



## Notice of meeting of

### **West & City Centre Area Planning Sub-Committee**

**To:** Councillors Horton (Chair), Sue Galloway (Vice-Chair), Crisp, Steve Galloway, Galvin, Gillies, Looker, Reid and Sunderland

**Date:** Thursday, 13 November 2008

**Time:** 3.00 pm

**Venue:** The Guildhall, York

### **AGENDA**

**Site visits for this meeting will commence at 11.00 am on 12 November 2008 at Memorial Gardens.**

#### **1. Declarations of Interest**

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

#### **2. Minutes (Pages 5 - 18)**

To approve and sign the minutes of the meetings of the West & City Centre Area Planning Sub-Committee held on 16 September 2008 and 16 October 2008.

#### **3. Exclusion of Press and Public**

To consider excluding the public and press from the meeting during consideration of the annexes to agenda item 6 on the grounds that they contain information classed as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) order 2006. This information if, disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are

imposed on a person or that Authority proposes to make an order or directive under any enactment.

#### **4. 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 - in this case, **Wednesday 12 November**. 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.

#### **5. 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) The Lowther, 8 Cumberland Street, York YO1 9SW (08/02093/FUL) (Pages 19 - 30)**

Retention of external seating area on Kings Staith (renewal of temporary permission 07/01756/FUL) with freestanding sunshades; and formation of associated furniture storage area on land at the rear of 15 Kings Staith [*Guildhall Ward*] [**Site Visit**].

**b) City Of York Council 5 Silver Street York YO1 8RY (08/02031/GRG3) (Pages 31 - 40)**

External alterations and conversion of former electricity sub-station into public toilets (resubmission). [*Guildhall Ward*] [**Site Visit**].

**c) 2 Friars Terrace South Esplanade York YO1 9SH (08/02148/FUL) (Pages 41 - 48)**

Single storey pitched roof rear extension (resubmission) [*Guildhall Ward*]. [**Site Visit**].

- d) **2 Friars Terrace South Esplanade York YO1 9SH (08/02142/LBC)** (Pages 49 - 54)

Single storey pitched roof rear extension (resubmission) [*Guildhall Ward*]. **[Site Visit]**.

- e) **The Dick Turpin, 49 Moorcroft Road York YO24 2RQ (08/02178/FUL)** (Pages 55 - 60)

Smoking shelter to rear. [*Dringhouses Ward*]. **[Site Visit]**.

- f) **9 Lochrin Place York YO26 5QL (08/02073/FUL)** (Pages 61 - 68)

Two storey pitched roof side extension and new boundary wall. [*Acomb Ward*]. **[Site Visit]**.

- g) **The Orchard Tyn Garth Acaster Malbis York YO23 2LX (08/01177/FUL)** (Pages 69 - 76)

Replacement of 3no. moorings. [*Bishophorpe Ward*].

**6. Enforcement Cases Update** (Pages 77 - 198)

Members will consider a report which provides a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by the Sub-Committee.

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

Democracy Officers:

Name: Catherine Clarke and Heather Anderson (job share)

Contact Details:

- Telephone – (01904) 551031
- E-mail – [catherine.clarke@york.gov.uk](mailto:catherine.clarke@york.gov.uk) and [heather.anderson@york.gov.uk](mailto:heather.anderson@york.gov.uk)

(If contacting us by e-mail, please send to both democracy officers named above)

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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### Would you like to speak at this meeting?

If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- 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 12 November 2008**

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

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
11.15	Dick Turpin PH, 49 Moorcroft Road	5e
11.45	9 Lochrin Place	5f
12.15	2 Friars Terrace	5c/d
12.30	The Lowther PH, 8 Cumberland Street	5a
13.00	5 Silver Street	5b

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## City of York Council

## Committee Minutes

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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	16 SEPTEMBER 2008
PRESENT	COUNCILLORS SUE GALLOWAY (VICE-CHAIR, IN THE CHAIR), CRISP, STEVE GALLOWAY, GALVIN, LOOKER, REID AND HEALEY (SUBSTITUTE)
APOLOGIES	COUNCILLORS HORTON, GILLIES AND SUNDERLAND

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**26. INSPECTION OF SITES**

The following sites were inspected before the meeting

Site	Attended by	Reason for Visit
Salt and Pepper, 19 Tanner Row	Councillors Crisp, Sue Galloway, Healey Looker, Galvin.	To familiarise members with the site
The Orchard, Tyn Garth, Acaster Malbis	Councillors Crisp, Sue Galloway, Healey Looker, Galvin.	As objections had been received and to familiarise members with the site
Monkbar Hotel, St Maurices Road	Councillors Crisp, Sue Galloway, Healey Looker, Galvin.	To familiarise members with the site
40 Goodramgate	Councillors Crisp, Sue Galloway, Healey Looker, Galvin.	To familiarise members with the site
Thorntons PLC, 15 Parliament Street	Councillors Crisp, Sue Galloway, Healey Looker, Galvin.	To familiarise members with the site

**27. 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.

None were declared

**28. MINUTES**

RESOLVED: (i) That the minutes from the meeting held on Thursday 17 July 2008 be approved and signed by the Chair as a correct record subject to removing Cllr Reid's name from the Church of St James The Deacon site visit.

(ii) That the minutes from the meeting held on Thursday 14 August 2008 be approved and signed by the Chair as a correct record.

**29. 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.

**30. 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.

**30a 11A Tower Street, York, YO1 9SA (08/01843/FUL)**

Members considered a full application from Mr Ali Gurgur for variation of condition 2 of 7/05/737/AR1/TP to allow opening of the premises Monday-Thursday 16:00 – 01:00 the following day, Fridays & Saturdays 16:00-02:00 the following day and Sundays 16:00-24:00.

Members took into consideration the location of the nearby residents and in answer to Members questions regarding noise levels, officers stated that the Environmental Protection Unit had not received any complaints.

RESOLVED: That the application be approved subject to the conditions listed in the report.<sup>1</sup>

REASON: That the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the conservation area, crime and disorder, residential amenity and highway safety. As such the proposal complies with Policies HE3, S6 and S7 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. SL

**30b 40 Goodramgate, York, YO1 7LF (08/01546/FUL)**

Members considered a full application submitted by Mr Simon Evans for retention of the patio, construction of enclosing brick wall, construction of brick kitchen flue and installation of new door in existing opening.

Representation were received by the applicant in support of the application. He informed Members how the fencing around the decking area would be replaced by bricks and the flue would be enclosed with similar brickwork. The doorway onto the patio area would be replaced by a door which would look like a window. He felt that although the building was a listed building because the alterations were at the back of the property they were not highly visible.

Members took into consideration that the building was a Grade II listed building within the Central Historic Core Conservation Area and what the visual impact would be. Some Members suggested the materials used be improved to fit in with the buildings existing brickwork. Members also considered the impact on occupiers of the neighbouring properties and some Members suggested a time restriction on the use of the area.

In answer to Members questions Officers stated that due to their recommendation to refuse the application Members could be open to a legal challenge if the application was approved.

After a detailed debate Councillor Reid moved and the Chair seconded a motion to refuse the application. On being put to the vote this motion was lost and the application was approved subject to the following conditions:

RESOLVED: That the application be approved with the following conditions:<sup>1</sup>

i) The use hereby permitted shall be confined to the following hours

Monday to Friday 10:00 until 23:00  
Saturday 10:00 until 23:00  
Sunday 10:00 until 23:00

Reason: To safeguard the amenity of neighbouring residents.

ii) Details of all materials to be used shall be submitted to the Local Planning Authority for approval

Reason: To safeguard the amenity of local residents

iii) Large scale details on the proposed door and chimney to be submitted to the Local Planning Authority for approval

Reason: To safeguard the amenity of local residents

Action Required

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

SL

**30c 40 Goodramgate, York, YO1 7LF (08/01548/LBC)**

Members considered a full application submitted by Mr Simon Evans for retention of patio, construction of enclosing brick wall, construction of brick kitchen flue and installation of new door in existing opening.

After a detailed debate Councillor Reid moved and the Chair seconded a motion to refuse the application. On being put to the vote this motion was lost and the application was approved subject to the following conditions:

RESOLVED: That the application be approved with the following conditions:<sup>1</sup>

i) Details of all materials to be used shall be submitted to the Local Planning Authority for approval

Reason: To safeguard the amenity of local residents

ii) Large scale details on the proposed door and chimney to be submitted to the Local Planning Authority for approval

Reason: To safeguard the amenity of local residents

Action Required

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

**30d Monkbar Hotel, St Maurices Road, York, YO31 7JA (08/01647/FULM)**

Members considered a major full application from Mr Rishi Sachden for a four storey extension to the rear to create additional bedrooms and conference rooms and alterations to existing hotel.

Representation were received by Mr Pinder in objection to the application. He informed Members he was also representing other residents of Monkgate Cloisters and their main concerns were:

- The extension would lead to loss of privacy to the occupants of the dwellings in Monkbar Cloisters as the extension would be within 50 metres from some kitchen windows
- The extra traffic, car parking and the demand for parking in the surrounding streets
- The height of the extension.

Some members expressed concerns regarding the parking provision and the noise that could be generated from the stacking system.

RESOLVED: That the application be approved subject to the conditions listed in the report.<sup>1</sup>

REASON: That the proposal, subject to the conditions listed in the

report, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the conservation area, residential amenity, highway safety and flood risk. As such the proposal complies with Policies HE2, HE3, HE10 GP1 and V3 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. SL

**30e Salt And Peppers, 19 Tanner Row, York, YO1 6JB (08/01750/FUL)**

Members considered a full application by Mr C Altin for removal of condition 1 of planning permission (06/00253/FUL) to allow 24 hour opening.

Representations were received from the applicant in support of the application. Members were informed that they were looking to remove the restrictions to open until 3:30am on weekdays and 4:30am on weekends to keep in line with other areas. The noise level had been monitored 2.5 years ago which showed that more noise was made when the premises was closed.

RESOLVED: That the application be approved subject to the conditions listed in the report.<sup>1</sup>

REASON: That the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the conservation area, residential amenity, crime and disorder, anti-social behaviour and highway safety. As such the proposal complies with Policies HE3 and S6 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. SL

**30f Thorntons Plc, 15 Parliament Street, York, YO1 8SG (08/01139/FUL)**

Members considered a full application by Town Centre Securities PLC for change of use from retail shop (use class A1) to financial and professional services (use class A2)

Representations were received from the applicant in support of the application. Members were informed that he felt the proposed change of use was acceptable and that legally 15 Parliament Street could not change

its use until 3 Samson Square was in use. He felt that the change of use would retain its high level of footfall.

Councillor Reid moved and Councillor Galvin seconded a motion to approve the application. On being put to the vote this motion was carried.

RESOLVED: That the application be approved subject to the conditions listed in the report.<sup>1</sup>

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 vitality and viability of the protected street, and the visual amenity of the streetscene and conservation area. As such, the proposal complies with Policies GP1, S3a and SP3 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. SL

**30g The Orchard, Tyn Garth, Acaster Malbis, York, YO23 2LX (08/01177/FUL)**

Members considered a full application by Mr Tony Lumb for replacement of 3no. moorings.

Representation were received by Mr Ellis representing Acaster Malbis Parish Council in objection to the application.

Mr Ellis stated that the main concerns were:

- The visual amenity of the riverbank area, specifically the fencing that had been erected. He stated that it was above the 2 metres in height and suggested that the hedge should be reinstated on the footpath side of the fence which would require the existing fence to be moved back
- The Flood risks
- The visual effects of the openness of the greenbelt

Representations were also received from Mr David Nunns in objection to the application. Some of his concerns were:

- The removal of the kissing gate at the southend of the property which had been replaced with a new fence which had a closed boarding.
- The effects it has on the public right of way (PROW)
- The height of the fence that had been erected and he suggested a hedgerow be put in place.
- Flood risks

Mr Nunns informed officers he had also spoken to the PROW officer regarding these issues.

After a detailed debate Members felt that a decision could not be made until further information was obtained. Members agreed to defer the decision until the next meeting to allow officers to submit an extra report which would take into account the fencing and the public right of way issues.

RESOLVED: That the decision be deferred until the next meeting to allow Members to also take into consideration the fencing and public right of way issues.<sup>1</sup>

REASON: That the decision made is the best for the residents and the applicant.

Action Required

Officers resubmit an updated report at the next meeting

SL

Councillor Sue Galloway, Chair

[The meeting started at 3.00 pm and finished at 4.30 pm].

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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	16 OCTOBER 2008
PRESENT	COUNCILLORS HORTON (CHAIR), CRISP, STEVE GALLOWAY, GALVIN, GILLIES, LOOKER, REID, SUNDERLAND AND MOORE (AS A SUBSTITUTE FOR COUNCILLOR SUE GALLOWAY)
APOLOGIES	COUNCILLOR SUE GALLOWAY

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**31. INSPECTION OF SITES**

The following sites were inspected before the meeting

Site	Attended by	Reason for Visit
Harewood Whin Landfill Site, Tinker Lane, Rufforth	Councillors Horton, Gillies and Reid	To familiarise Members with the site.
All Saints Roman Catholic Lower School, Nunnery Lane	Councillors Horton, Gillies and Reid	To familiarise Members with the site.
14 Goodramgate	Councillors Horton, Gillies and Reid	As several objections and a petition had been received and the recommendation was to approve.

**32. 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 Reid declared a personal non prejudicial interest in Plans Item 3b (Harewood Whin, Landfill Site, Tinker Lane, Rufforth) as she is a City of York Council Representative on Yorwaste.

**33. 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.

**34. 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.

**34a 14 Goodramgate, York, YO1 7LQ (08/01863/FUL)**

Members considered a full application from Mr David Leedham for the change of use from a bar (use class A4) to a restaurant with hot food take away (use class A3/A5).

