



Notice of meeting of

West & City Centre Area Planning Sub-Committee

- To:** Councillors Crisp, Sue Galloway (Vice-Chair),
Steve Galloway, Galvin, Gillies, Horton (Chair), Looker,
Reid and Sunderland
- Date:** Thursday, 19 June 2008
- Time:** 3.00 pm
- Venue:** The Guildhall, York

AGENDA

**Site visits for this meeting will commence at 11.00 am on
Wednesday 18 June at Memorial Gardens.**

1. Declarations of Interest

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

2. Minutes (Pages 5 - 26)

To approve and sign the minutes of the meetings of the West and City Centre Area Planning Sub-Committee held on 15 May 2008 and 27 May 2008.

3. Public Participation

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

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

4. Plans List

Members will consider a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to planning applications with an outline the proposals and relevant policy considerations and the views and advice of consultees and officers.

a) Guy Fawkes Hotel, 25 High Petergate, York, YO1 7HP (08/00359/LBC) (Pages 27 - 36)

Internal and external alterations including new signs and gas lanterns to front elevations, new windows at front first and second floor level [Guildhall Ward] **[Site Visit]**

b) Pavement Cafe Bar, 10 New Street, York, YO1 8RA (08/00969/FUL) (Pages 37 - 44)

Change of use of second floor from office to drinking establishment (Class A4) and internet lounge [Guildhall Ward]

c) 25 George Hudson Street York YO1 6JL (07/01726/FUL) (Pages 45 - 52)

Variation of condition 6 of planning permission 04/02949/FUL to allow 10 ground floor car parking spaces to be used as secure contract parking (existing conditions requires short term parking only) (re-submission) [Micklegate Ward]

d) Ali G Pizza, 11 Tower Street, York, YO1 9SA (08/00936/FUL) (Pages 53 - 60)

Single storey pitched roof extension to rear, shed in rear yard and replacement boundary fence to south east boundary [Guildhall Ward] **[Site Visit]**

e) 2 The Park, Westwood Lane, Askham Bryan, York, YO23 3FW (07/02908/FUL) (Pages 61 - 66)

Single storey pitched roof rear extension [Rural West York Ward] **[Site Visit]**

f) 6 Marston Crescent York YO26 5DQ (07/02945/FUL) (Pages 67 - 74)

Part two storey part single storey pitched roof rear extension
[Westfield Ward] **[Site Visit]**

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

Democracy Officers:

Name: Catherine Clarke

Contact Details:

- Telephone – (01904) 552030
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and

Name: Louise Cook

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- E-mail – louise.cook@york.gov.uk

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

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

Contact details are set out above.

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- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088

Further information about what's being discussed at this meeting

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

Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

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

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

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Holding the Executive to Account

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

Scrutiny Committees

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

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

Who Gets Agenda and Reports for our Meetings?

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
- Public libraries get copies of **all** public agenda/reports.

WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE

SITE VISITS

Wednesday 18 June 2008

The bus for Members will leave from Memorial Gardens at 11.00am

TIME (Approx)	SITE	ITEM
11.15	2 The Park, Westwood Lane, Askham Richard	4e
11.45	6 Marston Crescent	4f
12.15	Ali G Pizza, 11 Tower St	4d
12.45	Guy Fawkes Hotel, 25 High Petergate	4a

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City of York Council

Committee Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	15 MAY 2008
PRESENT	COUNCILLORS B WATSON (CHAIR), SUE GALLOWAY (VICE-CHAIR), GALVIN, GILLIES, GUNNELL, HORTON, REID, SUNDERLAND AND WALLER

108. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
20 Horseman Avenue, Copmanthorpe	Councillors B Watson, Sue Galloway, Gillies, Gunnell, Horton, Reid and Sunderland.	As objections have been received and the recommendation is to approve.
Acomb Branch Library, Front Street	Councillors B Watson, Sue Galloway, Gillies, Gunnell, Horton, Reid and Sunderland.	To familiarise Members with the site.
22a Huntington Road, York	Councillors B Watson, Gillies, Gunnell, Horton and Sunderland.	As objections have been received and the recommendation is to approve.

109. DECLARATIONS OF INTEREST

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

Councillor Galvin declared a personal non-prejudicial interest in agenda item 4b (34 Grantham Drive, York) as he knew some people who lived close by.

110. MINUTES

RESOLVED: That the minutes of the meeting held on 29 April 2008 be approved and signed by the Chair as a correct record.

111. PUBLIC PARTICIPATION

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

112. PLANS LIST

Members considered a schedule of reports of the Assistant Director (Planning and Sustainable Development) relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views and advice of consultees and officers.

112a 22a Huntington Road, York, YO31 8RD (08/00351/FUL)

Members considered a full application from Mr D Lamb for the conversion of a house in multiple occupation to form seven apartments including a three storey side extension and dormer windows to the rear.

The case officer updated Members on the application and stated that if Members wished to change the bay window on the front elevation, condition 7 could be amended to include a request for details of the window frame to be submitted.

Representations were received in support of the application on behalf of the applicant. He explained that the application was for a side extension to the property, changes to the back extension, and change of use from a house of multiple occupation (HMO) with 10 bedsits to 7 apartments comprising in total 10 bedrooms. He covered the following points:

- Development of apartments would produce a smarter, neater and cleaner looking property
- Bay Window at front would be retained keeping central mullion and installing a pair of sliding sash windows
- Forecourt area – would not be used for parking but be enclosed by a wall in keeping with neighbouring properties
- Parking – no issue as there will be no more residents than at present – probably fewer residents therefore fewer cars.

Members enquired as to the current situation regarding residents' parking permits. The representor confirmed that the property was currently allocated 2 residents' parking permits and that there would be no additional permits available for the proposed development. There is an informative on Residents Parking included in the report.

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

Amended Condition 7

Notwithstanding the approved plans, the bay windows on the front elevation shall be retained as existing. The bay on the right hand side (when facing the front of the house) shall be re-glazed with sliding sash windows with timber frames, the details of which shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in

accordance with the approved details prior to occupation of the flats and retained as such thereafter.

Reason: To ensure that the finished appearance is to the satisfaction of the Local Planning Authority and maintains the appearance of the conservation area.

REASON: That the proposal, subject to the conditions listed in the report and above, would not cause undue harm to interests of acknowledged importance with particular reference to the principle of the development, the character and appearance of the conservation area, amenity and highway. As such the proposal complies with Policies GP1, H4a, H3c, H5a, HE3, H8, L1c, T4 and GP4a of the City of York Local Plan Deposit Draft.

Action Required

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

112b 34 Grantham Drive, York, YO26 4TZ (07/02808/FUL)

Members considered a full application from Mr Nick Squire for the erection of a detached dwelling with a side dormer window (plot no 1) (resubmission).

The case officer explained that this application had been deferred from the last meeting in order to obtain accurate drawings and confirmed that these had now been received and that the intention of this application was for what was now built on site.

Representations were received in objection to the application from a neighbour who voiced his concerns regarding ongoing issues over the development and in particular the height of the development.

Members discussed issues surrounding the dormer window and agreed that since the alterations had been made to the window it was more acceptable and less obtrusive than before.

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

REASON: That the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance with particular reference to the residential amenities of adjoining occupiers, the appearance of the street scene and highway safety. As such the proposal complies with Policies GP1 and H4a of the City of York Local Plan.

Action Required

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

112c Acomb Branch Library, Front Street, York YO24 3BZ (08/00574/FUL)

Members considered a full application from the Yorkshire Ambulance Service for the siting of a portakabin to the rear of Acomb Branch Library for a temporary period to be used as a standby point for Yorkshire Ambulance Service (resubmission).

Representations were received from the Yorkshire Ambulance Service in support of the application. The Estates Manager raised his concern over the following restrictions in the conditions:

- Condition 2 states “The development hereby permitted shall be removed and the land reinstated to its former condition at or before 31 May 2009.....” He requested an extension of this period to 2 years or at least “1 year’s operational use” as he explained they would lose 2-3 months use before the development would become operational if the condition was to remain as currently worded.
- Condition 4 states that that “the sirens and lights of the ambulance vehicles shall not be used until the vehicles have exited the Acomb Branch Library Site”. He stated that the condition as currently worded would mean they couldn’t use blue lights and sirens when exiting the site onto the road which may be necessary in heavy traffic conditions so as not to affect public safety. He said he understood why this condition had been added but would prefer the decision whether or not to use them was left to judgement of staff concerned who are well trained in when to use lights and sirens.
- Building Colour - He requested advice on what colour would be preferential as indicated in Condition 3.

The Chairman asked if they had considered siting a light at the exit to indicate that an ambulance was leaving the site. The Ambulance Service Representative confirmed he would be happy to look into this if it was felt appropriate.

Members discussed the following issues:

- Condition 2 (Length of development) – Members suggested that if approved the development should be allowed to remain on site for a period of 2 years. However a Member suggested that at the end of this period, it should either be removed or a permanent application be submitted as they would not be happy for a portakabin to be granted on temporary basis again.
- Condition 4 (Use of Lights and Sirens) - Members suggested an amendment to condition 4 to prevent lights and sirens being used

on the site between 9pm and 8am (hours of darkness) but also raised the point that this shouldn't jeopardising public safety.

- Parking Issues - There were concerns about a possible increase in parking on the site and Members asked for clarification on whether this development would mean additional cars parked on the site. It was confirmed that the ambulance services staff would pick up the response vehicle from the base station and leave their cars at the base station therefore there wouldn't be any additional parking on site.
- Retention of grassed area – Concern was raised as to whether use of the grassed area, which was repaired when the library was improved, would be restricted. This was intended to be used over summer months for children's classes. Confirmation was given that this area would still be available for its intended use and would probably be fenced off for safety.
- Other possible locations for an ambulance standby point – Members suggested that the Yorkshire Ambulance Service examine other possible locations in the vicinity for the siting of a standby point.

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

(i) Amended condition 2

The development hereby permitted shall be removed and the land reinstated to its former condition at or before 31 May 2010; unless an extension of the period shall first have been approved in writing by the Local Planning Authority, through the submission and approval of a planning application.

Reason: So that the Local Planning Authority may assess the impact of this upon the living conditions of neighbouring residents.

(ii) Amended Condition 4

Notwithstanding the submitted details, between the hours of 21:00 and 08:00 on the following day the sirens of the ambulance vehicles shall not be used until the vehicles have exited the Acomb Branch Library site.

Reason: To protect the amenity of the occupants of the neighbouring dwellings.

(ii) Additional Condition 5

Details of a sign placed along the front boundary of the site to alert the public to an ambulance entering the highway should be submitted to and agreed in writing by the Local Planning Authority.

Reason: To alert the public to emergency vehicles entering the highway.

REASON: That the Proposal, subject to the conditions listed in the report and above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the building and the adjacent conservation area, and highway safety. As such, the proposal complies with Policies GP1, SP6, GP23, HE2 and C3 of the City of York Development Control Local Plan (2005).

Action Required

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

112d Temporary Moorings, Museum Street, York (08/00392/FUL)

Members considered a full application from Mr Andrew Gill for the mooring of floating coffee bar with waiter service seated area on the river bank (Resubmission of 07/00266/FUL to allow use throughout the year).

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

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

- the visual amenity and character of the conservation area and the adjacent listed garden
- the use of the river including navigation and safety
- the amenity of the neighbours
- users of the adjacent public highway
- flooding.

