sustainability.

#### Drainage.

4.33 Foul and surface water drainage are proposed to be disposed of to existing systems. Yorkshire Water raised no objections although they offered some comments on the discharge of surface water and restricting rates of discharge, nominally to the level of run off and rate of discharge from the previous use of the site. Conditions are recommended to control this (conditions 20 – 23 inclusive).

#### Open space and Education provision.

4.34 A commuted sum contribution will be paid for off-site recreation open space as there is no scope for on-site provision. This will be included in the Sec. 106 agreement. There is no requirement for an education contribution.

## 5.0 CONCLUSION

5.1 The scheme secures and brings back into use an important listed building which has been unused for a considerable amount of time. The extent of the new build elements of the development are considered to be acceptable and they do not adversely affect the setting of the listed buildings nor do they materially harm the amenity of existing neighbours. This new build is effectively an enabling development to help facilitate the work required to convert the existing building.

5.2 Subject to a Sec 106 agreement being agreed and on-going negotiations over the proposed community room use, officers support the application, subject to conditions.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve subject to Section 106 Agreement

1 TIME2 Development start within three years

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

Drawing no's  
600.006 Rev. D  
600.005 Rev. J  
600.008 Rev D  
600.011 Rev. E  
600.010 Rev. E  
600.007 Rev. E  
600.013 Rev. B  
600.012 Rev. C

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

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

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

- 1:20 sections through external walls showing the relationship between the different finishes and the position of windows etc., to be supplemented by 1:5 details of eaves, verges, window and door heads
- Large scale details of dormer windows and rooflight including sections.

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

- 5 HWAY1 Details roads, footpaths, open spaces req.
- 6 HWAY7 Const of Roads & Footways prior to occup
- 7 HWAY14 Access to be approved, details reqd
- 8 HWAY18 Cycle parking details to be agreed
- 9 HWAY19 Car and cycle parking laid out
- 10 HWAY30 Non-protruding garage doors
- 11 HWAY31 No mud on highway during construction

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

(car club bay and buildouts as indicatively shown on drwg no. 600.002 Rev G)

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

- 13 HWAY40 Dilapidation survey

14 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess

the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases, where appropriate);
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
- archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### b. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

15 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 1.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16 ARCH2 Watching brief required

17 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-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 and in order to prevent harm to the historic significance of the site through uncontrolled development, 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.

19 The development hereby approved shall be constructed to at least Level 3\*\*\* under the Code for Sustainable Homes (CSH). A CSH final certificate shall be submitted to the Local Planning authority prior to occupation of the building. Should the development fail to achieve CSH level 3 a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve level 3 of the code. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason. In the interests of sustainable Development.

20 Peak surface water run-off from the development shall be attenuated to 70% of the existing rate, in accordance with a scheme to reduce run off to be submitted to and agreed in writing by the Local Planning Authority (based on 140 l/s/ha of connected impermeable areas). The scheme submitted shall include storage volume calculations, using computer modelling, allowing for a 1:30 year storm with

no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model shall also include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. Details of run off rates including calculations of both the existing and proposed rates shall also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason: To comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk).

21 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason. In the interest of satisfactory and sustainable drainage.

22 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority.

Reason. To ensure that the development can be properly drained.

23 Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason. To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

24 All New doors and windows for the houses shall be timber. Details of these shall be submitted to and agreed in writing by the Local Planning Authority prior to their insertion.

Reason. In the interests of good design and appearance and in order to protect the historic environment.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. INFORMATIVE:**

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

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

## 2. REASON FOR APPROVAL

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

- Principle of residential development.
- Affordable Housing.
- Access and Highway safety.
- Impact on the setting of the Listed Buildings.
- Residential amenity.
- Landscaping.
- Sustainability

As such the proposal complies with Policies ED6, H4A, H5, H2A, C6, L1C, T4, GP1, GP4A, HE2 and HE4 of the City of York Local Plan Deposit Draft and national guidance in PPG15.