Representations were received from the applicant who confirmed that the application was for a change of use which would allow him to operate a takeaway facility alongside a fish restaurant. The intention would be to restrict the takeaway to very short opening hours, closing at sometime between 6pm and 9pm. He confirmed that they had no intention of staying open late but that the takeaway operation was an important factor in making the business viable. He advised Members that sale of alcohol would be limited to people eating in the restaurant and would not be sold to people taking food off the premises. He stressed that he intended only to enhance that area of the city and understood the importance of tourism and maintaining good behaviour. He stated that he intended to put up signs advised customers on parking issues, litter, anti social behaviour and noise nuisance.

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

**REASON:** The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the residential amenity of neighbouring properties by virtue of noise, litter and odour, impact upon the levels of traffic generation and on street parking, impact upon the levels of anti-social behaviour occurring within the locality, impact of the proposal on the character and appearance of the Historic Core Conservation Area and the setting of York Minster. As such the proposal complies Policies S6, S7, HE2, HE3 and HE4 of the City of York Local Plan Deposit Draft.

Action Required

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

SL

**34b Harewood Whin ,Landfill Site, Tinker Lane, Rufforth, York, YO23 3RR  
(08/01131/FUL)**

Members considered a full application by Energ Natural Power for an electricity from methane generator plant.

Officers updated that conditions 5 and 6 had been amended to include revised plant removal conditions.

A representative from Yorwaste was present at the meeting to answer any queries. In response to a query from Members, he confirmed that there was a need to retain the existing plant and this would operate alongside the new plant for a period of time.

RESOLVED: That the application be approved subject to the conditions listed in the report and the amended conditions listed below.

**Amended Condition 5**

In the event of the electricity generation and gas handling plant hereby approved no longer being operationally required or after a period of 15 years from the date of this permission whichever is the sooner, the plant shall be dismantled and the site reinstated to its previous appearance.

Reason:- To safeguard the character of the site in the interests of visual amenity.

**Amended Condition 6**

Notwithstanding the application details hereby approved ,in the event of the pre-existing electricity generation and gas handling plant no longer being required, or a period of 8 years from the date of this permission whichever is the sooner, the plant shall be dismantled and the site re-instated to its previous appearance.

Reason:-To safeguard the character of the site in the interests of visual amenity.

REASON The proposal, subject to the conditions listed in the report and the amended conditions above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon amenity by virtue of noise and visual appearance and impact upon the openness and purposes of designation of the Green Belt. As such the proposal complies with Policies MW5, GP5 and GB1 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. SL

**34c All Saints Roman Catholic Comprehensive Lower School, Nunnery Lane, York, YO23 1AB (08/01846/FUL)**

Members considered a full application from the School Governors for a temporary building to provide a new drama suite.

The Business Manager from All Saints Roman Catholic Comprehensive School attended the meeting to answer any questions. In response to a query from Members, she confirmed that the school had put in an application for a permanent building.

Members stressed the fact that this was a sensitive site but acknowledged that there was an educational need for a temporary building to be made available until a permanent building was in place.

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

REASON: 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, the special interests of nearby listed buildings, the amenity of neighbours, the provision of educational facilities, loss of playing fields, and the habitat and conditions for a protected species. As such, the proposal complies with Policies GP1, GP23, HE2, HE4, ED11, and NE6 of the City of York Development Control Local Plan- Incorporating the Proposed 4th Set of Changes; and national planning guidance contained in Planning Policy Guidance Note No. 15 "Planning and the Historic Environment" and Planning Policy Statement 1 "Delivering Sustainable Development."

Action Required

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

**34d Knavesmire Primary School Trafalgar Street York YO23 1HY  
(08/00975/GRG3)**

It was reported that a General Regulations (Reg3) application submitted by Knavesmire Primary School, for the installation of six 5m high floodlights to the existing multi-use games area (MUGA) and the variation of condition 4 of permission 06/00116/GRG3 to allow the MUGA to be used until 20:00 hours on Monday to Friday, had been withdrawn by the applicant.

Councillor D Horton, Chair

[The meeting started at 3.00 pm and finished at 3.15 pm].

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**COMMITTEE REPORT**

**Committee:** West/Centre Area                      **Ward:** Guildhall  
**Date:** 13 November 2008                      **Parish:** Guildhall Planning Panel

**Reference:** 08/02093/FUL  
**Application at:** The Lowther 8 Cumberland Street York YO1 9SW  
**For:** Retention of external seating area on Kings Staith (renewal of temporary permission 07/01756/FUL) with freestanding sunshades; and formation of associated furniture storage area on land at the rear of 15 Kings Staith.  
**By:** Mr S Binns  
**Application Type:** Full Application  
**Target Date:** 16 October 2008

**1.0 PROPOSAL**

1.1 The application seeks to renew a temporary planning permission for a pavement cafe on Kings Staith that is operated by the Lowther and Plonkers Public Houses ( LPA Ref. 07/01756/ FUL). Consent was granted for a year and expired in September 2008. The temporary pavement cafe has operated and been managed according to the following detail, and it is not intended that this would alter-

- Hours of occupation are 10.00-20.30 ( this includes a 30 minute drinking up period)
- The area to be cleared of tables and chairs by 21.30
- Tables and chairs to be stored off-site
- The area to be cordoned off by fixing chains between existing bollards
- CCTV coverage of the area is provided as required by a condition of the premises licence
- The area is constantly supervised, staffed at all times, with waiters/ waitresses using an intra red wireless remote control to order and bar staff bringing the orders to the area
- There is no buying of drinks within the bars and then moving outside to occupy seats within the pavement cafe.
- Only plastic containers to be used

1.2 In addition to the renewal of the planning permission for the pavement cafe area, planning permission is also sought for freestanding umbrellas, an external storage area, and an increase in the approved number of tables from nineteen to twenty tables so that there are ten tables for each operator. It was intended that eight umbrellas would be positioned around the highway edge of the seating area, and a further umbrella would give shade to the staff service point. It was also proposed that the umbrellas would be in two different colours to identify each operator- Plonkers would be and the Lowther would be Black or beige. Revised plans have been now been received that reduce the number of umbrellas to two umbrellas per operator

with a smaller shared umbrella for staff, and supporting information agrees to a single colour for the sunshades.

1.3 Planning permission is also sought for the retention of an external storage area. The external area is being used in preference to the storage area in the cellar of the Lowther that was approved in the temporary consent. The storage area has been formed by enclosing an area of land at the rear of 15 Kings Staith and 1 Lower Friargate with timber fencing and gates. The furniture is transported to the external pavement area through the side garden area of No. 15 Kings Staith and the storage area is accessible from the rear yard at the back of the public houses. The revised plans that include the storage area and umbrellas have been the subject of a full reconsultation and readvertisement exercise.

1.4 Both sites lie in the Central Historic Core Conservation Area.

1.5 This application is presented to the west/centre planning sub-committee as the application for temporary permission was determined by the sub-committee at the request of Councillor Brian Watson due to the potential impact of the pavement cafe on the neighbouring residential amenity. A committee site visit is to take place because the storage area is recommended for approval contrary to objections to the proposal from members of the public.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Conservation Area Central Historic Core 0038

2.2 Policies:

CYHE2

Development in historic locations

CYHE4

Listed Buildings

CYS6

Control of food and drink (A3) uses

CYGP1

Design

CYGP23

Temporary planning permission



### 3.0 CONSULTATIONS

#### 3.1 INTERNAL CONSULTATIONS

Highway Network Management- No objections but advise that a highway licence would be required

Environmental Protection Unit - No objections as no complaints have been received in relation to the operation of the pavement cafe, subject to a condition that imposes the previous hours of operation.

Design, Conservation and Sustainable Development- No objections

#### 3.2 EXTERNAL CONSULTATIONS/ REPRESENTATIONS

Guildhall Planning Panel- Object as there are safety and access concerns over the minimal degree of passageway width between the seating and the quayside edge- 3 metres at its narrowest point- too narrow for a busy pedestrian cycle through route.

The Boating Association- The association has received no complaints from the boating fraternity and are satisfied with the way the pavement cafe has operated over the past year. No objections to the renewal of temporary permission provided the same conditions are re-applied as they meet the concerns of the boating fraternity.

Conservation Area Advisory Panel- No objection to originally submitted proposal

Safer York Partnerships- Response awaited.

Three representations have been received from the occupiers of the neighbouring property at No. 1 Lower Friargate and Nos.13 and 15 Kings Staith who object to the external storage area for the following reasons-

- The peaceful character of the garden area has harmed by the formation of a commercial storage area and the transporting of furniture through the garden.
- The appearance of the garden has been detrimentally affected by fencing
- The use of the garden contravenes the temporary planning consent as the applicants are required to store the pavement cafe furniture inside the cellar of the Lowther
- The security of the side garden is compromised as gates are often left open
- The applicant often sets up the pavement cafe earlier than the approved setting-up times causing disturbance to/ waking up residents at 15 Kings Staith and breaching the temporary planning consent for the pavement cafe

- The stockade enclosure greatly hinders access to our property (No. 13 Kings Staith)
- If approved, all previous planning conditions should be re-applied

3.3 The application has been advertised in the local press, by site notice, and abutting neighbours have been notified. The consultation period for representations expired on 5 November 2008.

#### **4.0 APPRAISAL**

##### **4.1 KEY ISSUES**

- Impact on the visual amenity and historic character of the conservation area/ adjacent listed buildings
- Impact on the residential amenity of the neighbours/ offices
- Impact on pedestrian and highway safety
- Public safety/ Crime

##### **4.2 POLICY CONTEXT**

Current central government planning guidance is contained in the following documents. Planning Policy Statement 1: Planning for Sustainable Development aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue. Planning Policy Guidance Note 15 " Planning and the Historic Environment " seeks to ensure that the special characteristics of listed buildings and conservation areas are not adversely affected by inappropriate developments. Planning Policy Guidance Note No. 13 " Transport " advises that leisure facilities are ideally located in town centres or should be concentrated in locations well served by public transport and that the impact of development on pedestrian movement should always be considered. The key objectives of Planning Policy Statement 6 " Planning for Town Centres " seeks to facilitate and promote sustainable development and inclusive patterns of development, including the creation of vital and viable town centres.

POLICY HE2 of the City of York Development Control Local Plan (Fourth Set of Changes), approved for development control purposes on 13 April 2005 states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. POLICY HE4 of the Local Plan relates specifically to listed buildings and states that consent for development in the immediate vicinity of listed buildings, demolition, internal and external alteration, and changes of use will only be granted where there is no adverse effect on the character, appearance or setting of the building. POLICY S6 of the City of York Development Control Local Plan relates to the control of food and drink uses. The policy permits the extension, of premises within York City Centre subject to there being no adverse impact on amenity of surrounding occupiers and the opening hours being restricted, where necessary, to protect the amenity of surrounding occupiers.

POLICY GP23 of the Local Plan specifically relates to temporary planning permission, it states that planning permission will only be granted for a limited period provided; there is no loss of amenity; there is no viable permanent solution; there are plans for a permanent solution; the period for which consent is sought is the minimum required to allow the permanent development to be implemented; or a trial period is necessary.

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

#### 4.3 RELEVANT SITE HISTORY

07/00819/FUL Outside eating area on Kings Staith for use by the Lowther Public House and Plonkers Wine Bar. Refused 5.6.2007

07/ 01756/FUL Outside seating area on Kings Staith for use by the Lowther Public House and Plonkers Wine Bar (Resubmission). 1 Year temporary consent granted 21.9.2008

#### APPRAISAL

4.4 Members may recall that a temporary consent for a year was granted in September 2007 to allow the impact of the proposal to be assessed. The ability for local planning authorities to grant temporary permission is contained in Circular 11/95. It states that where an application is made for a use that may be potentially detrimental to existing uses nearby, but there is insufficient evidence to enable the authority to be sure of its character or effect, it might be appropriate to grant a temporary permission in order to give the development a trial run, provided that such a permission would be reasonable having regard to the capital expenditure necessary to carry out the development. It states that a trial period should be set that is sufficiently long for it to be clear by the end of the first permission whether permanent permission or a refusal is the correct outcome. As the pavement cafe has been operating for over a year and is sited on important public highway, Members may consider it prudent to consider granting a limited consent for a 5 year period if minded to support the continued use of the pavement cafe in this location.

#### IMPACT ON CONSERVATION AREA/ LISTED BUILDINGS

4.5 It is imperative that any outdoor seating is of appropriate appearance and does not appear cluttered in order to maintain the character and appearance of the

conservation area. The site is within a designated conservation area (Central Historic Core) where the Council has a statutory duty to consider the desirability of preserving or enhancing the character or appearance of the area. King's Staith has been York's principal riverside quay since mediaeval times, and although altered and extended south, still provides a convenient and cobbled access to the south west riverside. The texture and quality of this foreground area adds greatly to the setting of the nearby listed buildings, especially the Grade 1 building of Cumberland House at the corner. The seating area provides a link between 3 roads- King Street, Cumberland Street, and Lower Friargate giving access onto the Staith. It allows clear and unobstructed access to the waterfront for pedestrians and maintains an open setting for the waterfront buildings behind. On summer days there are often tourists in this area enjoying the river frontage. The pavement cafe fills part of the existing non-vehicular area with tables, chairs and barriers for a substantial part of the day and part of the evening, and alters the appearance of this highly visible area in front of the Grade 1 Listed building, Cumberland House.

4.6 The layout of tables and chairs is visually contained behind existing highway bollards and is appropriate in scale and appearance in relation to its surroundings. Prior to the pavement cafe opening, the style of the proposed tables and chairs was agreed with the local planning authority to ensure that the furniture would blend with the traditional surroundings and cobbled surface of the Staith. It is considered that the existing pavement cafe is not a visually dominant or obtrusive feature in this part of the conservation area and that the proposal to increase the number of tables by one table could be absorbed without affecting the appearance or character of the use or the area.