As such, the proposal complies with Policy E4 of the North Yorkshire County Structure Plan; Policies HE2, HE3, HE4, HE12, L4, GP15a, and GP1 of the City of York Development Control Local Plan- Incorporating the Proposed 4th Set of Changes; and national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development, "

Planning Policy Statement. 15 " Planning and the Historic Environment.," and "Planning Policy Guidance Note No. 25 " Development and Flood Risk. "

Action Required

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

112e 20 Horseman Avenue, Copmanthorpe, York YO23 3UF (08/00233/FUL)

Members considered a full application from Mr and Mrs J Bennett for the erection of a pitched roof and alteration of a garage to form ancillary accommodation fro 20 Horseman Avenue.

Representations were received in objection to the application from a local resident. She voiced her concerns as follows:-

- Previous applications on the site have been refused.
- Need for structural survey to check foundations of 20 year old garage
- Loss of amenity to neighbours
- Low light level on garage site
- Development would not enhance the area and would disturb wildlife – frogs, newts, bats, garden birds, butterflies and mammals on site.
- Increase roof height would impact on views from neighbouring properties
- Concern over future intentions for building and change of use.

The case officer confirmed that the application was for a pitched roof over the existing garage structure to a height of 4.75 metres and explained that if the pitch was less than 4 metres there would be no need to obtain planning permission.

Members reiterated that this application was for a pitched roof on the garage. They advised that that they understood residents' concerns about setting a precedence on using garden space but that conditions had been added to deter further development of the garage building in future.

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

REASON: That the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the locality, highway safety. As such, the proposal complies with Policies GP1 and H7 of the City of York Local Plan Deposit Draft; national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development " and Planning Policy Statement 3 " Housing.

Action Required

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

JB

Councillor D Horton, Chair

[The meeting started at 3.00 pm and finished at 4.10 pm].

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	27 MAY 2008
PRESENT	COUNCILLORS CRISP, STEVE GALLOWAY (SUBSTITUTE), SUE GALLOWAY (VICE-CHAIR), GALVIN, GILLIES, HORTON, LOOKER AND REID
APOLOGIES	COUNCILLOR SUNDERLAND

1. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Hoek Van Mook, Main street, Knapton	Councillors Sue Galloway, Gillies, Horton & Looker	At the request of Councillor Hudson.
18a Livingstone Street	Councillors Gillies, Horton & Looker	To familiarise Members with the site.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

RESOLVED: That the minutes of the meeting held on 29th April 2008 be approved and signed by the Chair as a correct record.

4. PUBLIC PARTICIPATION

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

5. PLANS LIST

Members considered a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views and advice of consultees and officers.

5a P Gowland Electrical Services, 18A Livingstone Street, York, YO26 4YJ (08/00731/FUL)

Members considered a full application, submitted by Mr Shaun Batchelor, for a first floor extension, alterations to elevations and change of use from electrical store/office to two dwellings.

The case officer updated that the following comments had been received from City Development:

1. Existing and Proposed Employment Site

In regards to policy E3b (Existing and Proposed Employment Sites), the policy requires that evidence is provided to show that the site is not required as part of the employment land supply. In order to determine if there is a sufficient supply of employment land to meet immediate and longer term requirements over the plan period in quantitative and qualitative terms, the site should be marketed for a minimum of six months, or the applicant is able to prove that the loss of this employment site is not detrimental to York's employment land supply. A letter was submitted from Elmer Estates stating that the unit was advertised on the internet, within the estate agent's shop window and locally on Minster FM between March 2004 and April 2007 for sale as a commercial unit. No information was submitted regarding rates/prices or the number of enquiries.

Housing Windfalls

If evidence shows that the site is not required as part of the employment land supply then the proposed development is in compliance with part (a) and (b) of Policy H4a(Housing Windfalls).

Density

The density of the proposed development is approximately 153 dwellings per hectare. The density recommended in Policy H5a is 40 dwellings per hectare.

Mix of Dwellings

The greatest demand across York is for 2 and 3 bed room homes.

The following comments had been received from Lifelong, Learning and Leisure:

2. As there is no on site open space commuted sums should be paid to the Council for (a) amenity open space – which would be used to improve a local site within the Leeman Road area (b) play space – which would be used to improve a local site within the Leeman Road area (c) sports pitches. The commuted sum would be £720.

Councillor Sue Galloway moved and Councillor Crisp seconded a motion to refuse the application. When put to the vote the motion was lost.

Some Members thought that the buildings were no longer sustainable as an employment premises. They said that the only reason for refusing the

application would be due to loss of an employment site but did not think that this could be justified.

RESOLVED: That the application be approved subject to the following conditions and Informatives:¹

1. The development hereby permitted shall be carried out only in accordance with the following plans:-
619.003 Revision C received 12 March 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.

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

Reason: In order to comply with the provisions of Policy L1 of the City of York Draft Local Plan.

Informative

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £720.

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.

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

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

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

Reason: To achieve a visually acceptable form of development.

5. Prior to the commencement of the development hereby permitted a Structural Survey shall be submitted to and agreed in writing to the Local Planning Authority.

Reason: To protect the amenity of neighbouring residents.

6. The floors and walls between each of the proposed flats and the adjacent dwellings shall be so adapted as to achieve a reasonable resistance to airborne/impact sound. Insulation shall be in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works. Details of the floor and ceiling construction and proposed sound insulation measures, together with a composite sound reduction index for the new floor/ceiling will be required. The development shall be undertaken in accordance with the agreed submitted scheme.

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

7. A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and shall be submitted to and approved by the Local Planning Authority prior to the development commencing at the site.

Informative

This should, where possible, date back to 1800

Reason: To protect the amenity of neighbouring residents and the wider environment.

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

Reason: To protect the amenity of neighbouring residents and the wider environment.

9. A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the Local Planning Authority in writing. The approved strategy shall be fully implemented prior to any development commencing on the site.

Informative

The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

Reason: To protect the amenity of neighbouring residents and the wider environment.

10. A validation report shall be submitted to and approved by the Local Planning Authority, detailing sample locations and contaminant concentrations prior to any development commencing at the site.

Reason: To protect the amenity of neighbouring residents and the wider environment.

11. Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the Local Planning Authority. Any remediation for this contamination shall be agreed with the Local Planning Authority and fully implemented to any further development at this site.

Reason: To protect the amenity of neighbouring residents and the wider environment.

12. A timetable of proposed remedial works shall be submitted to the Local Planning Authority prior to any works being undertaken on the site.

Reason: To protect the amenity of neighbouring residents and the wider environment.

INFORMATIVES

Party Wall Information

You are advised that the development may involve building work covered by the Party Wall etc Act 1996 that is separate from planning or building regulations control. Do not commence work on the development until you comply with the provisions of this Act. An explanatory booklet may be obtained from the City of York's Department of City Strategy, or alternatively it is available on the Department of Communities and Local Government, www.communities.gov.uk.

Demolition and Construction

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

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

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

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

b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

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

d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974,

shall be employed at all times, in order to minimise noise emissions.

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

f) There shall be no bonfires on the site.

REASON: That the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the residential amenity of the neighbours, the visual amenity of the building and the locality. As such, the proposal complies with Policies GP1 and H4a of the City of York Development Control Local Plan (2005).

Action Required

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

5b 7 Hazel Court, York, YO10 3DS (08/00475/FULM)

Members considered a major full application, submitted by Yorvale Properties Ltd, for the erection of 7 units for business, light industrial and storage distribution (B1, B2 and B8) uses with associated parking, service yard and landscaping (1190SQM) (Resubmission).

The case officer updated the sub-committee with the following information:

- The applicants have stated that they do not intend to contribute towards the traffic order requested by Highway Network Management. Highways Network Management have accepted this and Property Services have offered to contribute towards the traffic order.

Members asked for a condition in relation to height to be added.

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

- Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 7.3 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during 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.

REASON: That the proposals, subject to the conditions detailed in the report and above, would not cause undue harm to interests of acknowledged importance, with particular reference to the residential amenity of the neighbours, the visual amenity of the units and the locality and highway safety. As such, the proposal complies with policies SP6, SP7a, SP10, GP1, GP6 and GP15a of the City of York Development Control Local Plan (2005).

Action Required

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

5c Knavesmire Glass, 88A South Bank Avenue, York YO23 1DP (08/00310/FULM)

Members considered a major full application, submitted by Mr K Marsden, for the erection of a three storey building comprising 12 one bed room apartments after demolition of a warehouse (resubmission).

Representations were received, in objection, from a local resident who was speaking on behalf of himself and other local residents. He said that the former chapel was a building with many outstanding architectural features and there was no reason to approve demolition of the building. It was a unique and irreplaceable building that fitted well into the streetscape.

Representations were received, in objection, from Councillor Julie Gunnell who was speaking as Ward Councillor on behalf of local residents. She stated that this was an important Victorian building and need not be demolished. She said that residents had serious concerns that the proposed development would not fit into the local landscape. There were also concerns regarding parking.

Members felt that it would be quite acceptable and possible to convert the former chapel into residential accommodation. There had been sympathetic conversions of similar buildings in the past and they saw no reason to demolish the chapel.

RESOLVED: That the application be refused.¹

REASON: 1.The proposed use would lead to the loss of an employment site as identified by Policy E3b. It has not been adequately demonstrated that the site could not be retained within employment use and as such the

proposal would be contrary to the objectives of the City of York Development Control Local Plan which seeks to stimulate the local economy, provide employment opportunities and deliver sustainable employment premises and in particular policy E3b which seeks to retain employment sites.

2. The proposed provision of 12 one bed room flats would fail to assist in delivering the type of dwellings which the Strategic Housing Market Assessment identifies as being required in the City (family housing). Also given the size of the site a greater mix of dwelling types could be achieved on site. The proposal would therefore be contrary to policy PPS3: 'Housing' which advises that Local Planning Authorities should adopt an evidence based approach to housing delivery, through housing market assessments and also to Policy H3c of the City of York Development Control Local Plan which requires a mix of housing types on all suitable sites.

3. The proposal would, by reason of its design and appearance, result in an incongruous form of development that would be out of character with the street scene and, given its prominence, would be harmful to the character, appearance and visual amenity of the area generally contrary to policy GP1, H4a of the City of York Development Control Local Plan and planning guidance issued in PPS 1 'Delivering Sustainable Development'.

4. It is considered likely that the existing building contains bat roosts. No bat emergence survey nor any details of methods of working and development to accommodate them has been submitted. The proposal is therefore likely to harm a species protected under the Wildlife and Countryside Act 1981 which would be contrary to the policy contained within Planning Policy Statement 9 'Biodiversity and Geological Conservation' and Policy NE6 of the City of York Development Control Local Plan.

Action Required

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

**5d Hoek Van Mook, Main Street, Knapton York, YO26 6QG
(08/00564/FUL)**

Members considered a full application, submitted by Mr Andrew Simpkin, for the erection of a part two storey, part single storey detached dwelling following demolition of the existing bungalow.

The planning officer updated the sub-committee with the following information:

1. Report on Solar Calculation

A report on solar calculations had been submitted by the applicant, copies of which were circulated to Members. This used the IESVE (Integrated Environmental Solutions LTD) thermal modelling software which is not a system recognised by the City Council Planning Department. In calculating loss of day light and sunlight the Planning Department, along with most other British Councils use the British Research Establishment Digest 209 to weigh up loss of light. The IESVE data appears highly diagrammatic, has no scale and no quantifiable measures. Members will therefore need to decide how much weight to give to this document.

Notwithstanding the above, concerns regarding massing and bulk in the two storey front projection would still be applicable.