## 3. INFORMATIVE:

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

### **Contact details:**

**Author:** Matthew Parkinson Development Control Officer  
**Tel No:** 01904 552405

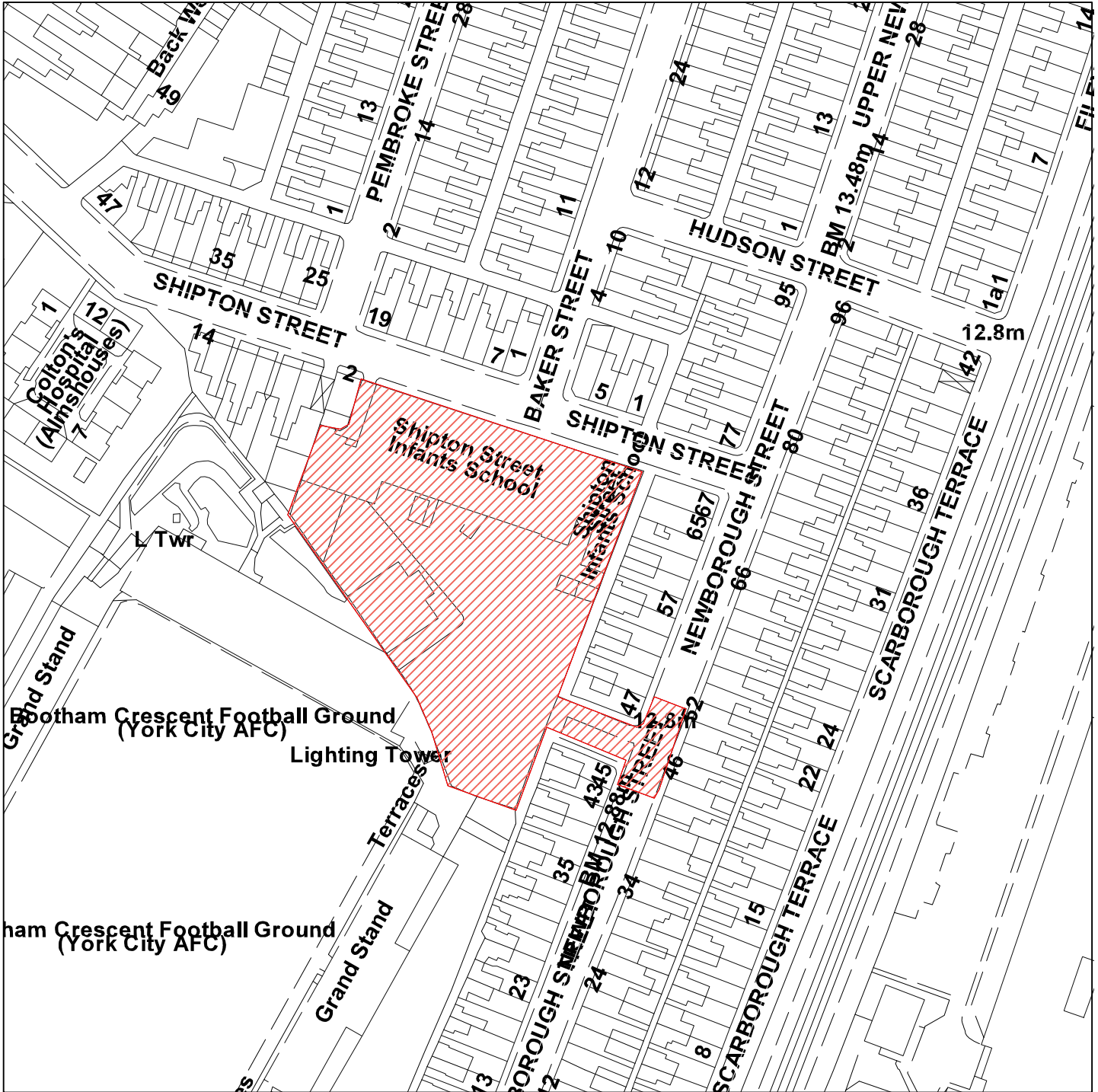


# Shipton Street School

07/01633/FULM



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	City Of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application Site
<b>Date</b>	05 December 2008
<b>SLA Number</b>	Not Set

**COMMITTEE REPORT**

**Committee:** East Area                      **Ward:** Clifton  
**Date:** 17 December 2008                **Parish:** Clifton Planning Panel

**Reference:** 07/01643/LBC  
**Application at:** Shipton Street County Infant School Shipton Street York YO30  
7AU  
**For:** Conversion, extension and alteration of existing former school  
buildings to form part of a residential redevelopment scheme  
**By:** Advert Developments Ltd  
**Application Type:** Listed Building Consent  
**Target Date:** 5 September 2007

**1.0 PROPOSAL**

1.1 Listed Building Consent is sought to redevelop the Shipton Street school site in Clifton. Formally owned by the City Council, it was sold to a private developer last year. The previous agenda item (07/01633/FULM) is the planning application for this redevelopment proposal and members are referred to section 1.0 of that report for a more detailed description of the proposal, the site and its surroundings. The school buildings on the site are Grade II listed, these being the main school building and the stand alone Nursery building. The site is not in a conservation area.