4.7 The most significant change within the pavement cafe would arise from the introduction of umbrellas. The applicant has explained in supporting information that the parasols are required to provide shade for staff and customers in this south facing location, especially during the summer months. It is appreciated that the site of the pavement cafe is very exposed and the surrounding buildings provide little shade, the health of staff and customers must be considered, and the serving of food within the area, are valid reasons for considering that a degree of shade may be justified. It is noted that the nearby outside drinking area adjacent to the Kings Arms uses green parasols. It does not appear that the umbrellas have been formally approved. The introduction of umbrellas would be visually prominent and the agent has reduced the number of umbrellas to two per operator and a smaller sunshade for the staff service point to minimise their visual impact and clutter. It is considered that the reduced number of parasols would be acceptable if they were in a single colour (in preferably a terracotta red or green colour) and in a layout that would allow visual gaps through the area and not forming a visual barrier around the perimeter of the pavement cafe. This could be appropriately conditioned if Members are minded to approved the application.

4.8 The proposed storage area for the cafe furniture has been formed by enclosing an area of the rear service yard that is set behind the garden area that separates No.15 Kings Staith and Nos 1-3 Lower Friargate with timber fencing. Representations have been received from the neighbours at No 15 Kings Staith and 1 Lower Friargate that express the view that the storage area is unsightly and not in keeping with the character and appearance of the conservation area. The storage

area is not prominent but it forms the backdrop for an attractive domestic garden that fronts Kings Staith and the introduction of more visually fencing lessens its attractiveness. Despite this impact,, it is considered that the storage area in a recessed location does not detrimentally harm the character of appearance of this part of the conservation area. If Members are minded to approve the application, it is suggested that the visual impact of the fencing that fronts Kings Staith could be reduced and improved by staining it a darker colour.

## RESIDENTIAL AND WORKPLACE AMENITY

4.9 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 there is no unacceptable impact on the amenities of surrounding occupiers as a result of traffic, noise, smell or litter. The proposal has the benefit of being in operation for a year and it is considered that the management of the operation has been successful despite being remote from the parent public houses. Existing management measures would be continued as part of the premises and highway licences. The Environmental Protection Unit advises that it has received no complaints about the operation of the pavement cafe and would support the principle of the use subject to any planning approval restricted to the previous hours of operation.

4.10 The applicants, as part of the previous planning permission, agreed that the furniture required for the pavement cafe would be stored in the cellar of the Lowther Public House. They now seek consent to store the furniture externally in an area between residential properties on Kings Staith and Lower Friargate. The occupants of No. 15 Friargate have expressed concern that furniture is being moved outside the approved setting-up times and disturbing their peace. It is considered that a reasonable level of amenity for the neighbouring properties could be achieved if the applicants complied with the setting- up times that were conditioned in the previous planning permission.

## PEDESTRIAN AND HIGHWAY SAFETY

4.11 The Local Planning Panel has concerns that the proposed 2m wide footpath that separates the pavement cafe from the quayside edge is insufficient in terms of safety as Kings Staith forms a distinctive part of the river frontage, historically important and contributing to the amenity of the area. It is enjoyed by tourists, residents, businesses and their patrons, and it would be reasonable to require an acceptable width of access to the river frontage that would allow the area to be enjoyed safely by all users. The Highway Authority considered that a 2 metre wide footpath would be acceptable in the previous application for temporary permission. The width of the footway has now been tested for a year, and the Highway Authority maintains the view that a 2m wide footway would be acceptable. No other highway issues have arisen as a result of the operation of the pavement cafe over the previous year. It is noted that a separate Pavement Cafe Licence would also be required from the Highway Authority if planning permission is granted and this

licence would have to be renewed annually. It would allow a review of issues relating to safety and management of the area as they affect highway use.

#### **PUBLIC SAFETY/ CRIME**

4.12 Information submitted by the police liaison officer advises there are no overwhelming crime statistics that indicate that the outdoor eating area operation causes excessive public order or anti-social problems in the area. It would therefore be difficult to oppose an application to continue the use on grounds of harm to public safety given both its proposed city centre location and its successful trial period. Also the new licensing legislation would allow action to be taken should this become there be any harm to public safety.

4.13 The external storage area is accessed from Kings Staith through the side garden of No 15 Kings Staith. This arrangement is causing some concern for the occupiers of the property as the gates are not locked thus compromising their security and allowing increased anti-social behaviour in the garden. The access arrangement is largely a civil matter and there are no reasonable planning conditions that can be imposed on any planning permission that would improve the security for the residents of this property.

#### **5.0 CONCLUSION**

5.1 The pavement cafe has operated for a year without causing significant harm to surrounding land uses, neighbouring amenity, highway safety, and the visual amenity and character of the area. Under the terms of Circular 11/95, it would be unreasonable of the Local Planning Authority to restrict the applicants to such a limited temporary planning permission if minded to approve the continued use unless there are new issues that would require a similar test. It is considered that the proposed additional table in the pavement cafe area and the introduction of the reduced level of single colour umbrellas would not require a similar assessment, and that any planning permission could effectively control setting-up times to ensure that the neighbours adjacent to the external storage area would not be disturbed in the early morning.

5.2 It is therefore concluded that the proposal would not conflict with Policies HE2, GP1, GP23 and S6 of the City of York Local Plan Development Control Local Plan-Incorporating the Proposed 4th Set of Changes ( 2005 ); and national planning guidance contained in Planning Policy Statement 6 " Planning for Town Centres, "Planning Policy Guidance Note No. 15 " Planning and the Historic Environment " and Planning Policy Guidance Note No. 13 " Transport" and Planning Policy Statement 1: "Planning for Sustainable Development " and it is recommended that planning permission is granted for a five year period.

#### **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Drawing No. 1.32 Rev. B, Received 29.10.2008

Drawing No. 1.33 Received 3 October 2008

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 No additional furniture other than that approved ( e.g. external lights or heaters ) shall be used for the seating area hereby approved .

Reason: To avoid the visual clutter of paraphernalia that would detract form the visual amenity, character and historic interests of the nearby listed buildings and the conservation area

4 There shall be no amplified music within the external seating area hereby approved.

Reason: In the interests of protecting neighbouring residential amenity and the character of the area.

5 The hours of operation of the use hereby permitted shall only be between 10.00 and 20.00 hours each day of the week. Customers shall be clear of the area approved by 20.30 with tables and chairs cleared from the site by 21.00. Setting up shall not commence before 09:30 daily.

Reason: In the interests of amenity of the occupiers of neighbouring properties, free flow of the highway outside the approved hours, highway safety and in the interests of the amenity of the conservation area.

6 The umbrellas approved in Drawing No. 1.32 Rev. B, received 29.10.2008, shall not be erected on the pavement cafe until the colour of the shade has been agreed with the Local Planning Authority. Thereafter the colour of the umbrellas shall be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the Local Planning Authority is satisfied with the details in the interest of the character and amenity of the conservation area.

7 Within one month of the approval of the application, the fence to the pavement cafe storage area that fronts Kings Staith shall be painted or stained black or dark brown, and shall thereafter be retained and maintained as such.

Reason: In the interests of the visual amenity and character of this part of the conservation area.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. HIGHWAY LICENCE INFORMATIVE:**

You are advised that a Pavement Cafe Licence is required for the proposed operation under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). This must be renewed annually. For further information please contact the officer named:

Cafe Licence - Section 115 - Mr A Briggs- 01904 551368

#### **2. REASON FOR APPROVAL**

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the conservation area, vitality and viability of the city centre, amenity and safety. As such the proposal complies with Policies HE2, GP1, GP23 and S6 of the City of York Local Plan Development Control Local Plan- Incorporating the Proposed 4th Set of Changes ( 2005 ); and national planning guidance contained in Planning Policy Statement 6 " Planning for Town Centres, "Planning Policy Guidance Note No. 15 " Planning and the Historic Environment " and Planning Policy Guidance Note No. 13 " Transport" and Planning Policy Statement 1: "Planning for Sustainable Development. "

#### **Contact details:**

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

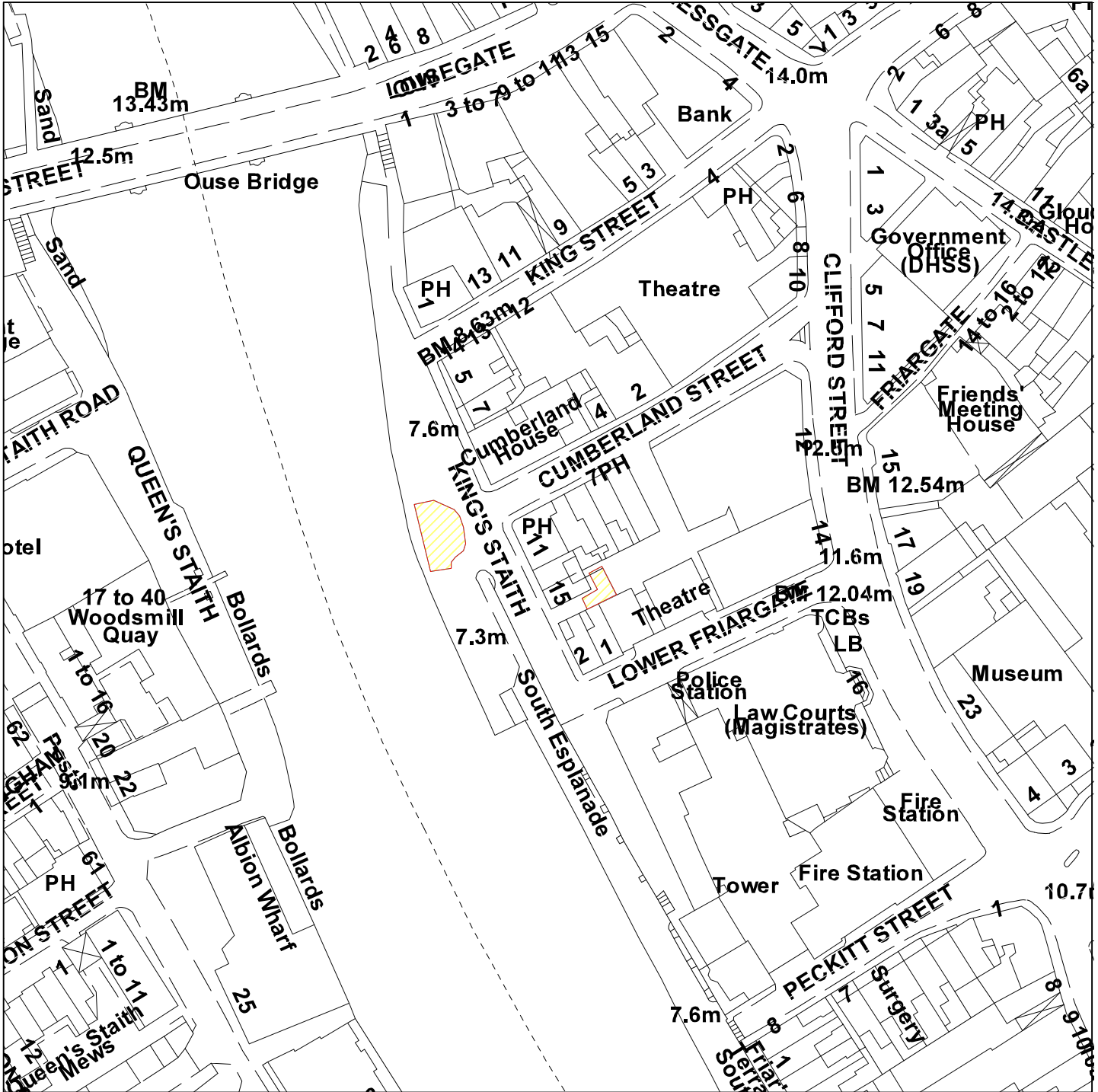


# The Lowther, 8 Cumberland Street, YO1 9SW

08/02093/FUL



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Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application site
<b>Date</b>	30 October 2008
<b>SLA Number</b>	Not set

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**COMMITTEE REPORT**

**Committee:** West/Centre Area                      **Ward:** Guildhall  
**Date:** 13 November 2008                      **Parish:** Guildhall Planning Panel

**Reference:** 08/02031/GRG3  
**Application at:** City Of York Council 5 Silver Street York YO1 8RY  
**For:** External alterations and conversion of former electricity sub-station into public toilets (resubmission)  
**By:** Russel Stone  
**Application Type:** General Regulations (Reg3)  
**Target Date:** 4 November 2008

**1.0 PROPOSAL**

1.1 This application seeks planning permission for the provision of a staffed public toilet facility in Silver Street to serve the city centre. The facility would replace the existing toilets in Parliament Street with more accessible toilets. The works would involve the change of use of vacant ground floor premises consisting of a former electricity substation and two adjacent storage buildings to create a changing place room; ladies, gents, ambulant toilets; and a baby changing room. The upper first floor currently provides toilets for the market traders and rest room for City of York Council Market and Street Scene staff. The building is an unlisted but historic building which lies within the Central Historic Core Conservation Area.

1.2 Internally, the works would involve the removal of internal walls and the insertion of additional partition walls. The premises would be staffed during opening hours and a security grille behind the main entrance doors would provide security at night time.

1.3 Externally, the change of use to the toilet facility would involve the remodelling of existing door and window openings. It is intended that 5 No. sets of doors and frames would be removed to be replaced with 2 No. single doors and a set of automatically operated double doors. The removed doorways would be infilled with recessed brick work and 4 No. fanlights would be retained.