2. Request For The Provision Of Affordable Housing

The Rural Housing Enabling Team have requested that two houses be provided on the site as it measures above the threshold. However this is not considered to be practical.

Representations were received, in objection, from a local resident who spoke on behalf of her mother. She said that the proposed development did not meet the requirements of the Knapton Village Design Statement. It would mean a loss of light to her mother's property and a loss of symmetry to the streetscape. The proposed development would cause a loss of amenity. be overbearing and devalue neighbouring properties. Concerns were also raised in relation to the shared wall of the garage.

Representations were received, in support, from the applicant who said that the existing property had been empty for four years and was in poor condition. He said that the only option was to demolish it and redevelop the site. He did not feel that there would be any adverse impact on the surrounding area as there was no uniform building line in Main Street.

Representations were received, in support, from Councillor Moore, the applicant's Ward Councillor. He stated that the proposed development would not be out of character with the surrounding area. He circulated photographs of nearby properties. He said that the new building would not be obtrusive or have any visual impact on the streetscape.

Members delegated the imposition of relevant conditions to officers.

RESOLVED: That the application be approved with the following conditions:¹

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

Location Plan; 1486 PL01/02/03/04/05/06

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

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

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

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

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

Reason: So as to achieve a visually cohesive appearance.

4. Notwithstanding the information contained on the approved plans, the ridge height of the approved development shall not exceed 6.40 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.

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

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

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

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

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

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

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

Reason: In the interests of highway safety.

9. The parking and garaging shown on the approved plans shall be kept free of obstructions at all times so that they can be used for the primary purpose of parking motorised vehicles and bicycles.

Reason: In order that cars, motor-cycles and bicycles can be parked off the public highway, in the interests of the safe and free flow of traffic.

REASON:

The proposals are considered to be in compliance with Policy GP1, GB2 and H4A of the City of York Development Control Local Plan 2005.

Action Required

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

JB

Councillor D Horton, Chair

[The meeting started at 12.00 pm and finished at 1.05 pm].

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 19 June 2008 **Parish:** Guildhall Planning Panel

Reference: 08/00359/LBC
Application at: Guy Fawkes Hotel 25 High Petergate York YO1 7HP
For: Internal and external alterations including new signs and gas lanterns to front elevations, new windows at front first and second floor level
By: Debretton Contracting Ltd
Application Type: Listed Building Consent
Target Date: 9 April 2008

1.0 PROPOSAL

1.1 This application seeks listed building consent for works that have now taken place to this Grade II* Listed Building within the Central Historic Core Conservation Area. The Guy Fawkes Hotel dates from 1700-1707 and forms part of a group of Grade II* Listed Buildings at Nos. 25, 27 and 29 High Petergate. The Cottage attached to the rear of No. 25 High Petergate is a Grade II Listed Building that dates from the eighteenth century with earlier origins. The Cottage is linked to the hotel by a nineteenth century wing to the rear. The adjacent property at No. 23 High Petergate is a Grade 1 Listed Building dating from 1779. Opposite lies the Church of St. Michael le Belfrey, a Grade I Listed Building and beyond in Minster Yard, the Cathedral Church of St. Peter, York Minster, a Grade I Listed Building.

1.2 The range of alterations are proposed to the listed building at No. 25 High Petergate and the Cottage to the rear that would enable the continued use of the buildings as a hotel. These include-

- a) External alterations to the front elevation-
 - new signage
 - new lighting
 - new windows at first and second floor

- b) External Alterations to the Rear Courtyard-
 - replacement and extended paving
 - replacement fire door to kitchen
 - emergency lighting to yard
 - new fire exit door to neighbouring property

- c) Internal alterations
 - new fire surround and hearth in Dining Room 2
 - new timber studwork partitions between Dining Room 1 and 2, and bar area
 - new timber flooring to hallway

- installation of gas lanterns to ground floor public rooms
- modifications to a fire resistant glazed screen to the second floor with timber panelling

The original proposals included the removal of a fire escape stair in the rear courtyard. This has now been deleted in order to comply with Fire Regulations. The proposals have been the subject of pre-application discussions and recent negotiations on site with additional plans and information being received.

1.3 The application is presented to the West/City Centre Planning Sub-Committee for a determination following a site visit at the request of Councillor Brian Watson because of the implications of the proposed alterations on the listed building.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Listed Buildings Multiple (Spatial)

2.2 Policies:

CYHE4
Listed Buildings

CYGP1
Design

CYHE8
Advertisements in historic locations

3.0 CONSULTATIONS

3.1 INTERNAL

Environment, Conservation and Sustainable Development- No objections to internal works subject to conditions and revised plans. Proposed lanterns and glass proposed in upper windows would not be acceptable.

3.2 EXTERNAL

Guildhall Planning Panel- Object as this is the latest in a series of retrospective applications made by the owner, for various sites and works that do not conform to normal planning procedure, and demonstrate a breach of planning guidelines. Consider that he should be answerable.

English Heritage- Recommend that the application be determined in accordance with national and local planning policy guidance provided-

- a) the 18th century balustrade on the second floor is unaffected by the works to the glass screen
- b) the new glass in the upper windows on the front elevation is not completely 'dead flat' to give appearance

Conservation Area Advisory Panel- Considered that the alterations to the window were acceptable and raised no objections to the removal of the fire escape. Objected to the introduction of gas lamps and felt that the signage on the string course is inappropriate.

The application was advertised in the local press and by site notice, neighbours were notified, and the expiry date for consultation was 26 March 2008.

4.0 APPRAISAL

4.1 Key Issue

- Impact on the special interest of the Grade II* Listed Building

POLICY CONTEXT

4.2 Policy HE8 of the City of York Deposit Development Control Local Plan states that within conservation areas, or on listed buildings, advertisements will be expected to comply with Policy GP21 and consist of: a) a design and scale that respects the character and appearance of the area; and b) good quality materials that are sympathetic to the surface to which they are attached. Policy HE4 seeks to protect the special interest of Listed Buildings by ensuring that there would be no adverse impact on the character, appearance or setting of a listed building from any works. These policies reflect the guidance contained in Planning Policy Guidance Note No. 15 " Planning and the Historic Environment " and Planning Policy Guidance Note No. 19 " Outdoor Advertisement Control." Policy GP1 of the Local Plan is a general design policy that inter alia seeks to ensure that proposals respect or enhance the local environment and are compatible with neighbouring buildings, spaces and character of the area.

ASSESSMENT

4.3 The Guy Fawkes Hotel is situated in a highly sensitive location, close to the Minster and opposite the Church of St. Michael le Belfrey, at the heart of the Central Historic Core Conservation Area. The proposed works are almost at the stage of completion by the applicant.

External Alterations to the Front Elevation

4.4 The previous one-over-one upper windows have been replaced with multi-pane sash windows that complement the fenestration pattern of the adjacent listed buildings. In general, they are consistent with the age, style and character of the listed building and the details of the mouldings are acceptable. Concern relates to the new glass which is a "flat" glass with a modern appearance that does not have an authentic appearance for the age of the listed building. Replacement glass is available to buy that would be more sympathetic in appearance to the age of the building and English Heritage recommends that this more appropriate replacement glass is used in this instance. Members are advised that there are very visible advantages from the one-over-one upper windows being replaced with windows that suit the age and style of the listed building and the neighbouring listed buildings. Ideally the new windows should have the most suitable glass, but this has to be weighed against the upper location of the windows and the visual improvement that results from the more compatible multi-pane style of windows. On balance it is this officer's view that the current situation represents a significant, overall improvement to the upper windows that would outweigh the need for their glass to be replaced. This would not have been the situation if the ground floor windows had been replaced.

4.5 The existing hanging sign was illuminated by two large lighting units attached to the front elevation of the building that did appear to have Listed Building or advertisement consent. The units have now been removed from the front elevation, and it is intended that they would be replaced with discreet trough lighting attached to the hanging sign and three gas lamps at ground level. Previously there was one carriage lamp at the entrance to the hotel. As this is a night time use, it is appreciated that a degree of illumination is required and the proposed method of high level illumination would have the advantage of removing heavy, inappropriate fixtures from the front elevation of the building. Appropriately designed discreet trough lighting to the existing hanging sign would be subtler and improve on the type of illumination to the sign.

4.6 The applicant was asked to consider a reduction in the number of gas lamps from three fittings to one fitting to reduce the impact of low level lighting, visual clutter, and insensitive additions on this Grade II* Listed Building in this historically important street with little illumination. The applicant is unwilling to comply with this request as he considered that they are an essential part of the image of the use of the building. The three gas lanterns make a strong visual statement about the use of the building when viewed along High Petergate. Their fittings are large in proportion to the building, do not relate to the entrance but extend along the frontage of the listed building, quasi-decorative fittings that are not true to the Georgian period of the Listed Building, excessive in number, and ultimately fail to preserve the important front facade of the Grade II* Listed Building. They impose a "coaching inn" appearance to the frontage of the building that is at odds with the character and appearance of this early Georgian town house/ hotel that is part of a group of three properties with a strong unified identity. Carriage lamps are generally used to light an entrance to a building and are normally associated with doorways. They are not

normally used to advertise the length of the front elevation. The Conservation Area Advisory Panel do not support the introduction of gas lamps to the front elevation.

4.7 New signage has been applied to the string course above the ground floor windows on the front elevation of the listed building. This hand painted signage has been hand drawn by a craftsman from Sweden. Its design would be a departure within the context of this grouping of listed buildings in High Petergate where string courses are not painted. One of the most important architectural expressions of this age of building (early 1700s) is the strong string courses that unite the buildings. They form a very important architectural element on the facade of the building and form part of its special architectural interest. The Council has previously resisted painted signs on string courses in the area and in other parts of the conservation area as they harmful to this essential architectural feature. The Conservation Area Advisory Panel has also endorsed this view. The overpainting of the string course diminishes the role of the string course on the front of the building and would create an unwelcome precedent that would significantly harm the special interest of the Grade II* Listed buildings and this part of the conservation area contrary to Policies HE4, HE8, and GP1 of the Local Plan, and related national planning guidance contained in Planning Policy Guidance Note 15, " Planning and the Historic Environment" and Planning Policy Guidance Note No.19 " Outdoor Advertisement Control. "

4.8 To the rear of the building, revised plans retain the existing fire escape and the associated alterations to the rear of the building have been deleted from the scheme. A new door has been inserted in the party wall with the property at 23 High Petergate. Although acceptable in principle, the applicant will have to provide drawn details for approval. The paving works are acceptable and improve the appearance of the rear yard. Similarly the repainting of the external walls to the rear courtyard would improve the appearance of the rear courtyard and the setting of the listed building. Further details of the door to the kitchen from the yard would be required to ensure that the design of a suitable fire door would match the character of the Listed Building.

Internal Alterations

4.9 The new fireplace is in situ and is acceptable. The timber studwork partitions recreate the original divisions between the compartments on the ground floor and are acceptable. The oak floor boards in the hallway and the gas lanterns have been successfully installed without harming the listed building.

4.10 An existing fire resistant glazed screen to the second floor would be modified by applying timber panelling to both faces of the screen. The original handrail and balustrades run up the staircase to the second floor and meet with a modern handrail and balustrades at second floor landing level. The removal of the modern handrail and balustrades appears reasonable, subject to the introduction of a carefully detailed half newel to terminate the original period balustrades and handrail running up the staircase to the second floor landing. The design of the half newel and the detail of the applied timber panelling should be submitted for the approval of the planning authority if Members are minded to recommend approval of the application.