1.2 This application refers only to works on and within the listed buildings themselves and therefore deals only with the issue of whether the proposed conversion work harms the historic character and fabric of these buildings. This application should be determined on these points alone. All other issues are addressed in the planning application. Both applications should be determined and considered separately and any decision should reflect only the issues relevant to that application. In this case therefore the application considers only the conversion of the main school building into 19 residential units and the conversion of the nursery building into 4 units.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

Listed Buildings Grade2; Shipton Street School Attached Schoolmasters House

## 2.2 Policies: CYHE4 Listed Buildings

### 3.0 CONSULTATIONS

#### INTERNAL.

#### 3.1 Urban Design, Conservation and Sustainable Development.

Shipton Street School was the first school building in York by the noted local architect Walter Brierley (please preamble of 28/08/07 consultation for further comments on significance). It is located in an area of high density terrace housing adjacent to York City football ground. The area is not a designated conservation area. The school was listed (grade 11) in June 2003 in response to a threat of demolition following its closure in the summer of 2001. A development brief was prepared for the site in January 2006 on behalf of Property services.

The main range is a single storey building with a deep plan formed by classrooms located either side of a central spine corridor. The lack of light deep within the plan and the proximity of terrace housing 12m away from its north façade place restrictions on options for reuse. Given the limitations of the building and its site we have accepted that the best use of the cellular arrangement is the conversion to small houses. The units would preserve the layout of the school as it was developed by Brierley's office to respond to the increase in pupil numbers, and it would result in the removal of the later C20th additions. The conversion is radical though in its loss of the current single storey roof (now felted) of the spine corridor. This is necessary to allow access and light into the building without altering the distinctive external elevations of the scheme. Although some of the original door and window positions along the central corridor would alter, we hope to secure conditions which preserve characteristic detailing of the school with a substantial reuse of doors and windows, albeit upgraded for external performance.

The previous nursery unit was already much altered internally. The conversion makes full use of the roof void which was previously blocked off with modern suspended ceilings.

The scheme accepts a level of new development on site on the southern perimeter. Whilst officers have had reservations about the impact of the new build on the setting of the school the development appears to be in accordance with the brief which suggested a maximum height of 2.5 storeys in total so that new development would not over-dominate the existing school. This enabling development provides enclosure to the southern side of the central area, where the tar-macadam playground has been substantially removed in favour of green landscape and car-parking. Revisions to the new work have resulted in new development being "pulled away" from the west side of the school so that its water tower remains visible in views from within and outside of the site. Also the nursery building has been given more breathing space. The new work adopts a version of the pronounced dormer windows which are a distinctive element of the Brierley building; otherwise the materials palette of the new buildings has been chosen with differentiation in mind.

Although the setting of the building has been altered by the proposed new work, it is considered that the integrity of the earlier school buildings can still be perceived on site. It is also considered that the density and grain of development as a whole is compatible with the surrounding area.

PPG 15 para 2.18 states, "new uses may often be the key to a building's preservation and controls over land use, density, plot ratio, daylighting and other planning matters should be exercised sympathetically where this would enable a historic building to be given a new lease of life". The building has been empty for over seven years and it is deteriorating. We support the proposals as they would give new life to the existing structure and its site whilst preserving the school buildings as a recognisable Brierley school which has served the local community over many years.

## EXTERNAL

3.2 Clifton Planning Panel.  
No objections.

## 4.0 APPRAISAL

4.1 The main consideration is the impact of the proposals on the special architectural and historic interest of this grade II listed building, in terms of its character, appearance and setting.

4.2 Relevant national policy advice is contained within Planning Policy Guidance Note 15: "Planning and the Historic Environment". Policy HE4 of the City of York Draft Local Plan (incorporating 4th set of changes, 2005) is also relevant.