1.4 The application has been referred to the West and Centre Sub- Committee for a determination at the request of Councillor David Horton and Councillor Janet Looker given the local business and resident interest in the scheme.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

2.2 Policies:

CYC1  
Criteria for community facilities

CYGP1  
Design

CYHE3  
Conservation Areas

CYGP4A  
Sustainability

### **3.0 CONSULTATIONS**

#### **3.1 INTERNAL**

Highway Network Management- No objections

Design Conservation and Sustainable Development- No objections, suggested revisions to give an improved finish to a door detail.

#### **3.2 EXTERNAL**

Guildhall Planning Panel- No objections

York Access Group- No objections in principle but comment on wheelchair access to wash basins and the absence of alarm provision detail.

Safer York Partnership- No response at time of writing

3.3 The application was advertised in the local press, a site notice was displayed, and abutting neighbours were advised of the development by letter. The consultation period expired on 15 October 2008 and no responses have been received at the time of writing.

### **4.0 APPRAISAL**

#### **4.1 KEY ISSUES**

- Land use
- Impact on the visual amenity of the street scene and the conservation area
- Sustainability issues

## 4.2 POLICY CONTEXT

Planning Policy Guidance Note 15 " Planning and the Historic Environment " seeks to ensure that the character and amenity of conservation areas are not adversely affected by inappropriate developments.

POLICY HE3 of the City of York Development Control Local Plan (Fourth Set of Changes), approved for development control purposes on 13 April 2005 states that proposals for development in conservation areas should reflect street proportions, which are given to floor heights, door and window sizes and disposition.

POLICY GP4a of the Local Plan requires all new developments to have regard to the principles of sustainable development.

Policy GP1 is a general design policy in the Local Plan that, inter alia, seeks to ensure that new development respects its surroundings.

Policy CF1 of the Local Plan supports new community facilities provided that the proposed development is of a scale and design appropriate to the area and meets a recognised need.

POLICY GP4a of the Local Plan requires all new developments to have regard to the principles of sustainable development.

## 4.3 RELEVANT PLANNING HISTORY

08/00044/GRG3 Change of Use from substation to public toilets with external alterations WITHDRAWN 20.2.2008

## ASSESSMENT

### Land Use

4.4 The building would reuse the ground floor of a building that was previously used as a substation and is currently vacant. The building is in a prominent central location and its reuse would increase vitality in the area thereby enhancing the character of the city centre. There is considerable justification for the development within the city centre. Property Services indicate that the proposed toilets would replace the existing sub-standard toilets in Parliament Street and that these would be closed on completion of the new facilities in Silver Street. Although the proposed facility would be smaller than the facilities in Parliament Street, they would provide more publicly accessible toilets that would comply with current standards. The facility would therefore meet a recognised community/ city wide need that would comply with Policy C1 of the City of York Local Plan.

4.5 The upper floor above the proposed toilets are currently in use by Council staff involved with the market and city centre activities. It is unlikely that the proposed toilets on the ground floor would increase activity or noise to a level that would be harmful to the staff who occupy the upper floors. The current occupiers have been advised of the proposed toilet facility and no representations have been received to date. Members will be updated at the meeting of any further responses. The

proposed facility would be situated in a bustling part of the city area, where there are no close residential properties that could be affected, and the use would clearly service the surrounding land uses. The facility would be centrally located in a sustainable location, and would be accessible to all types of user, both tourist and resident.

#### Visual impact

4.6 The building that would be converted dates from approximately the mid -C19 but the front elevation is more recent and dates from the late C19 or early C20. This part of the conservation area is characterised by a mix of historic and contemporary buildings, and many of the surrounding buildings are listed, including St Sampson's Church opposite. The building is very prominent within a pedestrianised part of the conservation area and it forms a large part of the built frontage of Silver Street. The building has a strong visual relationship with its neighbour as the adjoining shopfront appears to have been an integral part of the building at some point- the shopfront cornice is still in situ. Whilst the front elevation of the building has been altered, it retains its historic character largely dictated by the openings and fanlights to the ground floor and the original sash windows to the first floor. In general, the proposed alterations that would be required to convert the building for the proposed use would be sympathetic. Some existing details would be retained and those that would be altered would reflect the character of the existing front elevation of the building as expanded below.

4.6 The new sliding glazed doors would be the most significant change to the fenestration of the building. They would fit into an existing opening and their simple and contemporary design would not detract from the appearance of the building or be an obtrusive visual alteration in the conservation area. The entrance to the disabled toilet has been altered from a double door in the initially withdrawn scheme, to a single door. The door has been well designed and its proposed fanlight would match the existing fanlights on the building. The filled -in area of the opening would be externally finished in brickwork and a decorative ceramic panel. At this stage, Property Services has no firm proposals for the ceramic panel but it is intended to be either a piece of artwork or used as a signage feature to identify the facility. The proposed tiled and bullnose brick cill below the ceramic panel would be a traditional detail in character with the building.

4.7 The frontage of the building is not symmetrical and consists of differing openings and fanlights and the proposed redesigned frontage would retain this characteristic. There is one small area of concern that has been expressed to Property Services. The conservation officer considers that the treatment of the existing double door opening to the right hand side of the building could be improved. The existing double doors are separated externally by a timber fascia and an internal wall separates the openings. It is intended to infill the left hand door opening with brickwork but retain the existing fanlight. This would create an incongruous appearance as the retained fanlight would "float" above the new brickwork. It is also considered that the brickwork may have an odd appearance adjacent to the central timber fascia. It is suggested by the Conservation Officer that it may be possible to retain the existing external appearance of this opening by fixing shut the existing timber door and bricking- in behind the timber door. Property Services are unwilling to alter this detail

and Members may consider that the treatment of this opening should be amended so that the unharmonious appearance of this alteration to this opening is deleted from the scheme. However, on balance, it is considered by officers that the proposed treatment of this doorway would not be detrimental to the appearance of the building or the conservation area to justify refusing the scheme.

4.8 The bricking up of the door to the left hand side of the building would be acceptable. This is a stand alone door and the recessed brickwork would have a sympathetic and honest appearance that allows the former opening to be read externally. The replacement of the existing window with a double glazed unit would be acceptable subject to large scale details being approved if Members are minded to approve the application.

4.9 It is therefore considered that the proposal would therefore accord with Policy HE3 of the Local Plan and related national planning guidance that seeks to protect the distinctive character and visual amenity of the conservation area.

#### Sustainability

4.10 It is intended that CFC -free thermal insulation would be laid under the floor during construction and above the suspended ceiling. The new matching windows would be constructed in FSC sourced timber. Generally the alteration works would consist of lightweight blockwork partitions and where possible the studwork construction would incorporate sheep's wool insulation and be faced with 100% recycled plasterboard. It is also intended that water usage would be minimised by incorporating toilets with a dual flush system and urinals would be waterless. It is considered that these measures would be adequate to meet the sustainability requirements of Policy GP4a of the Local Plan.

### 5.0 CONCLUSION

5.1 The proposed toilet facility would be appropriately sited within the city centre and would meet a required need. It would be accommodated within an existing building that could be easily accessed. It would provide the appropriate range of facilities within the building without requiring significant or harmful alterations to the exterior of the prominent, historic building within the conservation area. Members are therefore advised that planning permission should be granted for the proposed facility subject to the following conditions.

### COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Drawing No. 0566/03 Revision A Received 15 August 2008

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 Notwithstanding the submitted details and the terms of Condition 2 above, prior to the commencement of the works hereby approved, the following details shall be submitted for the written approval of the Local Planning Authority, and thereafter the works shall be implemented and retained in accordance with the approved details:

a) Details of all proposed windows and doors and their immediate surrounds at a scale not less than 1:5.

b) Glazing bar profiles to be submitted at 1:1.

Reason: To ensure that the details would be acceptable in the interests of the visual amenity and historical and architectural interest of the Listed Building.

4 The infill brickwork shall match the existing brickwork in all respects ie, bonding, size, colour and texture of bricks and the colour and finished treatment of mortar joints, to the satisfaction of the Local Planning Authority. A sample panel of the brickwork to be used shall be erected on site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

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

6 VISQ6 Infill brickwork to match

7 All windows shall be constructed in timber.

Reason: In the interests of the visual amenity and character of the traditional building and the wider conservation area.



**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 visual amenity and character of the listed building. As such, the proposal complies with Policies C1, HE3, GP4a and GP1 of the City of York Development Control Local Plan - Incorporating the Proposed 4th Set of Changes ( 2005) ; and national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development " and Planning Policy Guidance Note No. 15 " Planning and the Historic Environment. "

**Contact details:**

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

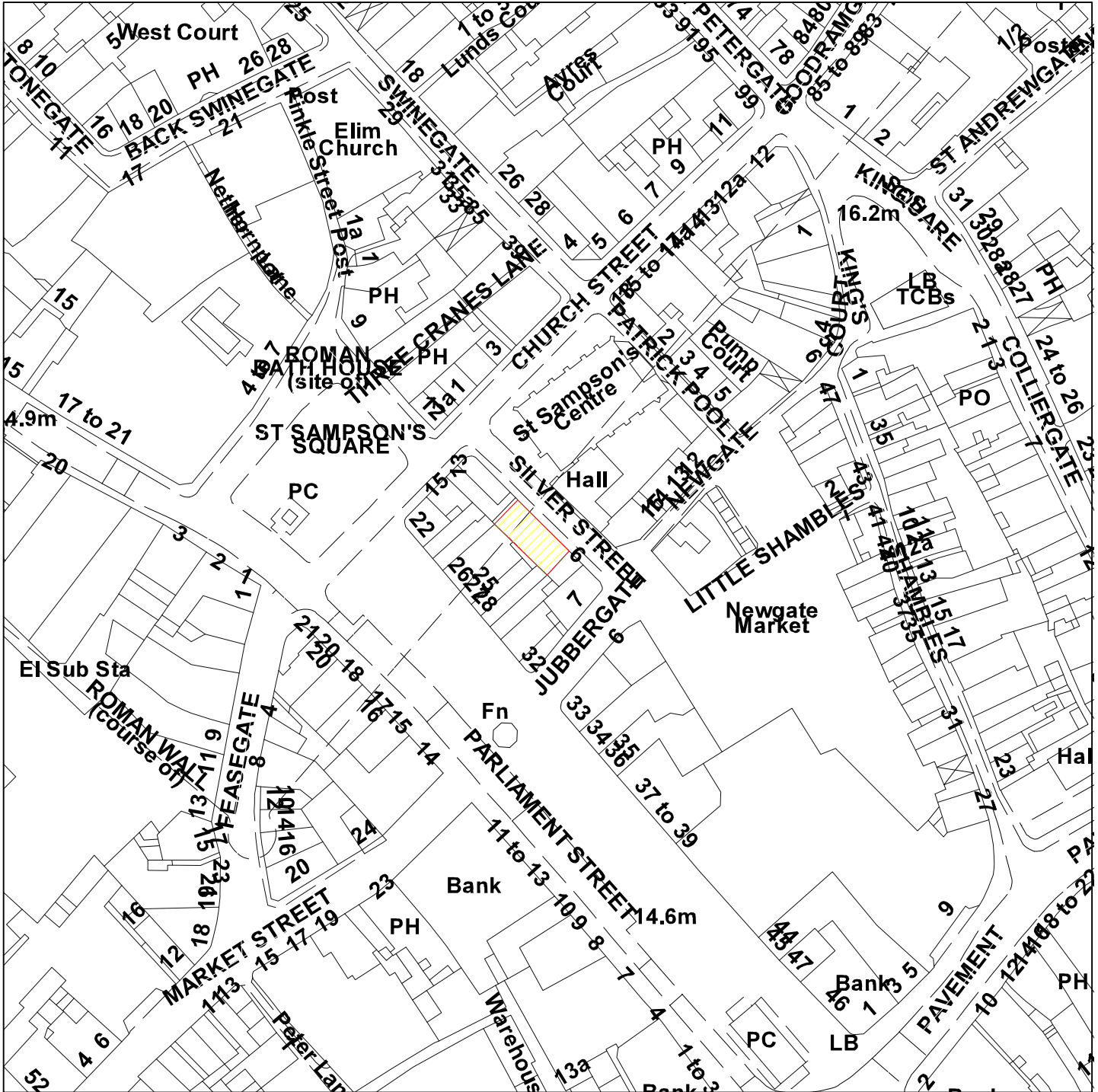
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# 5 Silver Street, YO1 8RY

08/02031/GRG3



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<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application site
<b>Date</b>	30 October 2008
<b>SLA Number</b>	Not set

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**COMMITTEE REPORT**

**Committee:** West/Centre Area                      **Ward:** Guildhall  
**Date:** 13 November 2008                      **Parish:** Guildhall Planning Panel

**Reference:** 08/02148/FUL  
**Application at:** 2 Friars Terrace South Esplanade York YO1 9SH  
**For:** Single storey pitched roof rear extension (resubmission)  
**By:** Mr N Cooper  
**Application Type:** Full Application  
**Target Date:** 27 November 2008

**1.0 PROPOSAL**

1.1 The application seeks permission for a single storey pitched roof rear extension to provide a downstairs cloakroom and lobby to the rear yard which is a resubmission of an earlier scheme which was refused by committee on 17.04.08. The reasons for refusal were as follows:

(a) Because of its height, projection and proximity to the common boundary, the proposed extension would dominate and be overbearing on the outlook from the rear ground floor rooms and rear yard of no.1 Friars Terrace and also result in overshadowing thereby harming existing living conditions. This is contrary to policies GP1 and H7 of the Development Control Local Plan.

(b) The proposed rear extension would infill the gap between the original offshoot and the boundary wall which would be uncharacteristic of the terrace and the listed building. Furthermore the height, ridged roof and detailed design of the doors of the extension would be out of character with the simple and unaltered detailing of the rear elevation. This would harm the special interest of the building and the character and appearance of the conservation area contrary to policy HE2 and HE4 of the Development Control Local Plan and the guidance contained in PPG15 "Planning and the Historic Environment".