5.0 CONCLUSION

5.1 In general, the internal works have been implemented to avoid harm to the listed building or could be appropriately conditioned to ensure that the special interest of the Listed Building is not harmed. On balance it is considered that the visual improvement of the replacement of the large upper panes of glass on the front elevation with multi-frames would outweigh the degree of harm caused by the type of glass that has been used in their replacement.

5.2 The main concerns relate to the introduction of the three decorative lamps and the overpainting of the string coursing that have been applied to the front elevation of the Grade II* Listed Building. It is considered that the loss of the string coursing harms the strong horizontal emphasis in High Petergate created by "the banding" along the front elevation of the terrace, interrupts the rhythm of the terrace and the unity of the group of three buildings that form a distinctive group of early Georgian buildings, and would create a precedent that would detract from the character of the many similar historic buildings in the city centre that are re-used for commercial purposes.

5.2 It is considered that the Local Planning Authority has a duty to preserve important front facades. In this case, the building forms part of a significant terrace within the historic core of York that is visible from the Minster precinct and is architecturally and historically important in its own right. The subdued commercial appearance of the ground floor uses in this part of High Petergate would be harmfully altered by the addition of carriage lamps along the frontage of the building in this lowly lit, historic street. These quasi-decorative fittings are not characteristic of the building and fail to reflect the historic period of the property. They increase the level of illumination of the facade which together with the over-painting of the string course superimposes an identity on the facade of the building that is contrived and harmful to the special interest of the Grade II* Listed Building, contrary to adopted planning policy and national planning guidance. Although the applicant has cited commercial reasons and an improvement to the building by the removal of existing bulky light fittings on the front elevation that support the proposals to the front elevation, it is considered that these reasons do not outweigh the harm to the front elevation from the painted string course and the carriage lamps. It is recommended that Listed Building consent is not granted.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The over-painting of the string course results in the loss of distinctive string coursing harmful to the strong horizontal emphasis in High Petergate created by "the visual banding" along the front elevation of the terrace, interrupts the rhythm of the terrace and the unity of the group of three buildings that form a distinctive group of

early Georgian buildings, and creates a precedent that would detract from the character of the many similar historic buildings in the city centre that are re-used for commercial purposes. The number and position of the carriage lamps are excessive and unacceptably increase illumination in High Petergate close to the Minster, and the quasi-decorative lamps fail to reflect the historic period of the Grade II* Listed Building. Together the changes to the front facade of the Listed Building create an appearance that would be detrimental to the historic and architectural character and visual amenity of the Listed Building, contrary to Policies HE4, HE8, and GP1 and related national planning guidance contained in Planning Policy Guidance Note 15, "Planning and the Historic Environment" and Planning Policy Guidance Note No.19 "Outdoor Advertisement Control. "

7.0 INFORMATIVES:

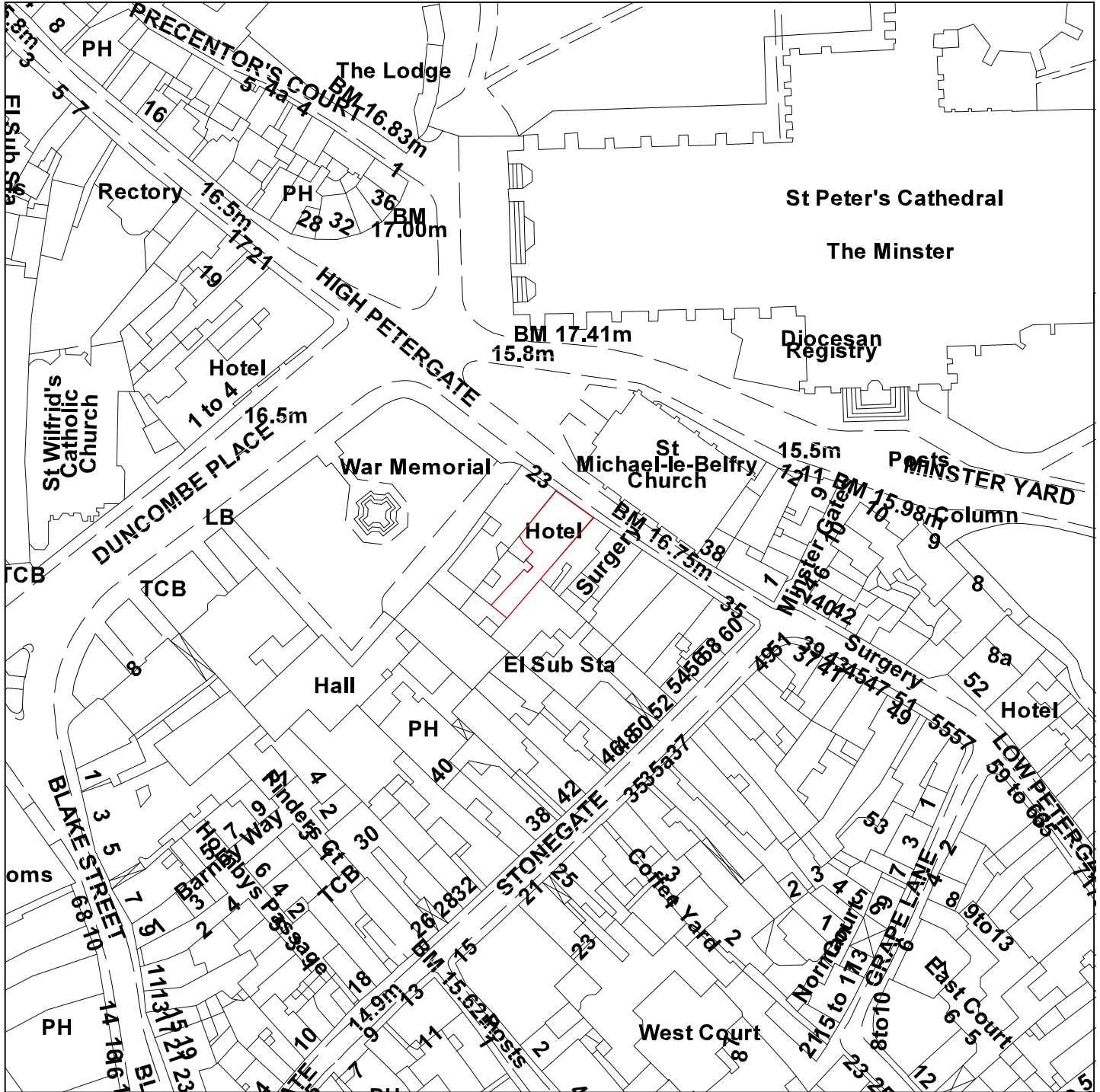
Contact details:

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

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08/00359/LBC

Guy Fawkes Hotel, 25 High Petergate



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	06 June 2008
SLA Number	Not Set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 19 June 2008 **Parish:** Guildhall Planning Panel

Reference: 08/00969/FUL
Application at: Pavement Cafe Bar 10 New Street York YO1 8RA
For: Change of use of second floor from office to drinking establishment (Class A4) and internet lounge
By: Jamie Doughty
Application Type: Full Application
Target Date: 24 June 2008

1.0 PROPOSALThe application site

1.1 The application relates to 10 New Street, located at the rear of 14 Coney Street. 14 Coney Street was developed in 1907 as a bank, No.10 New Street behind was the bank managers house. The building is 3 storey and externally of sandstone and orange-red brick above. The building is grade II listed and within the Central Historic Core Conservation Area.

Proposed development

1.2 The ground and first floors of 10 New Street are occupied by Blue Fly bar. The top floor is used for customer toilets and an ancillary office/managers accommodation. Planning permission is sought to change the use of the upper floor to a bar area (class A4).

Relevant planning history

1.3 The Blue Fly premises extended into 10 New Street after permission was granted in August 2006 (06/01336/FUL) to use the ground floor of the premises. This was followed by an application in November 2006 to use the first floor also as a bar area (06/02081/FUL), which was granted also.

1.4 The application is brought to planning committee at the request of Councillor Watson, and as previous applications at this site have been determined at planning committee.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006
Conservation Area Central Historic Core 0038
City Boundary York City Boundary 0001

DC Area Teams Central Area 0002
Floodzone 2 Flood Zone 2 CONF
Listed Buildings Grade 2; 10A New Street York YO1 8RA 0582

2.2 Policies:

- CYHE3 Conservation Areas
- CYHE4 Listed Buildings
- CYS6 Control of food and drink (A3) uses
- CYS7 Evening entertainment including A3/D2

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development

3.1 Advise that the work to facilitate an internet café to the second floor is acceptable. The units are to be free standing and no additional cabling or wiring is required to facilitate the use. The proposed use itself is not felt to adversely impact on the special interest of the building.

3.2 However the plans are annotated to show the insertion of a window and the removal of modern suspended ceilings to the first and second floors and walls at ground floor level. The principle of removing the suspended ceilings, and the window inserted are acceptable, but the age and importance of the removed walls has not been documented by the applicant.

3.3 More detail of the works which have taken place and the condition/significance of the removed internal walls are required (these shall be included in the listed building application). The associated listed building consent application is retrospective, which is disappointing, but more information will at the very least provide a record of the alteration of the building.

Economic Development Unit

3.4 No objection/comment due to the size of the application site.

Environmental Protection Unit

3.5 No objections. Advise there are no residential premises nearby, the occupants of which might be affected by noise from the proposed use.

Planning Panel

3.6 No objection.

Publicity

3.7 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments is 11.6.08. No representations have been made to date.

4.0 APPRAISAL

4.1 Key issues

- Vitality and viability
- Amenity
- Special historic interest of the listed building
- Character and appearance of the conservation area

Vitality and viability

4.2 The application proposes a change of use to A4. We are advised that the building had been vacant for around 6 years until the present applicant acquired the site. The ground and first floors already have planning permission to trade as a bar. Blue Fly presently trades predominantly as a bar/cafe during the day and drinking establishment at night.

4.3 It is now proposed to extend onto the top floor, which is presently used as the manager's accommodation/office. The top floor includes the customer toilets (for which there is limited space or rooms for on the lower floors) and allows a room at the front of the building to provide a seating area (around 5m by 10m), in association with the bar, and a room at the rear of the building (around 4m by 7m) to provide internet facilities, the latter allowing the business to be more diverse, thus enhancing its vitality and viability.

4.4 National policy in PPS6 Planning for Town Centres seeks to strengthen and regenerate town centres through making better use of land and buildings and accommodating growth. PPS6 also recognises that complementary uses during the day and evening can make an important contribution to vitality and viability. It is considered this proposal is in accordance with the thrust of PPS6.

Amenity

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

4.6 There are no residential units nearby the application site (this has been confirmed by Environmental Protection Officers). As such there is no objection to the scheme on amenity grounds. Conditions have been attached to previous permissions granted at the Blue Fly controlling the playing of music etc, so it is not audible outside the premises. As such no disturbance occurs during the daytime. At night when the premises can be busier and thus cause more noise, this does not create any harm, as there are no nearby occupants adversely affected.

4.7 It is proposed the hours of opening are restricted (condition 3) in line with the hours of the premises' license and those previously granted planning permission in 2007 (07/02146/FUL). The premises license is also responsible for controlling security issues.

4.8 Parking provision is not required, neither are flues or means of extraction for the existing kitchen. If the latter were to change in future, permission would be required for such.

