



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, 19 March 2009

Time: 3.00 pm

Venue: The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00 am on Wednesday 18th March 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 - 10)

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on 12 February 2009.

3. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the working day before the meeting – in this case **5pm on Wednesday 18 March 2009**. 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, listed in the details at the foot of this agenda.

4. Plans List

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

a) Yan's Express Cantonese Takeaway 11 Acomb Court Front Street York YO24 3BJ (08/01989/FUL) (Pages 11 - 22)

Erection of two storey flat roof building comprising shop unit located at ground floor level with two flats at first floor level [*Westfield Ward*] **[Site Visit]**.

b) 55 St Stephens Road York YO24 3EH (09/00198/FUL) (Pages 23 - 30)

Two storey side and rear extension (resubmission) [*Westfield Ward*] **[Site Visit]**.

c) 8 Peckitt Street York YO1 9SF (09/00102/FUL) (Pages 31 - 36)

Raising of retaining wall and railings, and temporary flood barriers, in connection with flood defence scheme at 8 Peckitt Street, 1-3 Friars Terrace [*Guildhall Ward*] **[Site Visit]**.

d) 8 Peckitt Street York YO1 9SF (09/00106/LBC) (Pages 37 - 44)

Raising of retaining wall and railings, and temporary flood barriers, in connection with flood defence scheme at 8 Peckitt Street, 1-3 Friars Terrace and 4 South Esplanade [*Guildhall Ward*] **[Site Visit]**.

e) All Saints Church North Street York (05/00097/CAC) (Pages 45 - 50)

Demolition of church hall in the Conservation Area [*Micklegate Ward*] **[Site Visit]**.

- f) **All Saints Church North Street York (05/00048/FUL)** (Pages 51 - 62)

Erection of three dwellings to replace existing church hall, erection of extension to vestry, installation of lockable gates at two locations in All Saints Lane [*Micklegate Ward*] **[Site Visit]**.

- g) **Pavilion Rowntree Park Terry Avenue York (09/00072/FUL)** (Pages 63 - 78)

Single storey pitched roof amphibious community and sports pavilion after demolition of existing single storey pavilion [*Micklegate Ward*] **[Site Visit]**.

- h) **Jorvik Racing 41 Bright Street York YO26 4XS (09/00118/FUL)** (Pages 79 - 88)

Change of use from betting shop to 2 houses, with two-storey pitched roof rear extension and external alterations [*Holgate Ward*] **[Site Visit]**.

- i) **The Bonding Warehouse Terry Avenue York YO1 6DH (09/00031/FULM)** (Pages 89 - 108)

Use as office (B1 use) with 2 apartments in roof space with new mansard roof to southern building, erection of stair and lift access tower in courtyard and bridge link to Skeldergate (revised scheme) [*Micklegate Ward*] **[Site Visit]**.

- j) **The Bonding Warehouse Terry Avenue York YO1 6DH (09/00150/LBC)** (Pages 109 - 118)

Use as office (B1 use) with 2 apartments in roof space with new mansard roof to southern building, erection of stair and lift access tower in courtyard and bridge link to Skeldergate (revised scheme) [*Micklegate Ward*].

k) York Divan Centre 10 Clifford Street York YO1 9RD (09/00224/FUL) (Pages 119 - 130)

Change of use from retail to restaurant with extract louvres at roof level [*Guildhall Ward*] **[Site Visit]**.

l) Oakview Farm, Low Moor Lane, Hessay (09/00069/FUL) (Pages 131 - 146)

Retention of existing equestrian dwelling, garden and garage as permanent residence (resubmission). [*Rural West York*]

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

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

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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 18 March 2009****The bus for Members will leave Memorial Gardens at 11.00am**

TIME (Approx)	SITE	ITEM
11.10	41 Bright Street	4h
11.30	11 Acomb Court, Front Street	4a
11.50	55 St Stephens Road	4b
12.10	Pavilion, Rowntree Park, Terry Avenue	4g
12:30	All Saints Church, North Street	4e & 4f
13:00	8 Peckitt Street	4c & 4d
13:15	10 Clifford Street	4k

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City of York Council

Committee Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	12 FEBRUARY 2009
PRESENT	COUNCILLORS HORTON (CHAIR), SUE GALLOWAY (VICE-CHAIR), CRISP, STEVE GALLOWAY, GALVIN, GILLIES, LOOKER AND SUNDERLAND
APOLOGIES	COUNCILLOR REID