1.2 A companion listed building consent is reported elsewhere on this agenda.

1.3 The revised scheme has a monopitch lean-to roof incorporating a rooflight (that is to moved from the existing outbuilding) as opposed to the pitched roof of the original scheme. The overall height of the extension has been reduced by 0.2m. The originally proposed double doors to the rear have been altered to a single door.

1.4 The property is Grade II Listed and is situated in the Central Historic Core Conservation Area. It is one of eight terraces along South Esplanade which directly fronts the River Ouse. The existing outhouses have already been converted to form a kitchen and utility area, and rooflights have been added to the main roof to the rear.

1.5 The application is reported to sub committee because of the refusal of the previous scheme by committee.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Conservation Area Central Historic Core 0038

### 2.2 Policies:

CYGP1  
Design

CYH7  
Residential extensions

CYHE3  
Conservation Areas

CYHE4  
Listed Buildings

## **3.0 CONSULTATIONS**

### 3.1 Internal

Design, Conservation and Sustainable Development - No response to date

### 3.2 External

Guildhall Planning Panel - No objections

Publicity - The application was advertised by site notice, press advert and neighbour notification letter. One response has been received from the neighbouring property 1 Friars Terrace. Their previous objections remain including loss of light and alteration to historic character of house and area. Also it is felt that the extension is mainly for the downstairs cloakroom and this could be incorporated within the existing building.

## **4.0 APPRAISAL**

### KEY ISSUES

Visual impact on the dwelling and the conservation area  
Flood Risk  
Impact on neighbouring property

### PLANNING POLICY

4.2.1 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.

4.2.2 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.

4.2.3 Draft Local Plan Policy HE3 states that within conservation areas, proposals will only be permitted where there is no adverse effect on the character and appearance of the area.

4.2.4 Draft Local Plan Policy HE4 states with regard to listed buildings that consent will only be granted for development where there is no adverse effect on the character, appearance or setting of the building.

4.2.5 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.

4.2.6 Planning Policy Guidance Note 15: Planning and the Historic Environment states that the issues that are generally relevant to the consideration of listed building consent applications are:

- the importance of the building, its intrinsic architectural and historic interest and rarity, in both national and local terms.
- the particular physical features of the building (which may include its design, plan, materials or location) which design justify its inclusion in the list.
- the building's setting and its contribution to the local scene, which may be very important, e.g. where it forms an element in a group, park, garden or other townscape or landscape, or where it shares particular architectural forms or details with other buildings nearby.

## VISUAL IMPACT ON THE DWELLING AND THE CONSERVATION AREA

4.3.1 The proposed rear extension will project 3.175m into the rear yard, will measure 2.8m in width with an overall height to the pitch of the roof of 3.7m, 0.2m lower than the original proposal. The design of the revised scheme is considered more sympathetic than the previous proposal and will be more in keeping with the

simple historical character and external appearance of the existing outbuildings and host dwelling. The proposed materials are to be reclaimed brickwork and natural slate tiles for the roof which will match those of the existing dwelling.

4.3.2 The 2.2m high brick boundary wall will obscure the majority of the extension from view, and in the absence of a rear access lane, there is little possibility that the proposed extension would be seen by the general public in the context of the conservation area.

4.3.3 Whilst there have been various rear extensions to these terraces, all of them have single off shoots on one side of the rear yard and not across the whole width of the yard. However, none of the existing historic fabric of the building will be removed or altered, with the existing window being enclosed by the extension therefore forming an internal feature. PPG15 paragraph 3.13 states that 'listed buildings can sustain some degree of sensitive alteration or extension' and that 'cumulative changes reflecting the history of use and ownership are themselves an aspect of special interest... and should not be discouraged'. As the rear elevations of these buildings are generally more domesticated than the formal appearance of the front, it is felt that by virtue of the boundary wall and lack of alteration to the existing building that the addition of this extension would not significantly alter the historic character of the building or area.

#### FLOOD RISK

4.3.4 The site lies within Flood Zone 3 due to its proximity to the river. 2 Friars Terrace is situated on a raised plinth/terrace giving pedestrian access to the house. A flood risk assessment has been submitted, and states that floor levels will be no lower than existing. The property is situated 10.7 AOD from the river level and therefore the risk of flooding is greatly reduced. The Environment Agency had no objections to the scheme when consulted on the previous application.

#### IMPACT ON NEIGHBOURING PROPERTY

4.4.1 The main impact of this extension will be to the occupants of 1 Friars Terrace, situated north west of the application site. Due to the orientation of both properties, the rear yard will only benefit from direct sunlight first thing in the morning. The neighbouring occupants are concerned however that the proposed extension will significantly affect the amount of light currently enjoyed to the rear of their property. However, it is considered that due to the positioning of the rear window of no. 1 and the revised design and reduced height of the roof, the loss of general daylight will be minimal.

4.4.2 The revised design of the extension, specifically the lean-to roof, is considered to reduce the overbearing impact as previously created by the original scheme. The revised proposal shows the roof sloping down along the side boundary with no. 1 so that at eaves level it is approx. 0.1m above the height of the existing boundary wall. The height of the roof has also been reduced, and even though the extension remains in close proximity to the boundary, due to the revised roof design it is not felt that the proposed extension would dominate the outlook from the rear ground floor rooms and rear yard of no.1 Friars Terrace, nor would it result in overshadowing.



## 5.0 CONCLUSION

5.1 It is considered that the revised scheme will not harm the historic character of the Listed Building and surrounding Conservation Area, nor the residential amenity of adjacent residents. Approval is recommended.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

- |   |        |   |
|---|--------|---|
| 1 | TIME2  | Development start within three years                  |
| 2 | PLANS1 | Approved plans - Drawing 2008/22/02 received 26.08.08 |

## 7.0 INFORMATIVES:

### Notes to Applicant

#### 1. REASON FOR APPROVAL

The proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character of the listed building, conservation area or residential amenity. As such the proposal complies with Policies GP1, H7, HE3 and HE4 of the City of York Draft Local Plan.

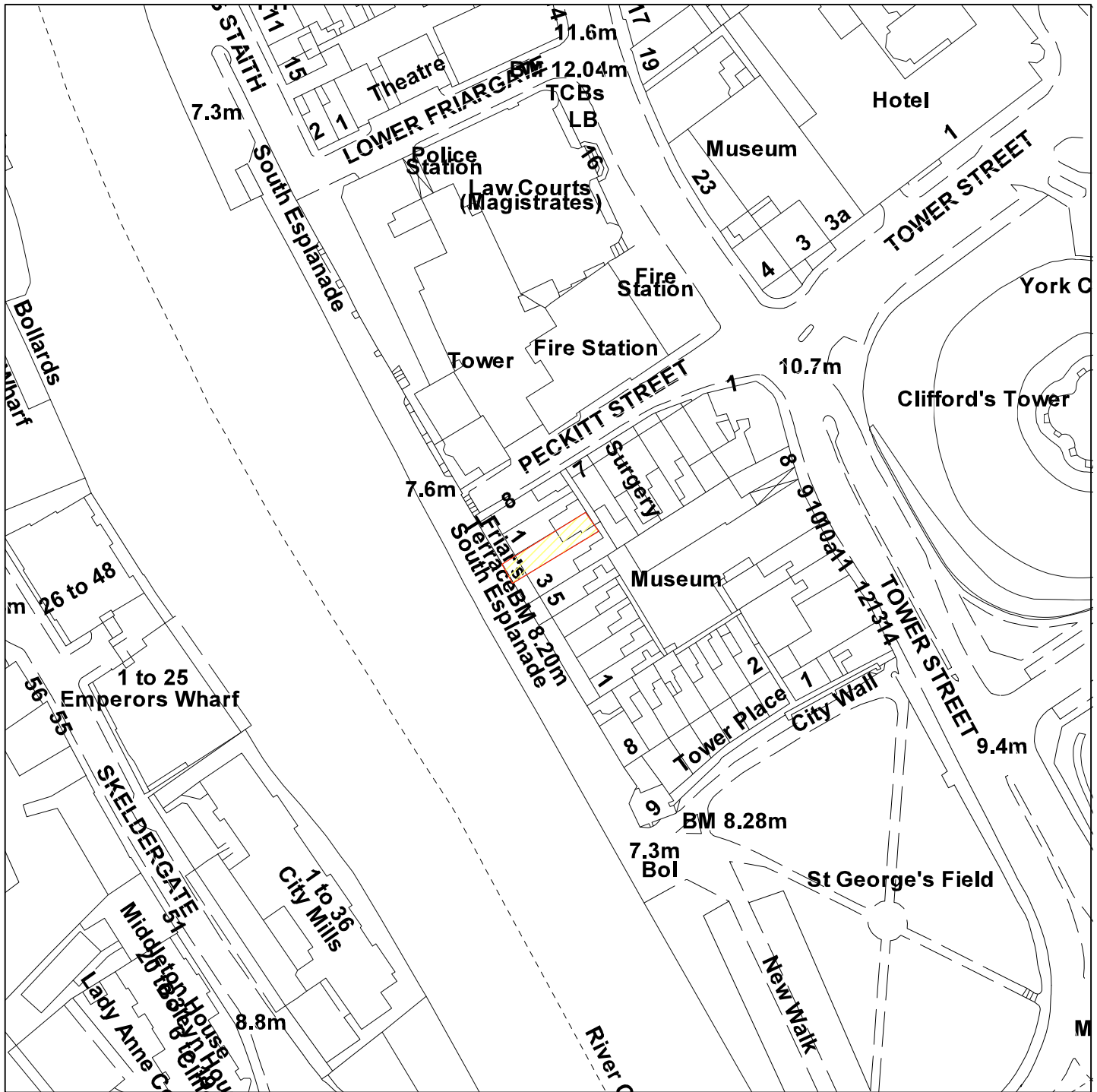
### Contact details:

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

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# 2 Friars Terrace, South Esplanade, YO1 9SH

08/02148/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application site
<b>Date</b>	30 October 2008
<b>SLA Number</b>	Not set

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**COMMITTEE REPORT**

**Committee:** West/Centre Area                      **Ward:** Guildhall  
**Date:** 13 November 2008                      **Parish:** Guildhall Planning Panel

**Reference:** 08/02142/LBC  
**Application at:** 2 Friars Terrace South Esplanade York YO1 9SH  
**For:** Single storey pitched roof rear extension (resubmission)  
**By:** Mr N Cooper  
**Application Type:** Listed Building Consent  
**Target Date:** 27 November 2008

**1.0 PROPOSAL**

1.1 The application seeks permission for a single storey pitched roof rear extension to provide a downstairs cloakroom and lobby to the rear yard which is a resubmission of an earlier scheme which was refused by committee on 17.04.08. The reason for refusal was that the proposed rear extension would infill the gap between the original offshoot and the boundary wall which would be uncharacteristic of the listed building. Furthermore the height and ridged roof of the extension and detailed design of its doors would be out of character with the simple and unaltered detailing of the rear elevation. This would harm the character and appearance of the listed building contrary to policy HE4 of the Development Control Local Plan and the guidance contained in PPG15 "Planning and the Historic Environment".

1.2 A companion planning application (08/02148/FUL) is reported elsewhere on this agenda.

1.3 The revised scheme has a monopitch lean-to roof incorporating a rooflight (that is to moved from the existing outbuilding) as opposed to the pitched roof of the original scheme. The overall height of the extension has been reduced by 0.2m. The originally proposed double doors to the rear have been altered to a single door.

1.4 The property is Grade II Listed and is situated in the Central Historic Core Conservation Area. It is one of eight terraces along South Esplanade which directly fronts the River Ouse. The existing outhouses have already been converted to form a kitchen and utility area, and rooflights have been added to the main roof to the rear.

1.5 This application is reported to sub committee because of the refusal of the previous scheme by the committee.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Conservation Area Central Historic Core 0038

2.2 Policies:

CYHE4  
Listed Buildings

### 3.0 CONSULTATIONS

#### 3.1 Internal

Design, Conservation and Sustainable Development - Acceptable subject to conditions regarding details of materials and proposed windows and doors.

#### 3.2 External

Guildhall Planning Panel - No objections

Publicity - The application was advertised by press advert and site notice. One response has been received from 1 Friars Terrace stating that the proposal will be out of keeping with the historic character of the terraces as well as causing loss of light which will be dealt with in the full application.

### 4.0 APPRAISAL

#### KEY ISSUES

Impact on the visual amenity and historic character of the listed building.

#### PLANNING POLICY

4.2.1 Draft Local Plan Policy HE4 states that with regard to listed buildings consent will only be granted where there is no adverse effect on the character, appearance or setting of the building.

4.2.2 Planning Policy Guidance Note 15: Planning and the Historic Environment states that the issues that are generally relevant to the consideration of listed building consent applications are:

- the importance of the building, its intrinsic architectural and historic interest and rarity, in both national and local terms.
- the particular physical features of the building (which may include its design, plan, materials or location) which design justify its inclusion in the list.
- the building's setting and its contribution to the local scene, which may be very important, e.g. where it forms an element in a group, park, garden or other townscape or landscape, or where it shares particular architectural forms or details with other buildings nearby.
- the extent to which the proposed works could bring substantial benefits from the community, in particular by contributing to the economic regeneration of the area or the enhancement of its environment (including other listed buildings).

## ASSESSMENT

4.3.1 The front elevation of the property is formal in character with the rear elevation being more domestic in style which is typical of a terrace house of this age and status. The existing single storey offshoots to the rear are domestic in scale and character and are possibly later additions. The outbuildings have been altered, although the rear elevation of the dwelling retains its original character with original six over six sash windows.

4.3.2 Whilst the rear elevation contributes to the special interest of the building, it is able to accommodate some change without loss of character and special interest. The existing rear elevation is attractive due to its brickwork and original windows, however there are no distinct features or symmetry which would be compromised by the proposal.