4.9 Overall the proposal would not harm amenity and is in accordance with the requirements of policy S6.

Special historic interest of the listed building

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

4.11 This proposed change of use does not require any alterations that adversely affect the building. However there are works that have been carried out at the building which are the subject of a current listed building consent application. The application covers the removal of the suspended ceiling on the first and second floor, and the installation of a 1m by 1m glazed window/wall on the second floor which looks into an internal lightwell. These works are not harmful to the appearance or special historic interest of the listed building. Further information is pending that will document the works.

Character and appearance of the conservation area

4.12 No external development is proposed; as such the impact on the conservation area would be neutral.

5.0 CONCLUSION

5.1 The proposed change of use would enhance the vitality and viability of the application site. Conditions are proposed which seek to preserve amenity and the works that have been carried out at the building are to be covered by a listed building consent application. The proposed change of use is thus supported.

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans - 003 received 16.4.08.
- 3 The opening hours of the premises shall be confined to the following hours:
09.00 - 04.30 hrs (the following day)

Reason: In the interests of amenity.

- 4 Any amplified music or entertainment shall be confined to the indoor cafe and in any case shall not be audible at any nearby noise sensitive premises.

Reason: In the interests of the amenities of nearby occupants and other uses of the public highway.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

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

the special historic interest of the listed building,
the vitality and viability of the area,
amenity,
the character and appearance of the conservation area,
highway safety.

As such the proposal complies with Policies HE3, HE4, S6 and S7 of the City of York Local Plan Deposit Draft.

Contact details:

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

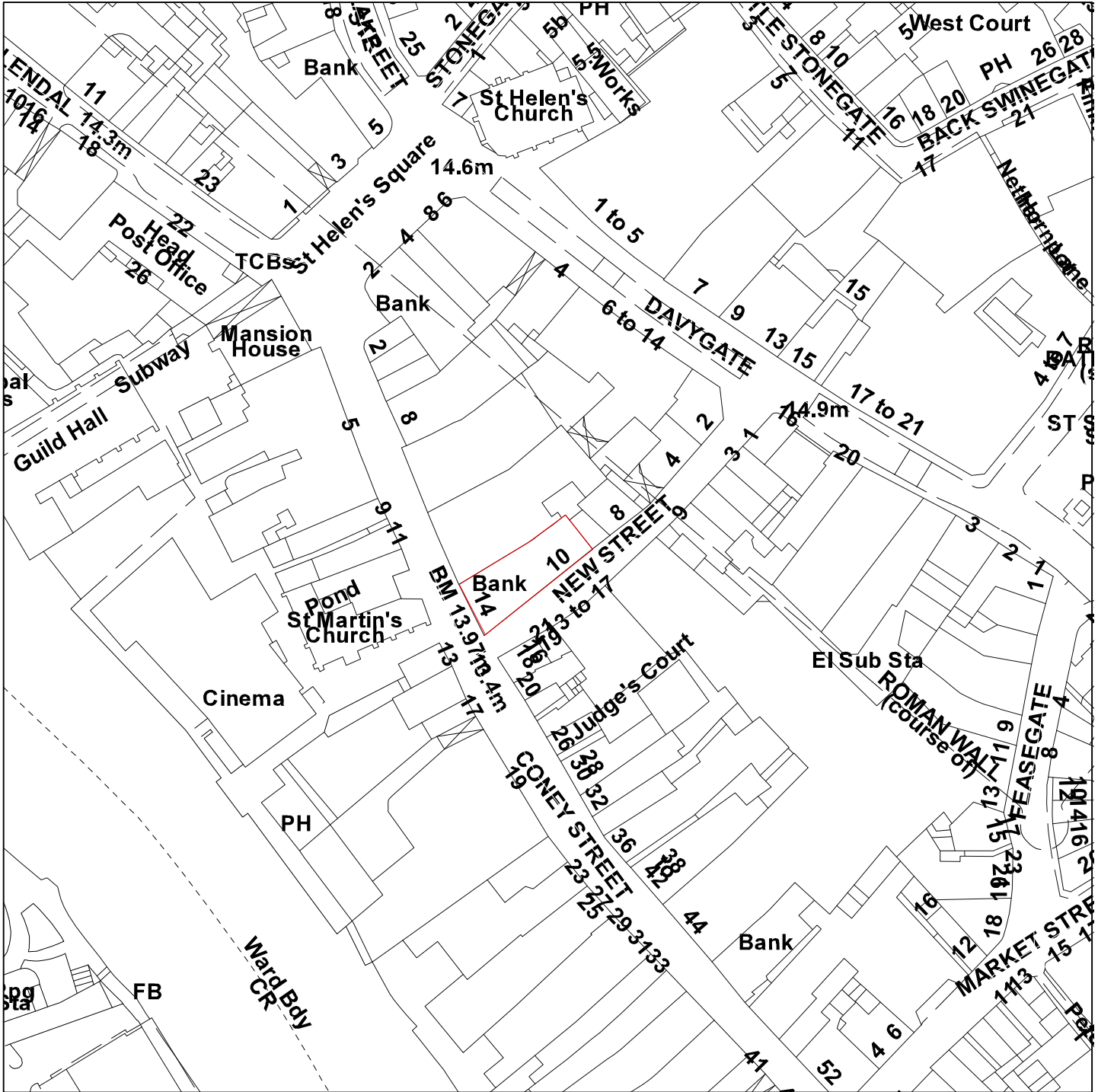
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08/00969/FUL

10 New Street



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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	06 June 2008
SLA Number	Not Set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Micklegate
Date: 19 June 2008 **Parish:** Micklegate Planning Panel

Reference: 07/01726/FUL
Application at: 25 George Hudson Street York YO1 6JL
For: Variation of condition 6 of planning permission 04/02949/FUL to allow 10 ground floor car parking spaces to be used as secure contract parking (existing conditions requires short term parking only) (re-submission)
By: Oakgate (Newcastle) Ltd
Application Type: Full Application
Target Date: 14 September 2007

1.0 PROPOSALApplication Site

1.1 This application concerns the ground floor car park at George Hudson Street/Tanner Row. The first floor and above levels of the car park are used as a public car park. The ground floor level has a separate access and is currently used for servicing and deliveries, it is closed (via a security shutter) otherwise, due to issues over the security of the ground floor units which front George Hudson Street. We are advised that the car park presently holds Safer Car Park Status, a scheme operated/awarded by the police. The car park would not be able to meet this standard were the ground floor space be opened to the public.

Proposal

1.2 Condition 6 of the approved application for the refurbishment of the car park (approved 6.8.04, reference 04/02949/FUL) asked that the 32 car parking spaces at ground floor were used for short stay only (no more than 5 hours), to prevent the creation of long stay commuter parking in the city centre.

1.3 It is asked by the applications that 10 spaces in the ground floor car park are made available for staff car parking. White Young Green (WYG) are set to occupy unit 5 of the building (the unit that fronts Tanner Row) and have asked for 10 spaces to be used for unrestricted vehicle parking. The business will occupy 851.6 sq m office space and employ around 100 staff.

Relevant planning history

1.4 A previous application (07/00646/FUL) to use all of the 32 car parking spaces at ground floor level for staff parking for Northern Rail, was refused under delegated powers in April 2007. Refusal was on two grounds 1) that it would add to private commuter parking in the city centre, which is contrary to the Local Plan and 2) that it would be contrary to Governments national objectives, as set out in PPG13: Transport, which seeks to promote more sustainable transport and reduce the need to travel, especially by car.

1.5 The application is brought to committee at the request of Councillor Merrett whom advises that the proposed use of the car park for long stay parking is contrary to council policy.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006
Conservation Area Central Historic Core 0038
City Boundary York City Boundary 0001
DC Area Teams Central Area 0002
Floodzone 2 Flood Zone 2 CONF
Listed Buildings Multiple (Spatial)

2.2 Policies:

CYT16 Long stay car parks

3.0 CONSULTATIONS

Highway Network Management

3.1 It is our understanding that (Local Plan) policy TP16 "Long Stay Car Parking" is still current, however, we are prepared to consider a departure from the policy provided it can be justified. It is noted in this instance that although the number of parking spaces only represents 10% of the workforce priority must be given to compliance with DDA requirements and provision for "servicing vehicles" operating from/responding from the offices as a base.

3.2 The submission should be reinforced with a Company Travel Plan which details measures to be taken by the applicant to reduce the reliance on the motor car as the prime mode of travel to/from work. Such measures could include: -

- encouraging cycling by providing secure, covered cycle storage facilities
- subsidised public transport - the site is very convenient for 3 of 5 current Park + Ride routes, many other local and distant bus services and the railway station
- car sharing schemes.

3.3 The Travel Plan should be robust, workable and enforceable but no guarantees are offered as to its acceptability.

Planning Panel

3.4 No response.

Publicity

3.5 The application was publicised by site notice and letters of neighbour notification. The deadline for comments was 24.8.07. No representations received.

4.0 APPRAISAL

4.1 Key issues

- Use of car park for staff car parking within city centre
- Conservation area impact

4.2 Relevant policies of the Local Plan

- T16 seeks to reduce the level of private commuter parking spaces in or adjacent to the city centre. This shall occur through negotiation as proposals come forward. A main objective of the Local Plan is to reduce peak hour car trips, which cause congestion and environmental pollution. Preferably long stay spaces, when in demand, shall be accommodated on park and ride sites.

4.3 The ground floor car park area is presently underused space. It is not utilised as retail/commercial space due to lack of demand; the applicants have struggled to let the units at ground floor level. At present the ground floor area is used for the servicing and deliveries for the Red Chilli restaurant, previously also for the Organic Supermarket, which is now closed. The space is also available for cycle parking.

4.4 The amount of car parking deemed appropriate is established in appendix E of the Local Plan. For business uses in the city centre 1 space per 45 sq m is set as the maximum allowed. This proposal involves 852 sq m, which equates to a maximum of 19 spaces. The applicant is only requesting the use of 10 spaces, which is a reasonable amount. A certain amount of space is required for operational vehicles, which carry significant amounts of safety and technical equipment and are required to be available to respond to call outs, which could be emergencies and at infrequent times. The travel plan submitted by White Young Green states that registered car sharers will also be allocated some of the car parking spaces.

4.5 The company moving to the premises have a travel plan which seeks to limit private vehicle travel. In addition to the benefit of the site location (to public transport), the travel plan promotes cycling through providing cycle spaces and shower facilities onsite, a business subscription to the whizzGO car club will be considered, and car-sharing shall be actively promoted.

4.6 The site is within the conservation area. The application does not contain any proposals that would affect the conservation area.

5.0 CONCLUSION

5.1 Although the proposal involves allowing a limited amount of commuter parking in the city centre, it is considered this is justified. The amount of spaces required is reasonable for the size of office space it will provide for. The prospective tenants (WYG) have also advised that the spaces will predominantly be allocated to essential operational vehicles and commuters who are registered car sharers.

5.2 This proposal is significantly different for the previous application at the site which sought to use 32 spaces in the ground floor car park for commuter parking, which was deemed to be unjustified and contrary to policies which seek to deter private car use (see paragraph 1.4). This proposal would not encourage private car use and through the travel plan, which shall be subject to review, WYG would be taking a pro-active role in reducing private car dependency.

6.0 RECOMMENDATION: Approve subject to conditions

1 PLANS2 Apprvd plans and other submitted details - Ground floor plan PL400 K received 20.7.07

2 The development hereby permitted shall comply with the measures set out in the White Young Green Travel Plan, dated 21.11. In particular 2.4 which advises there will be (only) 10 car parking spaces available, M5 which relates to the provision of showers and changing facilities for cyclists, and M20 which advises that of the 10 permitted car parking spaces preference shall be given to members of the car share scheme.