4.3 The Council's Conservation Architect has been heavily involved in the proposal and extensive negotiations have taken place, in particular over the work to the main school building. This officers response (contained in section 3.1) is detailed and it is not intended to repeat this here other than to say that the case officer concurs with these comments.

4.4 Overall, it is considered that the alterations proposed, whilst quite radical in places are justified to secure the long term future of the building which has been derelict for a considerable period of time and is falling into a poor state of repair, damaging the fabric of the building and resulting in high repair and maintenance costs. The same can be said of the site as a whole and it is becoming a source of vandalism and misuse in the area, to the concern of local residents. The redevelopment of the site enables the listed building to be brought back into use.

4.5 The design concepts behind the alterations to the listed buildings are considered to be acceptable and largely ensures that the character and fabric of the buildings are retained, particularly from outside of the site where the building makes a very important contribution to the local area. The most radical alterations, namely the removal of the central corridor roof within the building, hence exposing it to the sky,

are internal and would be unseen from outside of the site. This corridor roof is not an original feature of the building. The vast majority of the original features of the buildings are retained, both internal and externally, albeit in a different context and by pushing the new houses further away from the nursery building, the original window details in that building are left more exposed and visible from within the site.

4.6 Overall, therefore, notwithstanding the fact that some of the internal alterations are quite significant in places, it is considered that the special interest of the buildings would not be adversely affected, subject to conditions. As such, the application complies with policy advice as set out in paragraph 4.2 above.

## 5.0 CONCLUSION

5.1 The development would not unduly harm the historic character, fabric or setting of the listed building. Subject to conditions, officers support the proposal.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

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

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

Drawing no's  
600.006 Rev. D  
600.005 Rev. J  
600.008 Rev D  
600.011 Rev. E  
600.010 Rev. E  
600.007 Rev. E  
600.013 Rev. B  
600.012 Rev. C

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

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

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

- 1:20 sections through the classroom block showing how the mezzanine floor structure, damp-proofing etc will be integrated into the existing classrooms
- 1:20 & 1:5 details through the newly created external walls of the access courtyard at door and window positions and showing eaves level and wall treatments
- 1:20 & 1:5 details of any alterations to the dormer windows, or other elements required to upgrade performance
- 1:20 & 1:5 details of mezzanines and staircases, including abutments at window positions)
- 1:20 & 1:5 details of cycle and bin stores

Reason: So that the Local Planning Authority may be satisfied with these details and in the interests of preserving the character and historic fabric of the listed building.

5 Prior to the commencement of development a full repairs schedule shall be submitted to and agreed in writing by the Local Planning Authority. All subsequent work shall be in accordance with this agreed schedule.

Reason. In the interests of preserving the listed building and the historic built environment.

6 Prior to the commencement of development a full door and window schedule shall be produced for both the main building and the nursery building. This shall include proposals for any alterations or upgrading of these. All existing doors and windows should be retained unless otherwise agreed in writing by the Local Planning Authority and details of any amendments should be shown on the schedule. All frames and architraves should be based on existing patterns.

Reason. So that the Local Planning Authority may be satisfied with these details and in the interests of preserving the character and historic fabric of the listed building.

7 All the original flues, fireplaces and vents must remain in-situ on site at all times. These shall be protected throughout any building works in a scheme to be agreed in writing by the Local Planning Authority prior to any work commencing.

Reason. In the interests of preserving the original fabric of the listed building and the historic built environment.

8 Prior to the commencement of development a full schedule of internal finishes showing where materials are to be reused shall be submitted to and agreed in writing by the Local Planning Authority.

Reason. In the interests of preserving the original fabric of the listed building and the historic built environment.

9 Prior to the commencement of any development details of any gates, internal boundary walls/fences and any other structures on site shall be submitted to and agreed in writing by the Local Planning Authority.

Reason. In the interests of good design and appearance with particular regard to preserving the listed building and the historic built environment.

10 Prior to the commencement of any development a level 3 photographic survey (in accordance with English Heritage guidelines) of the site and building shall be undertaken and approved in writing with the Local Planning Authority.

Reason. In order to have a full photographic record of the buildings as they were prior to their redevelopment.