4.3.3 The proposal is small in scale and the revised design is considered more sympathetic to the listed building than the original scheme, and similar in appearance to the existing offshoots, with a lean to roof including rooflight. Due to the change of roof the extension is 0.2m lower than originally proposed. Whilst the sash window will be obscured, it will remain in situ becoming an internal feature. The extension involves no removal of existing historic features.

4.3.4 The building has brick boundary walls of at least 2.2m in height which would obscure the extension from view. There is also little possibility that the extension will be viewed in this location, other than by surrounding residents, due to the lack of a rear access lane and the compact nature of the surrounding properties.

4.3.5 It is considered that the proposed single storey rear extension will not impact on the visual amenity and historic character of the listed building.

## 5.0 CONCLUSION

5.1 It is considered that the revised scheme will not adversely affect the existing Listed Building. Approval is recommended.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

- 1 TIMEL2 Development start within 3 yrs (LBC/CAC)
- 2 PLANS1 Approved plans - Drawing 2008/22/02 received 26.08.08
- 3 Details of proposed windows and door and their immediate surrounds to be submitted to and approved in writing by the LPA at a scale of 1:5 with glazing bar profile at 1:1 (to include details of glazing)

Reason: In the interests of protecting the special historic and architectural interest of

the building.

4 All rainwater goods shall be formed of black painted metal.

Reason: In the interests of protecting the special historic and architectural interest of the building.

5 The existing external brickwork to the rear which will be internalised by the extension shall not be painted or have any other type of finish or covering applied/affixed.

Reason: To protect the fabric of the brickwork, so that the extension could be fully reversed in the future.

6 Details of bricks and roofing materials including lintels and cills shall be submitted to and approved in writing by the Local Planning Authority with samples to be agreed on site. The development shall be carried out using the approved materials.

Reason: To achieve a visually acceptable form of development.

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

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

The proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character of the listed building. As such the proposal complies with Policies GP1, H7 and HE4 of the City of York Draft Local Plan.

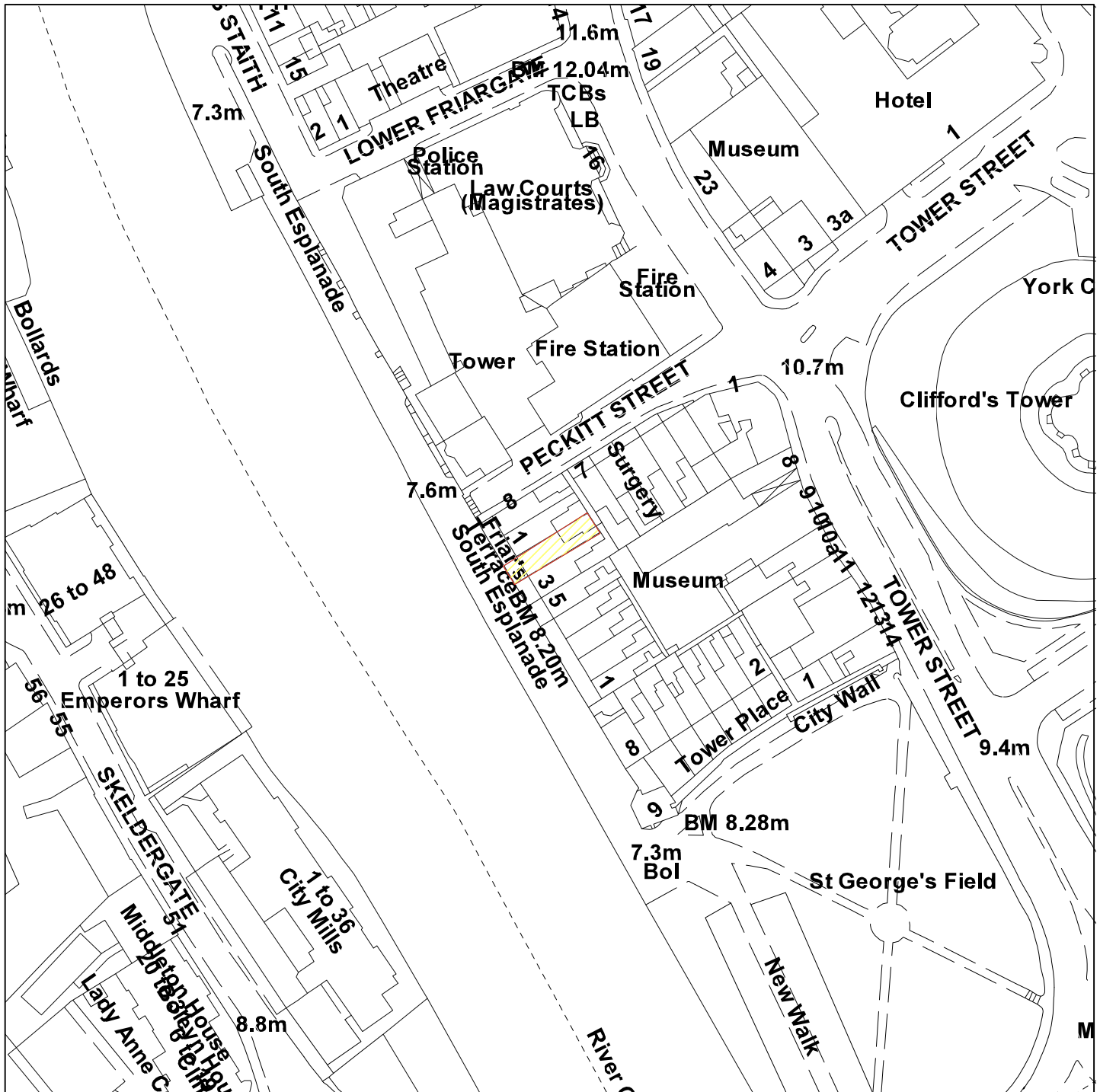
### **Contact details:**

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



# 2 Friars Terrace, South Esplanade, YO1 9SH

08/02142/LBC



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<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application site
<b>Date</b>	30 October 2008
<b>SLA Number</b>	Not set

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**COMMITTEE REPORT**

<b>Committee:</b>	West/Centre Area	<b>Ward:</b>	Dringhouses Woodthorpe	And
<b>Date:</b>	13 November 2008	<b>Parish:</b>	Dringhouses/Woodthorpe Planning Panel	

**Reference:** 08/02178/FUL  
**Application at:** The Dick Turpin 49 Moorcroft Road York YO24 2RQ  
**For:** Smoking shelter to rear  
**By:** Marstons Pub Company  
**Application Type:** Full Application  
**Target Date:** 27 October 2008

**1.0 PROPOSAL**

1.1 This application seeks permission for the erection of a smoking shelter to the south elevation adjacent to the existing seating area and car park. Whilst improvements are shown to the seating area, these do not require permission.

1.2 The Dick Turpin is predominantly surrounded by residential properties with the Woodthorpe shopping parade situated to the north of the site.

1.3 The application has been called in by Cllr. Ann Reid due to the concerns of the local residents on the affect of the proposal on their amenity.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

2.2 Policies:

CYGP1  
Design

CYGP18  
External attachments to buildings

**3.0 CONSULTATIONS**

INTERNAL

3.1 Highway Network Management - No objections to the scheme

3.2 Department of Environmental Protection - No objections to the scheme however have suggested conditions to protect the amenity of nearby residents.

## EXTERNAL

### 3.3 Dringhouses/Woodthorpe Planning Panel - No objections to the scheme

3.4 Publicity - The application was advertised by neighbour notification letter. Four responses have been received noting the following objections:

- the proposal will aggravate the existing anti-social problems and will cause a continued public nuisance and affect the amenity of residents
- the smoking shelter will be in close proximity to residential properties including community play area and medical practice
- undesirable persons may gravitate to the shelter day and night from the nearby shopping area
- proposal is for a largely open shelter - it should be more enclosed to prevent noise and smoke being emitted
- risk that noise generated under an open sided shelter may be further amplified by the roof and back wall

The following comments were also made:

- Since the smoking ban there have been increased noise and foul language outside the pub
- the pub has no licence for outside drinking yet this takes place regularly
- complaints have been made to the pub due to loud music, noise and anti-social behaviour caused by the pub
- the building of a patio with outdoor seating does not seem to have taken place with any consideration for how to contain the noise
- the anti-social behaviour and noise results in nearby properties becoming less marketable and losing value.

## 4.0 APPRAISAL

### 4.1 KEY ISSUES:-

Visual impact on the building and the area  
Impact on residential amenity

### 4.2 RELEVANT PLANNING POLICY

4.2.1 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.

4.2.2 Draft Local Plan Policy GP18 states that planning permission will be granted for external attachments where their design, location, materials and colouring do not significantly detract from the visual appearance of the building or visual amenity of the area.

#### 4.3 VISUAL IMPACT ON THE BUILDING AND AREA

The proposed smoking shelter is located to the side of The Dick Turpin public house, and would be visible from Moorcroft Road. The shelter will be constructed of timber and finished with a polycarbonate roof. In order to meet current health and safety legislation, the shelter has been designed with a minimum of fifty percent open walls and will provide limited seating. It will replace two of the four existing picnic style tables which currently allows more permanent seating outside of the premises, as allowed by the existing premises license. The smoking shelter is to be set back from the main road and will not project any further than the existing seating area . As such it is not considered that the addition of the smoking shelter will detract from the visual appearance of the building and area.

#### 4.4 IMPACT ON RESIDENTIAL AMENITY

The public house is located within a residential area and there are concerns from the residents adjacent to the public house - 18-22 Glenridding - that the proposal will encourage additional noise and anti-social behaviour which would impact on surrounding residents. The shelter is to be located approx. 18m away at the closest point from the boundary with 22 Glenridding being the closest to the public house, and over 30m away from the property itself. The shelter has been positioned roughly equidistant from all residential properties surrounding the site.

Given that the smoking shelter will replace existing outside seating and that the proposed smoking shelter will provide a dedicated area for smokers to use, it is considered that the proposal may reduce the likelihood of smokers congregating in various places around the site. However, in order to prevent the shelter from being used as a more permanent outdoor drinking area a condition will be attached to any approval preventing the installation of tables or heating equipment within the shelter. Subject to this condition it is not considered that the proposal would give rise to additional harm to the amenity of surrounding residents.

4.3 The proposed smoking shelter will not impact on the existing car parking arrangements.

### 5.0 CONCLUSION

5.1 It is considered that the proposal would not harm the character of the building or area and will not cause any additional harm to the amenity of neighbouring residents. Approval is recommended.

### COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 PLANS1 Approved plans

3 Notwithstanding the submitted plans, no heater or tables shall be installed under the smoking shelter.

Reason: To protect the amenity of local residents from noise by discouraging outside congregation of groups of patrons.

4 No electrical amplification equipment shall be installed externally within the area marked on the location plan submitted with this application.

Reason: To protect the amenity of local residents from noise.

**7.0 INFORMATIVES:**

**Notes to Applicant**

1. REASON FOR APPROVAL

The proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the appearance of the building and area and the amenity of neighbouring residents. As such the proposal complies with Policies GP1 and GP18 of the City of York Draft Local Plan.

**Contact details:**

**Author:** Elizabeth Potter Development Control Assistant

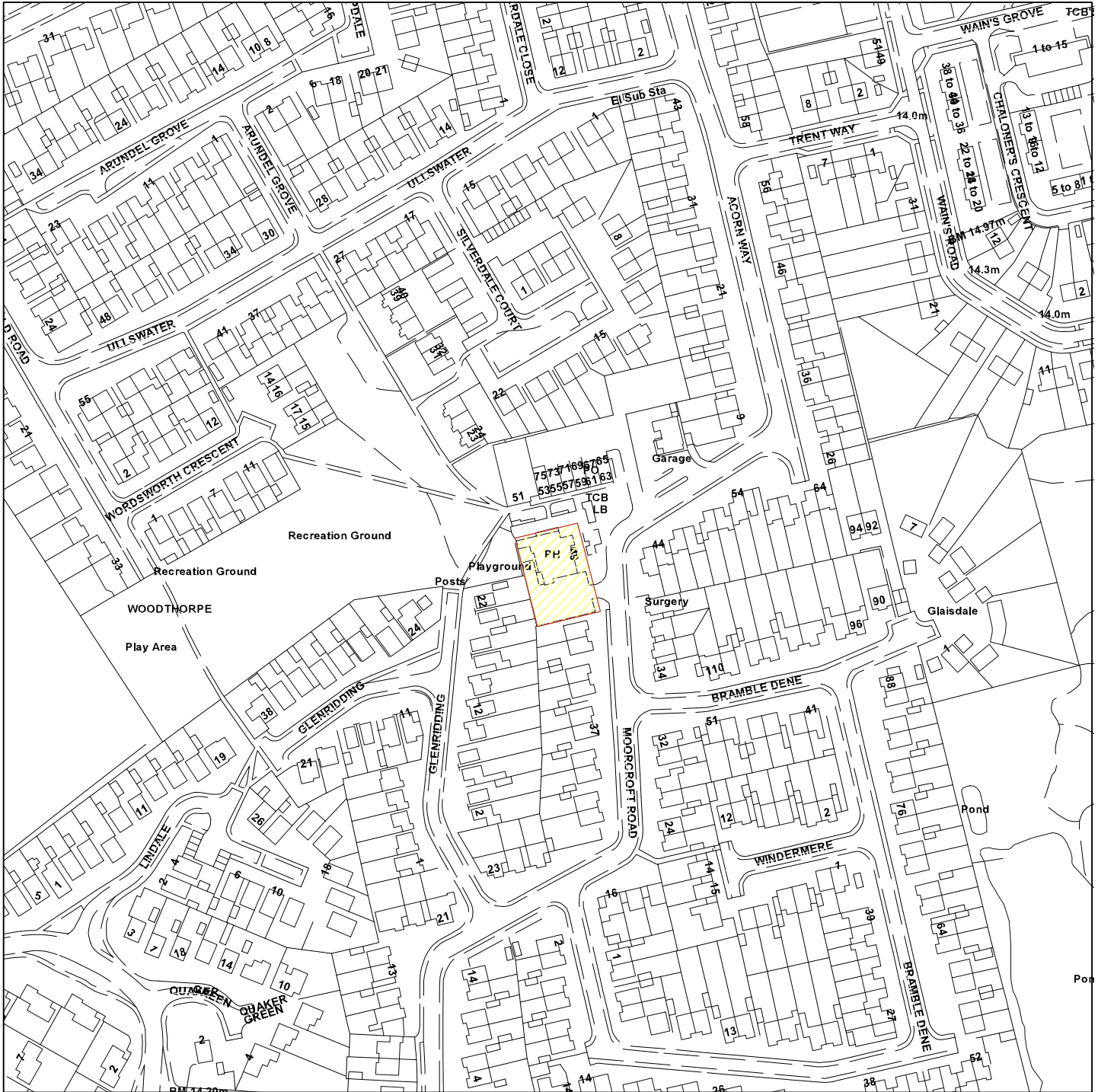
**Tel No:** 01904 551350

# The Dick Turpin, 49 Moorcroft Road, YO24 2RQ

08/02178/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application site
<b>Date</b>	30 October 2008
<b>SLA Number</b>	Not set