The travel plan shall be reviewed and updated accordingly, as specified in the travel plan.

Reason: to promote sustainable modes of transport.

3 No more than ten of the spaces in the ground floor car park shall be made available for long term car parking.

Reason: For the avoidance of doubt and to discourage private commuter travel which is contrary to national and local policy to promote sustainable modes of transport.

4 The additional car parking spaces at ground floor level shall be for short stay purposes only, with a maximum permitted stay of 5 hours at any one time.

Reason: In order to prevent the creation of additional long stay commuter parking within the city centre, in accordance with Policy T16 of the City of York Deposit Draft Local Plan.

7.0 INFORMATIVES:

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the conservation area and national and local initiatives to reduce private car travel and promote other means of more sustainable transport. As such the proposal complies with Policy T14 of the City of York Local Plan Deposit Draft.

Contact details:

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

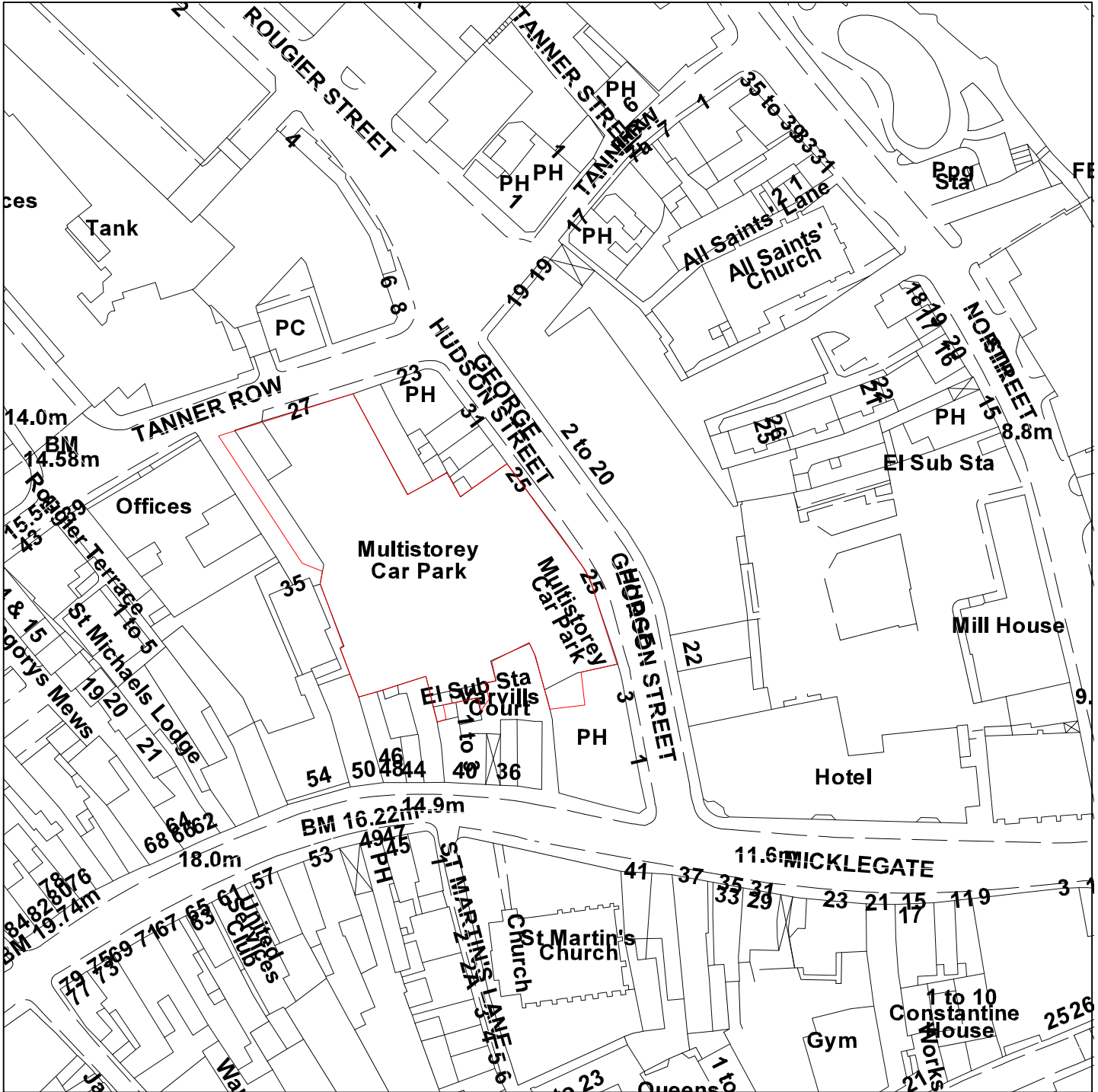
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07/01726/FUL

25 George Hudson Street



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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	06 June 2008
SLA Number	Not Set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 19 June 2008 **Parish:** Guildhall Planning Panel

Reference: 08/00936/FUL
Application at: Ali G Pizza 11 Tower Street York YO1 9SA
For: Single storey pitched roof extension to rear, shed in rear yard and replacement boundary fence to south east boundary
By: Mr Ali Aligugur
Application Type: Full Application
Target Date: 3 July 2008

1.0 PROPOSALApplication site

1.1 The application relates to 11 Tower Street. The building and its neighbour no.12 are grade II listed, they were originally a pair of houses. The application building's ground floor is presently a hot food takeaway. The site is in the Central Historic Core conservation area.

Proposals

1.2 Planning permission is sought for a single storey rear extension, to accommodate a chiller unit, the erection of a 1.8m high timber fence along the side boundary (with no.12) in the rear yard, and a wood shed (2.4m by 1.8m) that would sit in the end corner of the yard.

Site History

1.3 Planning applications have been brought to planning committee previously to extend the opening hours of the premises. The most recent of which was 06/01471/FUL which granted temporary planning permission in August 2006 for the premises to trade until 01:00 the following day Monday to Thursday, 02:00 Fridays and Saturdays and 24:00 Sundays. This permission expired in September 2007. The applicant has been advised of such and a new application is expected.

1.4 The application is brought to committee at the request of Councillor Watson, due to the design of the extension and the impact on the building/conservation area.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006
Conservation Area Central Historic Core 0038
City Boundary York City Boundary 0001
DC Area Teams Central Area 0002
Floodzone 3 Flood Zone 3
Listed Buildings Multiple (Spatial)

2.2 Policies:

CYHE3	Conservation Areas
CYHE4	Listed Buildings
CYS6	Control of food and drink (A3) uses

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development

3.1 Advise that the application has been submitted due to an enforcement enquiry relating to an unauthorised extension, dog kennel and fence in the rear yard of the property. The existing unauthorised extension is wholly out of keeping with the character of the listed building and has a temporary appearance being constructed out of timber sheets and a corrugated iron roof. It has been built to house a large chiller.

3.2 The proposed replacement extension has been the subject of pre application discussions. It is felt that the replacement proposed would be more sympathetic to the character and scale of the rear elevation.

3.3 The proposal consists of a pitched roof extension with a gable facing out into the yard. The roof pitch has been kept as low as possible to minimise the impact on the rear elevation (other lean to designs have been considered but ruled out). In scale, the proposal is subservient to both of the earlier extensions and is slightly larger than the existing unauthorised development. Aesthetically, the ground floor has been altered to its detriment and there is little remaining in terms of historic openings. The proposal will at least present a uniform rear elevation without having a strong visual impact on the rear elevation as a whole.

3.4 The materials are traditional; blue slate and reclaimed brick to match the existing building. Rainwater goods are cast iron. Doors are ledged and braced and of the type typically seen on rear extensions and outbuildings. Generally these types of extensions are utilitarian in character and of simple design and for this reason, there is very little detail to the building - very much in keeping with the existing extensions.

3.5 The proposed close boarded fence is acceptable in principle. Whilst the original boundary treatment would have been brick, this has been lost and the fence will vastly improve the current situation. There was concern regarding the fixing of the fence to the existing structures but the proposed plans show that this will involve the disturbance of mortar joints only. Details of the proposed wood and colour finish are required and could be secured through a condition.

3.6 The cycle shed is a standard timber shed, 6' x 4'. This is acceptable and again, the colour finish should be conditioned.

3.7 The yard is enclosed and is not visible from the main public realm area of the conservation area and it is therefore felt that there will be no impact on the character and appearance of the conservation area.

Environmental Protection Unit

3.8 No response to date.

Planning Panel

3.9 Object. Of the opinion that the proposed outbuilding(s) and air conditioning units would be out of keeping with the 'back garden ambience' of this residential area.

Publicity

3.10 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments is 11 June. Two objections have been received to date which advise as follows -

- The extension's design is of poor quality and would further degrade the appearance of the rear elevation of the buildings on Tower Street which have already been harmed by the installation of chimneys and extraction pipes.

- The chiller will require an external condenser, it will run 24 hours a day and cause a noise disturbance. This would affect neighbours, in particular those at 2 Tower Place are referred to. A bedroom window of this premises would be around 10m from the chiller.

- Noise from this premises, and from persons in the rear yard already causes disturbance. This would worsen the problem.

4.0 APPRAISAL

4.1 Key issues

- The visual impact of the extension, considering the listed building and conservation area
- Impact on the amenity of nearby residents

The visual impact of the extension, considering the listed building and conservation area

Proposed chiller enclosure

4.2 The proposal relates to a listed building within a conservation area, as such policies HE3 and HE4 of the City of York Draft Local Plan are relevant. HE4 states that listed building consent will only be granted when there is no adverse effect on the character, appearance or setting of the building. HE3 states that within conservation areas, proposals will only be permitted where there is no adverse effect on the character or appearance of the area.

4.3 The rear of the original building's appearance has been harmed by piecemeal extensions at the host and neighbouring buildings of varying shape and scale. At the host premises there are two separate two-storey outshots of varying shape and scale, a single storey flat roof infill extension and a flue which terminates just below the ridge of the building.

4.4 The proposed rear extension would be constructed in clamp brick and slate roof to match the host building. The materials proposed are sympathetic to the host building and are acceptable. The building would be single storey, around 3.5m high to ridge height. The building would just be higher than the window cills at first floor level on the original building. It would be set away from the original building, due to the extant single storey flat roof extension. The building is of simple detailing, subordinate scale and in a discreet location. It would not detract from the appearance of the main building or the conservation area.

Fence

4.5 The proposed fence would be of timber and would sit above a dwarf wall that marks the side boundary. It is of acceptable appearance in its own right, but would also improve the existing appearance as the present boundary treatment is in the form of makeshift screens of varying appearance.

Shed

4.6 The proposed shed would be of simple domestic design and scale. It is located away from the host building and in a discreet location. It would not harm the appearance of the host building or the conservation area.

Impact on the amenity of nearby residents

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

4.8 The 'chiller' is a fridge unit that has been in the back yard for sometime. It currently sits beneath an unsightly iron structure. It creates no more noise than a domestic fridge unit. Furthermore, any noise emitted from the equipment would be reduced by its proposed means of enclosure. The proposals would not create a noise nuisance that would harm resident's amenity.

5.0 CONCLUSION

5.1 It is considered the proposed developments in the rear yard would not harm the listed building or its conservation area setting. There would be no undue harm to residential amenity.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 PLANS1 Approved plans - 312-01 and 02

3 Samples of the external materials to be used shall be agreed onsite 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 To 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.