## **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 preserving the historic character of the Grade II listed buildings. As such the proposal complies with National Guidance in PPG15 (Development and the Historic Environment) and Policy HE4 of the City of York Draft Local Plan.

#### **Contact details:**

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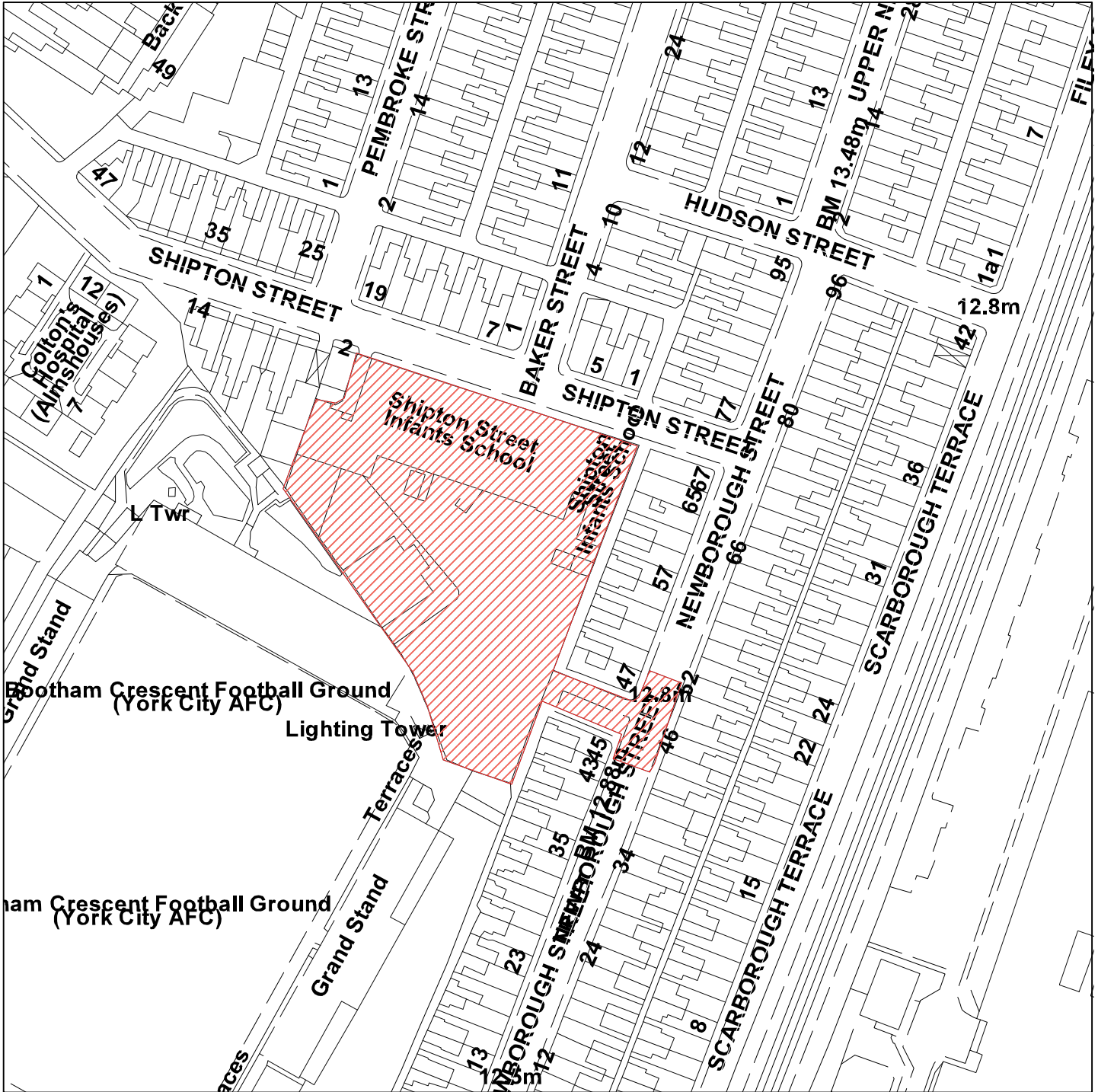
**Tel No:** 01904 552405

# Shipton Street School

07/01643/LBC



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	City Of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application Site
<b>Date</b>	05 December 2008
<b>SLA Number</b>	Not Set