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**COMMITTEE REPORT**

**Committee:** West/Centre Area                      **Ward:** Acomb  
**Date:** 13 November 2008                      **Parish:** Acomb Planning Panel

**Reference:** 08/02073/FUL  
**Application at:** 9 Lochrin Place York YO26 5QL  
**For:** Two storey pitched roof side extension and new boundary wall  
**By:** Mr Julian Davies  
**Application Type:** Full Application  
**Target Date:** 15 October 2008

**1.0 PROPOSAL**

1.1 The application is for a two storey pitched roof side extension and a new 1.8 metre high boundary wall.

1.2 The dwelling is set towards the end of a cul-de-sac and by virtue of its position on the corner of the road is rather prominent. This side of the road is detached two storey dwellings, while the other side of the street is semi-detached bungalows. The dwellings are set back from the road which gives the area an open suburban character.

1.3 A previous application for a two storey side extension and 1.8 metre high wall was refused (07/01671/FUL) on the grounds that its bulk, mass, increase in built frontage, and prominent position in the streetscene was considered to be over dominant, over developed, and would create a sense of enclosure that would result in harm to the open suburban character of the street.

1.4 The difference from the previously refused application is that the extension is now set back 1.76 metres (previously was set back 0.42 metres. The width of the extension has been reduced by 0.375 metres to 3.891 metres in width. The boundary wall previously extended round the proposed extension. In this application it does not extend further forward of the rear elevation or the proposed side elevation.

1.5 A committee site visit is requested by virtue of the scheme being recommended for approval and the number of objections to the scheme.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

2.2 Policies:

CYGP1  
Design

CYH7  
Residential extensions

CYGP4A  
Sustainability

### **3.0 CONSULTATIONS**

#### **3.1 PUBLICITY DATES/PERIODS**

Neighbour Notification - Expires 23/09/2008

Site Notice - N/A

Press Advert - N/A

Internal/External Consultations - Expires 25/09/2008

8 WEEK TARGET DATE 15/10/2008

#### **3.2 INTERNAL CONSULTATIONS**

HIGHWAY NETWORK MANAGEMENT - No objections

#### **3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS**

ACOMB PLANNING PANEL - Object

- Overdevelopment in a well designed residential area
- Proposed development is far beyond the building line of other properties in Lochrin Place
- The development may be partly on land not owned by the developer
- The extension on a corner site will restrict sighting of approaching vehicles

9 LETTERS OF OBJECTION (3 from the same objector)

- Proposed extension would bring the dwelling up to the boundary and may even encroach on common land
- Proposed extension and wall would obstruct clear view of traffic causing a danger
- The large number of vehicles parked in relation to 9 Lochrin Place also cause safety issues
- Submitted the same plans as were previously refused
- Address on the plans is wrong
- Has the applicant purchased council land to build on?
- Has the applicant obtained permission to remove the streetlight and the medium voltage cables including telecommunications cables that the extension would be built over?
- Overdevelopment of the site
- Over the building line of 11 and 13 and beyond land owned by the developer
- There may have been a public footpath, which has been covered with grass
- Plans have been submitted with no measurements

- Proposal is over dominant and would harm the open suburban character of Lochrin Place and would be contrary to Policies GP1 and H7 of the City of York Council Development Control Local Plan (2005) and the supplementary planning guidance - Guide to extension and alteration to private dwelling houses (2001)
- Is already one of the largest houses on the estate to further enlarge it would ruin the residential environment
- By virtue of the parking on the street the street sweeper has only swept half the street for two years
- When the estate was built this was kept open for reasons of visibility and safety
- The extension would reduce the aesthetic appearance of the cul-de-sac

## **4.0 APPRAISAL**

### **4.1 RELEVANT SITE HISTORY**

07/01671/FUL - Two storey pitched roof side extension, new 1.8 metre high boundary wall - Refused

- The proposed two storey side extension and 1.8 metre high wall by virtue its bulk, mass, increase in built frontage, and prominent position in the streetscene is considered to be over dominant, over developed, and create a sense of enclosure that would result in harm to the open suburban character of the street and therefore is contrary to Policies GP1 and H7 of the City of York Development Control Local Plan (2005); and supplementary planning guidance 'Guide to extensions and alterations to private dwelling houses' (2001).

### **4.2 ADDITIONAL PLANNING POLICY**

CYC Supplementary Design Guidance - A guide to extensions and alterations to private dwelling houses, 2001

### **4.3 KEY ISSUES**

1. Visual impact on the dwelling and the area
2. Impact on neighbouring property
3. Impact on highway safety

### **4.4 ASSESSMENT**

#### **PLANNING POLICY**

4.4.1 Policy GP1 'Design' of the City of York Council Development Control Local Plan 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.

4.4.2 Policy H7 'Residential Extensions' of the City of York Council Development Control Local Plan sets out a list of design criteria against which proposals for house extensions are considered. The list includes the need to ensure that the design and scale are appropriate in relation to the main building; that proposals respect the character of area and spaces between dwellings; and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy.

4.4.3 Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development.

4.4.4 The City of York Council's supplementary planning guidance - Guide to extensions and alterations to private dwelling houses 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. An inappropriately designed extension can spoil the appearance of the area. Where a street of a group of buildings has a well-defined building line it should be retained. It is suggested that side extensions should be set back at least 0.5 metres from the front of the building. Extending forward of the building line should be avoided. Side extensions should be sympathetically designed to appear subservient to the main dwelling. Spaces between dwellings are an important contribution to the streetscene and character of the area.

#### VISUAL IMPACT ON THE DWELLING AND THE AREA

4.4.5 The dwelling is set on a corner plot towards the head of the cul-de-sac. The proposed extension is set back from the main front elevation by 1.76 metres; it does not protrude further back than the original rear elevation. The width of the proposed extension would be 3.928 metres in width (4.287 metres including the chimney); the original dwelling is 8 metres in width. The proposed extension is set back by 1.76 metres, and the height to the roof ridge has been reduced by 0.5 metres. It is considered that the extension would appear subservient in relation to the original dwelling. The revised application has seen a large reduction in size and bulk to the streetscene by virtue of the substantial set back from the front elevation. The proposed extension by virtue of the layout of the street would have a slight element of prominence at the end of the cul-de-sac however it is not considered to be significantly harmful to the visual amenity or the open character of the street as to warrant refusal.

4.4.6 The proposed boundary wall reflects the style of the existing wall. There would be garden retained in front of the extension of the boundary wall. The part of the wall closest to the dwelling would extend further out towards the road by 0.4 metres than the existing it would impinge very slightly on the service strip, Highways Network Management have raised no objections to this. At the time of writing the report Highways Network Management had yet to clarify the status/ownership of the service strip.

4.4.7 The Town and Country Planning (General Permitted Development)(Amendment) Order 2008 has changed permitted development rights including the cubic content allowances. This would mean in theory that the dwelling could be substantially extended at the rear without having to make an application for planning permission. It is considered that in this case as this extension would be rather sizeable and there is only a modest sized garden to the rear that permitted developments be removed to prevent overdevelopment of the dwelling.

#### IMPACT ON NEIGHBOURING PROPERTY

4.4.8 The proposed side extension and 1.8 metre high wall with timber panels are not considered to impact on the residential amenity of the occupants of the neighbouring dwellings by virtue of the distance of the extension from the neighbouring dwellings. The first floor window in the rear elevation is for a bathroom and is not set any further back than the windows in the original rear elevation. The windows to the front of the extension are not considered to cause a loss of privacy to the surrounding dwellings; they are set further away from the neighbouring dwellings than the windows in the original front elevation. By virtue of its distance to neighbouring dwellings the proposed extension is not considered to cause any overshadowing or loss of light to any of the neighbouring dwellings and gardens

#### IMPACT ON HIGHWAY SAFETY

4.4.9 The proposed extension and the boundary wall are not considered to impact on vehicular sightlines. Highways Network Management does not have concerns regarding the highway safety and have raised no objections to the proposed development.

### 5.0 CONCLUSION

5.1 The proposed side extension is considered to be subservient to the main dwelling. The substantial set back from the front elevation and the reduction in bulk is considered to overcome the previous reasons for refusal. It is not considered to cause undue harm to the visual amenity of the streetscene. The proposed extension is not considered to harm the residential amenity of the occupants of the neighbouring dwellings.

### COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

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

Drawing Number PBS/MP.159/01-02 received 19 August 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 The development shall be begun not later than the expiration of the three years from the date of this permission.

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

3 VISQ1 Matching materials

4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no extensions or curtilage buildings of the type described in Classes A, B, C, and E of Schedule 2 Part 1 of that Order shall be carried out to the dwelling without the prior written consent of the Local Planning Authority.

Reason: To prevent overdevelopment of the dwelling.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the dwelling and the locality, and highway safety. As such, the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan (2005); national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development"; and supplementary design guidance contained in the City of York's "A guide to extensions and alterations to private dwelling houses".

#### **Contact details:**

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# 9 Lochrin Place, YO26 5QL

08/02073/FUL



GIS by ESRI (UK)



Scale : 1:2500

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<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application site
<b>Date</b>	30 October 2008
<b>SLA Number</b>	Not set

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**COMMITTEE REPORT**

<b>Committee:</b>	West/Centre Area	<b>Ward:</b>	Bishophorpe
<b>Date:</b>	13 November 2008	<b>Parish:</b>	Acaster Malbis Parish Council

**Reference:** 08/01177/FUL  
**Application at:** The Orchard Tyn Garth Acaster Malbis York YO23 2LX  
**For:** Replacement of 3no. moorings  
**By:** Mr Tony Lumb  
**Application Type:** Full Application  
**Target Date:** 15 September 2008

**1.0 PROPOSAL**

## 1.1

The Orchard, Tyn Garth comprises a substantial detached dwelling currently in the process of erection adjacent to the bank of the River Ouse at Acaster Malbis. Associated with the site are the rights to three moorings along the river bank. The moorings have been re-constructed with fresh concrete foundations, new steel and timber decking and a 2 metre bow topped close boarded timber fence at either side of the river side public footpath. It is this development which is the subject of the current retrospective planning application.

## 1.2

The application was deferred from the 15th September West/Centre Development Control Sub-Committee to seek legal clarification of the possibility of withdrawing the applicant's Permitted Development Rights for the erection of fencing notwithstanding the fact that the development has already been undertaken. The legal advice has been given that it would be feasible to withdraw the applicant's Permitted Development Rights in respect of the erection of fencing however to do so would create a liability for the Authority to pay compensation to the applicant for the loss of those rights that have already been exercised. Furthermore DoE Circular 9/95 sets a firm test of exceptional circumstances and the presence of a real and specific threat to amenity for these powers to be exercised in these circumstances.

**2.0 POLICY CONTEXT**

## 2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

## 2.2 Policies:

CYGP1  
Design

CYGB2  
Development in settlements "Washed Over" by the Green Belt

CYNE2  
Rivers and Stream Corridors, Ponds and Wetland Habitats

CYGP15  
Protection from flooding

## 3.0 CONSULTATIONS

### INTERNAL:--

3.1 Highway Network Management raise no objection to the proposal.

3.2 Design, Conservation and Sustainable Development were consulted with regard to the proposal and no response has been received.

3.3 Public Rights of Way were consulted with regard to the proposal and no response has been received

### EXTERNAL:-

3.4 Natural England raise no objection to the proposal.

3.5 Acaster Malbis Parish Council raise no objection to the replacement of the moorings but object to the associated fencing erected to either side of the river bank footpath.

3.6 The Rambler's Association raise no objection to the replacement of the moorings but object to the associated fencing erected to either side of the river bank footpath.

3.7 The Environment Agency object to the design of fencing erected directly adjacent to the river bank. They feel that the close boarded design adopted would impede the

free flow of flood water causing an increased risk of flooding elsewhere in the vicinity. A post and rail fence would however be deemed to be acceptable.

3.8 British Waterways were consulted in respect of the proposal and no response has been received.

3.9 Acaster Internal Drainage Board were consulted in respect of the proposal and no response has been received.

3.10 Some 22 letters of objection have been received in respect of the proposal. These raise no objection in respect of the re-instatement of the moorings, but object to the associated fencing on the grounds that it destroys the open character of the riverbank, would set a precedent for other similar developments elsewhere, would increase the risk of flooding elsewhere, creates an undesirable urbanising element within the local townscape and create a fear of crime for those using the riverbank right of way.