- Proposed windows and doors and their immediate surrounds at a scale of 1:5 (to include notes on glazing).
- The colour finish of the proposed fence, shed and external doors.
- The proposed internal door at a scale of 1:5.

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

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the special historic interest of the listed building, the character and appearance of the conservation area and residential amenity. As such the proposal complies with Policies HE3, HE4 and S6 of the City of York Local Plan Deposit Draft.

LISTED BUILDING CONSENT

You are reminded that this proposal affects a grade II listed building. Listed Building consent is also required for the works and should be obtained before development commences.

Contact details:

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

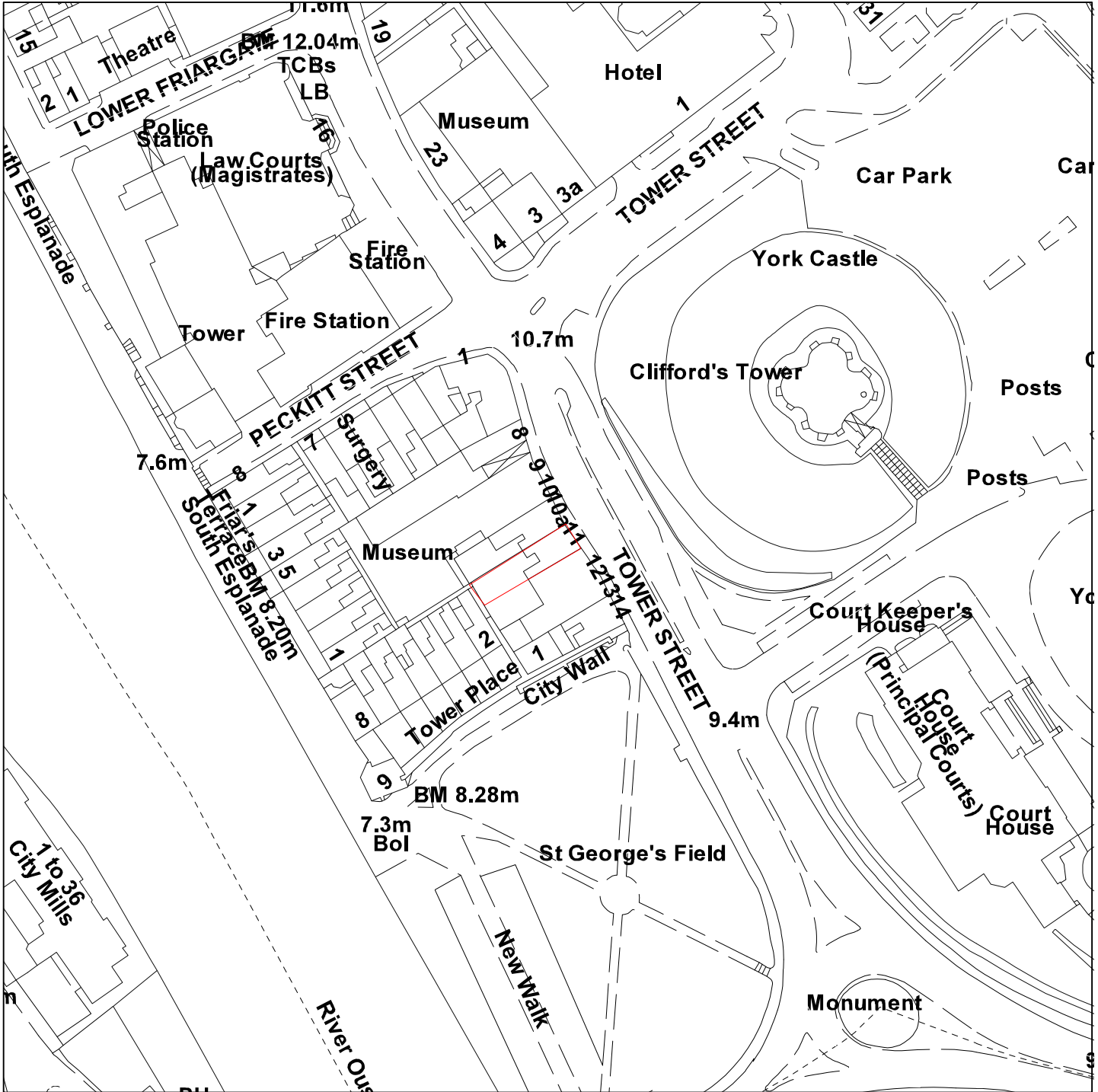
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08/00936/FUL

Ali G Pizza, 11 Tower Street



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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	06 June 2008
SLA Number	Not Set

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COMMITTEE REPORT

Committee:	West/Centre Area	Ward:	Rural West York
Date:	19 June 2008	Parish:	Askham Richard Parish Council

Reference: 07/02908/FUL
Application at: 2 The Park Westwood Lane Askham Bryan York YO23 3FW
For: Single storey pitched roof rear extension
By: Mr James O Toole
Application Type: Full Application
Target Date: 1 May 2008

1.0 PROPOSAL

1.1 This application seeks permission for a single storey pitched roof glazed rear extension which encloses the rear yard.

1.2 The property is located within a small group of converted farm buildings comprising six attached dwellings facing a central courtyard.

1.3 The development was approved in 1998 and is situated within the Green Belt. Whilst there have been no extensions to the dwelling, the detached garage to the front was extended in 2007:

98/01430/FUL - Conversion of redundant farm buildings to from six dwellings - approved 08.09.1998 (PD Rights removed)

06/02716/FUL - Extension to existing garage and insertion of door - approved 26.01.2007

1.4 This application has been called in by Cllr Healey due to concerns about the impact the proposed development upon the adjacent neighbours. A site visit has also been requested.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

CYGB4
Extension to existing dwellings in GB

3.0 CONSULTATIONS

3.1 Internal

None

3.2 External

Askham Richard Parish Council - No objections

Neighbours - 3 The Park - concerns regarding maintainance and drainage of extension. Also wants confirmation that the extension will not impose onto the existing wall or their property.

4.0 APPRAISAL

4.1 KEY ISSUES

1. Visual impact on the dwelling
2. Impact on the green belt
3. Impact on neighbouring property

RELEVANT PLANNING POLICY

4.2 Draft Local Plan Policy GP1 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 H7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the

locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

4.4 Draft Local Plan Policy GB4 states that the extension and alteration of dwellings in the green belt and open countryside will be permitted providing the proposal would not cause undue visual intrusion, is appropriate in terms of design and materials and is small scale compared to the original dwelling.

4.5 The City of York Council Supplementary Planning Guidance - Guide to extensions and alterations to private dwelling houses (2001) states that the basic shape and size of the extension should be sympathetic to the design of the original dwelling. The scale of the new extension should not dominate the original building. Proposed extensions should have pitched roofs and the materials should match those of the main property. For single storey extensions, obscured glazing should be fitted to any essential windows facing the neighbouring boundary where there may be a loss of privacy for neighbours.

4.6 Askham Richard Village Design Statement states that buildings subject to a change of use and therefore undergoing adaptation should not lose their traditional character and design (Design Guideline 4.2).

ASSESSMENT

Visual impact on the dwelling

4.7 The proposed extension will project 1.93m and will measure 6.3m in width. The height of the main roof has been amended to 3.3m. This mainly glazed structure will cover the entire rear yard, being built onto the existing side and rear boundary walls. The side elevation adjacent to 1 The Park will be constructed of brick and will be built directly onto the shared boundary wall. The height of this side elevation is proposed to be 3.5m. When considering the conversion of former agricultural buildings in the countryside the Development Control Local Plan seeks to avoid such buildings taking on a modern domestic appearance. It is considered that this principle should also be applied when considering extensions to former agricultural buildings. Whilst the height has been reduced, it is considered that the predominantly glazed structure appears out of character with the agricultural character of the original buildings and visually intrusive when viewed from the courtyard, which is therefore contrary to Policy GP1, H7 and the Askham Richard Village Design Statement.

4.8 The occupant of 3 The Park has raised concerns regarding the maintainance and drainage of the extension. Whilst these are not material planning considerations, it is noted that an extension in this location would possibly be difficult to maintain from the applicants land.

Impact on the green belt

4.9 The proposed extension is approx. 5% of the size of the existing dwelling and therefore complies with policy GB4 which advises that any residential extension to a property in the green belt should not exceed more than 25%. Due to the rear position of the proposed extension within the courtyard area it is considered that

there will be no intrusion into any openness of the green belt and the function of the green belt would be unharmed.

Impact on neighbouring property

4.10 The rear extension is proposed to be built onto the existing rear and side boundaries of 1 and 3 The Park. Due to the limited projection it is considered that the height of the proposed development, now reduced, would not have an overbearing appearance when viewed from neighbouring properties and would not detrimentally affect the amenity of the neighbouring occupants. The scheme therefore accords with Policies GP1, H7 and The City of York Council Supplementary Planning Guidance in that respect.

5.0 CONCLUSION

5.1 It is considered that the proposed extension is contrary to policy GP1 of the City of York Local Plan and the Askham Richard Village Design Statement in terms of its impact on the appearance of the host property. Refusal is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed rear extension will be out of character with the agricultural appearance of the existing development and will appear visually intrusive when viewed from the shared courtyard. As such the extension fails to accord with policy GP1 of the Local Plan which states that development proposals should enhance the local environment and should be of a design that is compatible with neighbouring buildings, spaces and character of the area. It is also contrary to the Askham Richard Village Design Statement which states that buildings should not lose their traditional character and design.