#### **4.0 APPRAISAL**

##### **KEY ISSUES:-**

4.1 Impact upon containment of flood risk arising from the fencing as erected,  
Impact of the fencing upon the visual amenity of the riverbank area,  
Fear of crime arising from the design and layout of the fencing erected,  
Impact of the proposal on the nature conservation value of the river bank.  
Impact of the proposal on the open character and purposes of designation of the Green Belt.  
The implications of the "fall back position" in terms of potential refusal and subsequent enforcement.

##### **FLOOD RISK:**

4.2 Policy GP15a) of the York Development Control Local Plan following on from Central Government advice contained PPS 25 "Planning and Flood Risk" sets down a clear policy presumption that new development must successfully manage flood risk with minimal environmental effect ensuring that the site can be developed, serviced and occupied safely. In the current context the simple renewal of the existing moorings would be unexceptionable, however the fencing erected has given rise to substantial concerns on a number of fronts. The Environment Agency object strongly to the fencing erected which in their opinion greatly exacerbates the level of flood risk within the immediate area of the development. The Environment Agency indicate that they are unhappy with fencing but would settle for a more rural open post and rail type fence that would not in any way impede the free flow of floodwater, if fencing were deemed essential. Any permission should therefore be conditioned to require relocation and re-design of the fencing in a more appropriate manner.

##### **VISUAL AMENITY OF THE RIVERBANK AREA:**

4.3 The Ouse riverbank as it passes through Acaster Malbis generally comprises a pleasant relatively wide tree lined walkway with a mix of mature trees and lengths of

hedgerow along the village side and a more open shrub lined character along the river side. Several cottages including ones Listed as of Special Architectural or Historical Importance line the walkway. Policies GP1 and NE2 of the York Development Control Local Plan are of particular relevance in this context. Policy GP1 gives a firm policy presumption in favour of new developments which respect or enhance the local environment, are of a layout, scale and design compatible with neighbouring spaces and the character of the area and retain and enhance public views and the rural character and setting of villages. Policy NE2 sets a policy presumption to resist development which would have an adverse impact upon the landscape character of the river bank and ensuring that the design of structures and engineering works along the river bank are appropriate in their form and setting. The fencing as erected creates a visually inappropriate, discordant, alien and urbanizing element within an otherwise pleasant sylvan river bank setting. The terms of Policies GP1 and NE2 are thus not complied with in respect of the proposal. In order to secure compliance any approval will need to be conditioned to require re-design and re-location of the fence combined with the planting of a hedge more visually characteristic of the riverbank area.

#### IMPACT UPON THE OPEN CHARACTER AND PUPOSES OF DESIGNATION OF THE GREEN BELT:

4.4 Policy GB 2 of the York Development Control Local Plan set a clear policy presumption in favour of developments which would not detract from the open character of the Green Belt and on a specific scale would be appropriate to the form and character of the settlement in terms of its location, scale and design. The intrinsic character of the Green Belt in the vicinity of Acaster Malbis lies in its largely rural sylvan character with a low density of built development. The fencing as erected introduces a dense and oppressive urbanising element to the Green Belt in the area of Acaster Malbis village contrary to its open character. In order to comply with Green Belt Policy in respect of Acaster Malbis the fence will require relocation together with landscaping in a more visually appropriate manner.

#### FEAR OF CRIME:

4.5 The fencing as erected does create a clear and distinct sense of enclosure alien to that section of the river bank. Notwithstanding other issues it does not however generate a specific and well founded fear of crime.

#### IMPACT OF THE PROPOSAL ON THE NATURE CONSERVATION VALUE OF THE RIVERBANK:

4.6 Policy NE 3 of the York Development Control Local Plan sets a firm policy presumption in favour of the protection of open water bodies for their wildlife and recreational value. Natural England in their consultation response to the proposal confirm that the impact of the proposal on the nature conservation value of the river bank would be minimal.

#### IMPACT OF THE FALLBACK POSITION IN TERMS OF POTENTIAL ENFORCEMENT:

4.7 The design of the fencing directly associated with the the renovated moorings has resulted in a quality of development somewhat below that which would ordinarily be acceptable in this context. However ,in the event of a refusal of the proposal and a subsequent enforcement case should the fence be retained a planning inspector will be required to have due regard to the "fallback position" whereby the applicant may erect a very similar fence utilizing his permitted development rights. The courts have held that in coming to a decision a planning authority must have substantial regard to the impact of this "fallback position" particularly where on the balance of probabilities there is a strong likelihood that the " fallback position" will be implemented .It is felt that in the event of a refusal of the current proposal that there is a strong likelihood that the concerns arising from the fence will remain as a consequence of the " fallback position" being implemented.The imposition of robust conditions within the context of a permission for the replacement moorings which are acceptable is felt to be the most appropriate course of action.

## 5.0 CONCLUSION

### 5.1

The three disused moorings adjacent to The Orchard Tyn Garth form part and parcel of the usual river side activity associated with the river bank in the vicinity of Acaster Malbis.Their restoration is acceptable. The key issue of concern is the domestic and urbanizing fencing that has been erected in association.In order for the impact of the development to be rendered at all acceptable it is imperative that any approval is conditioned to relocate the fencing to enable the pre-existing hedge to be re-instated, together with the fence being stained to enable it to blend in with the surrounding landscape.

## 6.0 RECOMMENDATION: Approve

1 Notwithstanding the application details hereby approved, an amended plan illustrating the fence separating the area of renovated moorings from the adjoining land shall be submitted to and approved in writing by the Local Planning Authority within 28 days of the date of this permission.The plan shall specify the fence to be relocated 0.5 metres closer to the River Ouse than the existing, that it shall be no higher than 1.8 metres above ground level , should be post and rail in design and construction and should be dark stained to the satisfaction of the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason:

To secure and safeguard the visual amenity of the river bank area and to secure compliance with Policies GP1 ,NE 2,GP15 and GB2 of the York Development Control Local Plan,

2 Notwithstanding the application details hereby approved , a hedge utilizing species previously agreed in writing by the Local Planning Authority shall be planted directly parallel to the fence stipulated in Condition 1 to further separate the renovated moorings from adjoining land. The hedge shall be allowed to grow to a minimum height of 1.8 metres and shall be planted within the first planting season following the date of this permission. Any part of the hedge so planted which dies, or is removed or becomes seriously damaged or diseased shall be replaced in the next planting season to the satisfaction of the Local Planning Authority.

Reason:

To safeguard and secure the pleasant rural ambience and visual amenity of the riverbank area and to secure compliance with Policies NE2 and GB2 of the York Development Control Local Plan.

3 Notwithstanding the provisions of the 1995 Town and Country Planning General (Permitted Development) Order or any other similar order currently in force, no domestic paraphernalia shall be stored or otherwise erected within the enclosed area surrounding the moorings hereby approved.

Reason:

To safeguard and secure the pleasant rural ambience and visual amenity of the river bank area and to secure compliance with Policies NE2 and GB2 of the York 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 management of floodrisk, fear of crime, impact of fencing upon visual amenity, impact upon nature conservation, impact upon Green Belt and the "Fallback Position" and as such complies with Policies GP 15, GP1, L4, GB2, and NE2 of the City of York Local Plan Deposit Draft.

#### **Contact details:**

**Author:** Erik Matthews Development Control Officer

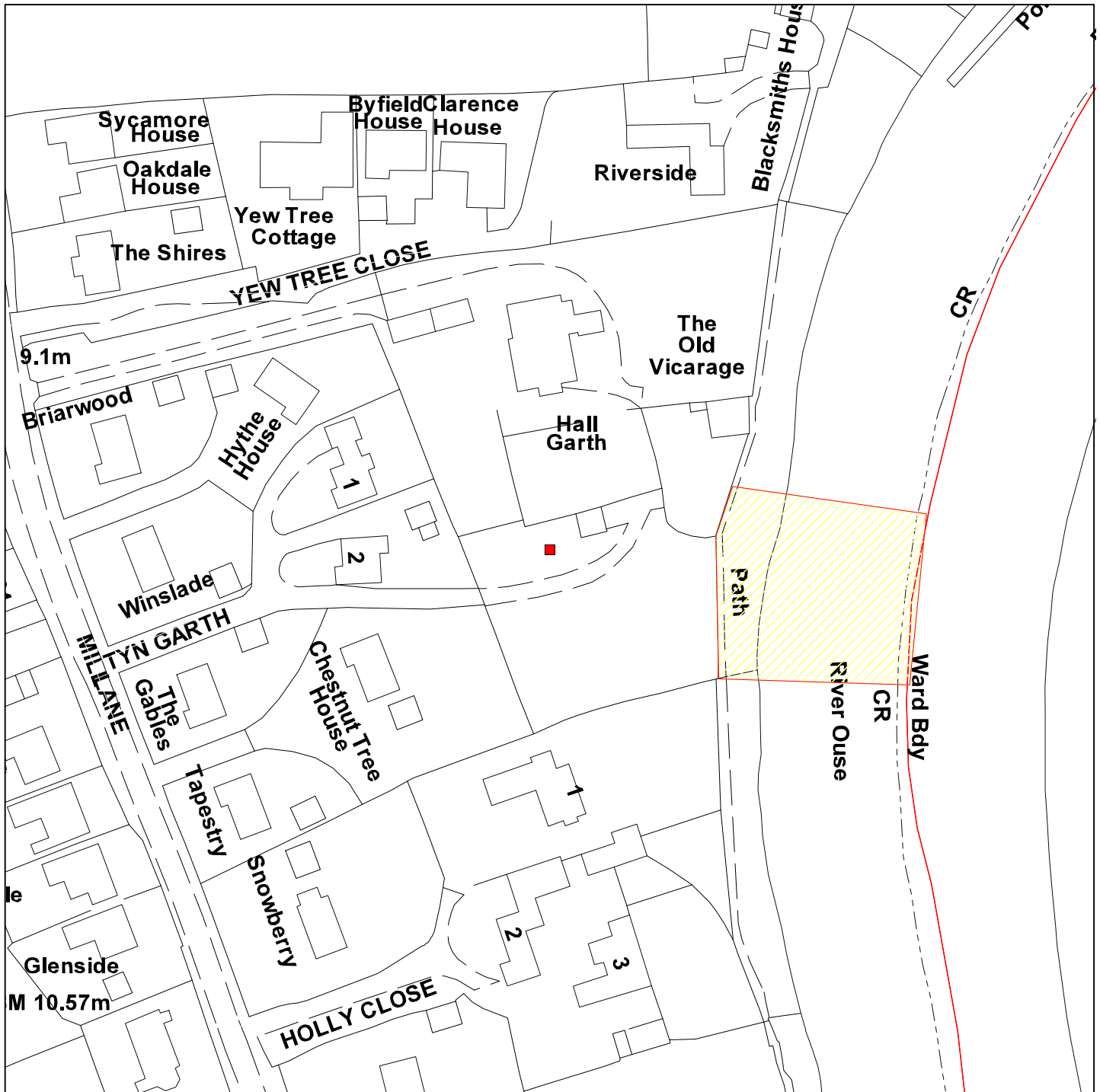
**Tel No:** 01904 551416

# The Orchard, Tyn Garth, Acaster Malbis

08/01177/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application site
<b>Date</b>	30 October 2008
<b>SLA Number</b>	Not set

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## West & City Centre Area Planning Sub-Committee

13 November 2008

Report of the Director of City Strategy

### Enforcement Cases - Update

#### Summary

1. The purpose of this report is to provide Members with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

#### Background

2. Members have received reports on the number of outstanding enforcement cases within the Sub-Committee area, on a quarterly basis, since July 1998, this report continues this process.
3. Some of these cases have been brought forward as the result of information supplied by residents and local organisations, and therefore "The annexes to this report are marked as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, as this information, if disclosed to the public, would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person, or that the Authority proposes to make an order or direction under any enactment".
4. In order to give Members an up to date report, the schedules attached have been prepared on the very latest day that they could be to be included in this report on this agenda.

#### Current Position

5. Members should note that 135 new cases were received for this area within the last quarter. 135 cases were closed and 179 remain outstanding. There are 57 Section 106 Agreement cases outstanding for this area after the closure of 8 for the last quarter .

### **Consultation**

6. This is an information report for Members and therefore no consultation has taken place regarding the contents of the report.

### **Options**

8. This is an information report for Members and therefore no specific options are provided to Members regarding the content of the report.

### **Corporate Priorities**

9. Improve the actual and perceived condition and appearance of city's streets, housing estates and publicly accessible spaces.

### 10. **Implications**

- **Financial** - *None*
- **Human Resources (HR)** - *None*
- **Equalities** - *None*
- **Legal** - *None*
- **Crime and Disorder** - *None*
- **Information Technology (IT)** - *None*
- **Property** - *None*
- **Other** - *None*

### **Risk Management**

11. There are no known risks.

### **Recommendations**

12. That Members contact the relevant Enforcement Officers to discuss any particular case detailed in the attached ongoing annex and also note the cases closed annex.

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

**Contact Details**

**Author:**

Hilary Shepherd/  
Andy Blain  
Planning Enforcement Officers

**Chief Officer Responsible for the report:**

***Chief Officer's name***

Michael Slater  
*Assistant Director (Planning and Sustainable  
Development)*

**Dept Name** City Strategy  
Tel No. 551647/551314

**Report Approved**

**Date** 30.10.2008

**Specialist Implications Officer(s)**

None

**Wards Affected:** *All Wards in the West and City Centre area*

**All**

**For further information please contact the authors of this report**

**Background Papers:**

Environment and Development Services Business Plan (2000/2001).

Report to Area Sub-Committee in July 2006 – Enforcement Cases Update.

**Annexes**

Annex A - Enforcement Cases – Update (Confidential)

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of the Local Government Act 1972.

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