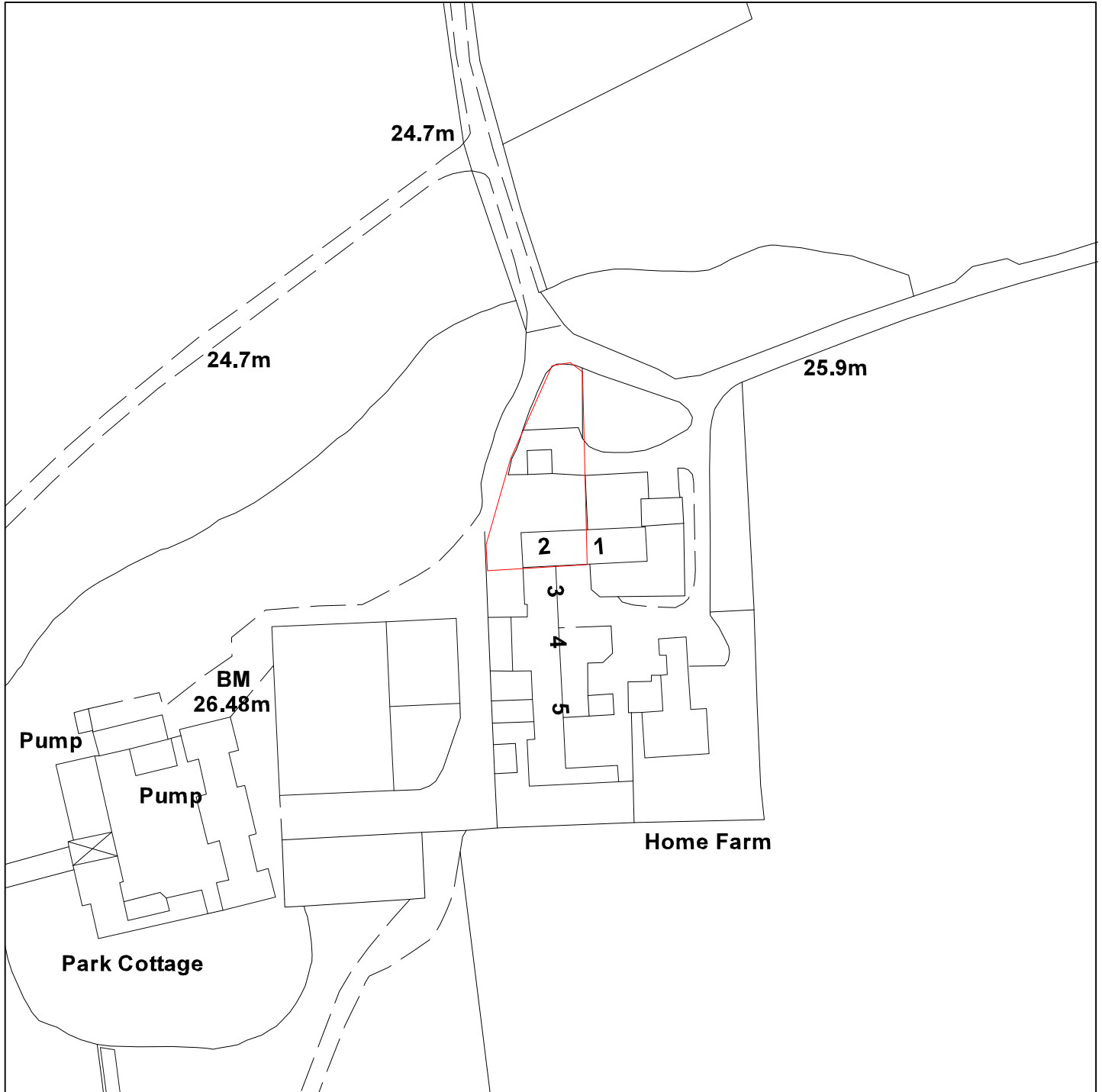
7.0 INFORMATIVES:

Contact details:

Author: Elizabeth Potter Development Control Assistant
Tel No: 01904 551350

07/02908/FUL

2 The Park, Westwood Lane



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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	06 June 2008
SLA Number	Not Set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Westfield
Date: 19 June 2008 **Parish:** No Parish

Reference: 07/02945/FUL
Application at: 6 Marston Crescent York YO26 5DQ
For: Part two storey part single storey pitched roof rear extension
By: Tony Rogers
Application Type: Full Application
Target Date: 13 February 2008

1.0 PROPOSAL

1.1 The applicant seeks planning approval to erect a part two storey and part single storey pitched roofed rear extension. All materials used will match the existing where appropriate.

1.2 The application relates to a brick built semi detached property with enclosed gardens to the rear. The attached adjoining property has a "lean to" conservatory to the rear. The adjacent property to the west has not been extended. Provision for the parking of two vehicles has been provided to the front.

1.3 The proposals have been revised to reduce the width of the two storey element from 6m to 5m, this also has the effect of reducing the ridge height by 0.3m so that it is now 0.8m lower than the ridge of the original dwelling.

1.4 The extension is unusual in that it proposes an annex to accommodate the applicant's parents. The applicant has stated that when the annex is no longer required it will be incorporated into original house as additional living accommodation. While the extension could be entirely self contained doorways are proposed from the original house.

Relevant History

1.5 07/02050/FUL - Two Storey Pitched Roof Rear Extension - Withdrawn
29.11.2007

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

3.1 Highway Network Management - No Objections.

3.2 One letter of comment/objection received from the neighbour in response to the originally submitted plans. The letter raises the following issues:

- * Concerns about the potential loss of sunlight and daylight from property, garden and conservatory.
- * Reduction in property value.
- * Noise impact from additional living accommodation.

3.3 Following the submission of revised plans the neighbour has submitted a further letter reiterating the points of objection and requesting that a site visit is undertaken.

4.0 APPRAISAL

KEY ISSUES

- * Policy Context.
- * Visual and Residential Amenity.

Policy Context

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

4.2 Policy H7 'Residential Extensions' state 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;
- c) there is no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy; and
- d) proposals respect the spaces between dwellings; and
- e) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

Visual and Residential Amenity

4.3 The proposals will be located to the rear of the property, so the impact upon the existing street scene is negligible.

4.4 Key to this particular application is the extensions impact upon the visual and residential amenity of neighbouring properties. The two storey extension projects 4 metres from the northern elevation within approx. 1.85m and 2.7m of the shared boundaries with No.8 and No.4, Marston Crescent respectively. The single storey element would be built to within 0.345m of the boundary with no. 4 and project 0.7m beyond no.4's conservatory.

4.5 The northern facing elevations of both the applicants' property and those neighbouring, by virtue of their orientation receive little direct sunlight. No.4, Marston Crescent has an existing conservatory to the rear, objections have been raised by the applicant concerning loss of light. Although some direct sunlight from the rising sun (no.8) and the setting sun (no.4) will be lost especially during the summer months, because of the orientation of the properties this would be the case with any two-storey rear extension to the property.

4.6 It should also be noted that the orientation of these properties means that many of the residents utilise the most northerly part of their gardens as main amenity spaces, as these areas receive sunshine throughout the day (to varying degrees).

4.7 The 2.7 metres set-in of the two storey element from the shared boundary with no.4 mitigates any undue overbearing impact, by setting the buildings height and mass well away from the neighbouring property. In respect of the impact on no.8, the extension would be sited 1.7m from the shared boundary, with a further 1.3m provided to the flank wall of no.8. It is considered that there would be no overbearing impact on the occupants of no.8 when viewed from their nearest rear facing window. The space between the extension and the boundary, the hipped detail of the roof and the relatively generous proportions of the garden mitigates against any harmful overbearing impact upon the garden of no.8.

4.8 The site would retain a rear garden of about 10m length and the distance to the properties to the rear in Chapelfields Road would be about 23m. As such it is not considered that the extension would result in a loss of privacy.

5.0 CONCLUSION

5.1 While the proposed extension is large in comparison with the existing dwelling and there would be some benefit from a reduction in its length, in this case its impact is considered to be limited and it would not be so harmful to the reasonable living conditions of the neighbours to justify the refusal of permission. Subject to conditions the use of the extension as a residential annex is considered to be acceptable.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

DWG No:113/JR/TBR - 101 B - Existing and Proposed Plans and Elevations.
(Revised)

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

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

3 VISQ1 Matching materials

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

Reason: In the interests of the amenities of occupants of adjacent residential properties in accordance with policy GP1 and H7 of the Development Control Local Plan.

5 The internal door between the existing house and the proposed extension shall be constructed prior to the occupation of the extension and shall thereafter be retained.

Reason: To ensure that the extension is occupied as part of the original house as the site and the layout and design of the dwelling is inadequate to accommodate two separate residential properties. This is in accordance with policy GP1 and GP10 of the Development Control Local Plan.

6 The extension shall only be occupied by a family member of the occupants of the main dwellinghouse and shall not be sold, let or otherwise separately occupied.

Reason: To ensure that the extension is occupied as part of the original house as the site and the layout and design of the dwelling is inadequate to accommodate two separate residential properties. This is in accordance with policy GP1 and GP10 of the Development Control Local Plan.

7 The window and door in the west elevation facing no.8 Marston Crescent shall be glazed with obscured glazing and retained as such.

Reason: To avoid overlooking the neighbouring property in accordance with policy GP1 and H7 of the Development Control Local Plan.

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

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

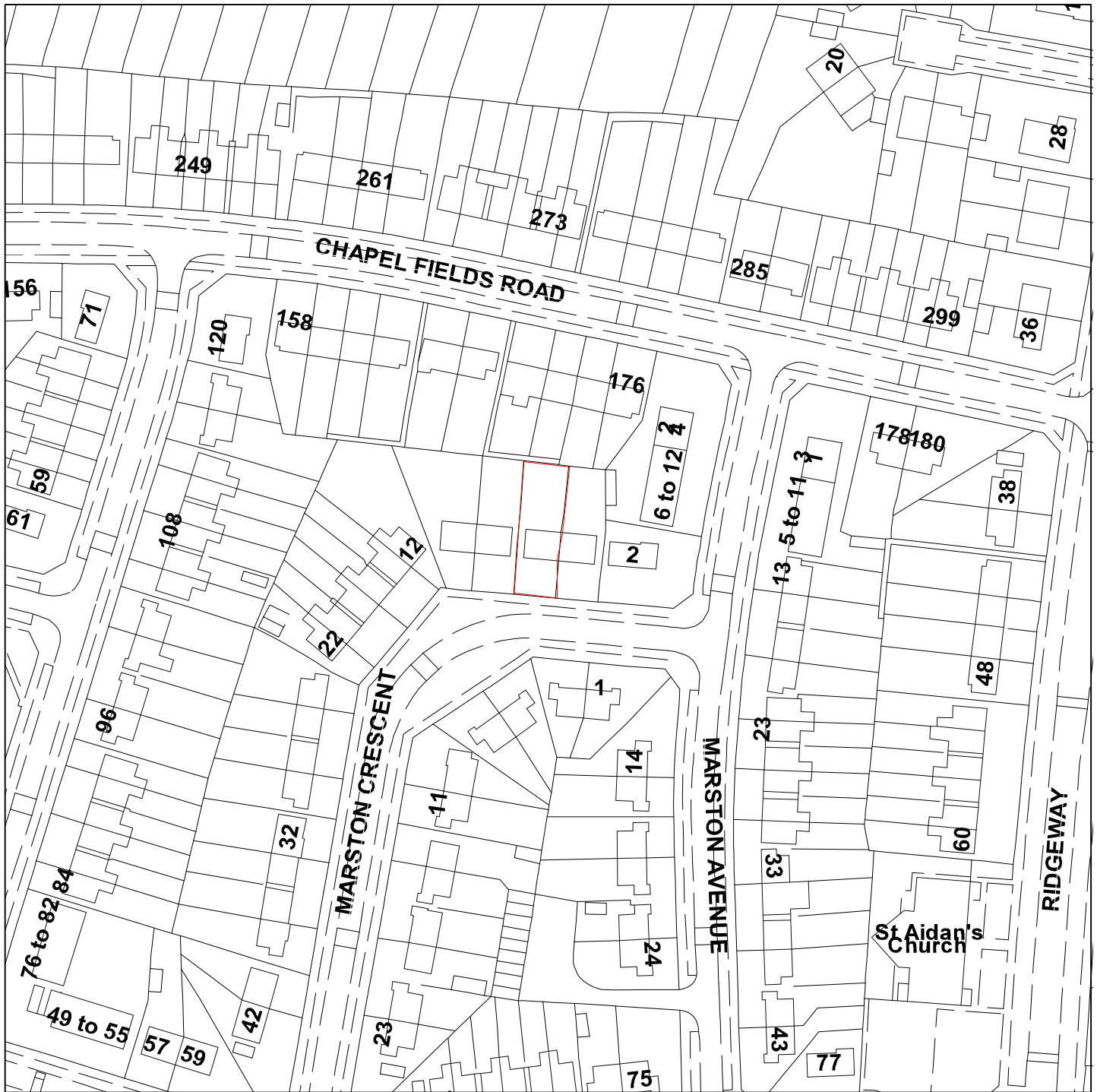
Contact details:

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07/02945/FUL

6 Marston Crescent



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	06 June 2008
SLA Number	Not Set

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