54. INSPECTION OF SITES

The following sites were inspected before the meeting

Site	Attended by	Reason for Visit
Bracken Lodge, 10 Main Street, Bishopthorpe	Councillors Horton, Sue Galloway, Crisp, Galvin and Gillies.	At the request of Councillor Galvin
Brackenhill, Askham Bryan Lane, York	Councillors Horton, Sue Galloway, Crisp, Galvin and Gillies.	As an objection had been received and the recommendation was to approve.
Church of St James The Deacon, Sherringham Drive, York	Councillors Horton, Sue Galloway, Crisp, Galvin and Gillies.	As an objection had been received and the recommendation was to approve.

55. 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 Sunderland declared a personal non prejudicial interest in plans item 4b (Brackenhill, Askham Bryan Lane, York) as she uses one of the taxi firms that is based there and knows the owner of the taxi firm (though not on a personal basis).

She also advised the Chair that, in respect of plans item 4c (Church of St James the Deacon, Sherringham Drive, York), she had received a telephone call and been approached by somebody in relation to the application but had informed them that she was a member of the Committee and could not therefore discuss the application with them.

56. MINUTES

RESOLVED: That the minutes of the meeting held on 15th January 2009 be approved and signed by the Chair.

57. 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.

58. 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.

**58a Bracken Lodge, 10 Main Street, Bishopthorpe YO23 2RB
(08/02636/FUL)**

Members considered an application for part change of use from residential (Class C3) to guest house (Class C1) including a two storey and single storey pitched roof side extension and a detached single storey garage building.

The Planning Area Team Leader advised Members that the policy reference given for the recommendation of refusal should be changed from V1 to V3.

Representations were received from the applicant in support of the application. He informed Members that he had lived in the house for 10 years and in the village for even longer and understood the need to maintain the look and feel of the village. He advised Members that his immediate neighbours had been supportive of his plans for development and that the construction of a garage would provide parking for an extra vehicle and also storage for bicycles. He stated that, in respect of environmental issues, his hope was to be able to provide bicycles for use by guests and the nearby bus stop would provide guests with easy access to public transport.

Officers advised that, although the application site was not within the conservation area, the proximity of the conservation area needed to be considered in reaching a decision. Members discussed the reasons for refusal given in the report but did not agree that these were sufficient grounds to refuse the application. At the request of Members, the Area Team Leader circulated a list of suggested conditions which could be attached to the application if Members decided to grant it.

RESOLVED: That the application be approved subject to the conditions and informatives listed below:

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

Drawing Number 0805.4 received 25 November 2008
Drawing Number 0805.5 received 25 November 2008
Drawing Number 0805.6 received 25 November 2008
Drawing Number 0805.7 received 25 November 2008;

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

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

- 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

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

Reason: To achieve a visually acceptable form of development.

- 4 The three ground floor windows in the west elevation facing 1 Croft Court shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above and remain fixed.

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

- 5 The garage shall not be converted to living accommodation unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that there is adequate parking and storage space given the intensification of the use of the site and in the interests of the appearance of the street scene and adjacent conservation area in accordance with policy HE2 and T4 of the local plan

Environmental Health Informative

- a) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".
- b) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by

internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

- c) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.
- d) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.
- e) There shall be no bonfires on the site.

Party Wall Informative

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

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 impact upon the residential amenity of nearby properties, impact upon the visual amenity of the wider street scene and adjoining conservation area, the provision of visitor accommodation and vehicle, cycle and pedestrian access. As such the proposal complies with Policies GP1, HE2, T4 and V3 of the City of York Local Plan Deposit Draft.

58b Brackenhill, Askham Bryan Lane York YO23 3QY (08/02767/FUL)

Members considered a full application from Mr Richard Shipley for the erection of a replacement building for repair of motor vehicles.

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 openness of the green belt and amenity. As such the proposal complies with Policies GP1 and GB1 of the City of York Local Plan Deposit Draft.

**58c Church of St James The Deacon Sherringham Drive York YO24 2SE
(08/02595/FUL)**

Members considered a full application from the Parochial Church Council for a single storey extension to the north elevation to create a church hall and the construction of a car park.

Representations were received from a local resident in objection to the application. His concerns related to the disposal of surface water and the proposed use of soakaways, that a car park with a grass surface would lead to people parking on the road in wet conditions and that noise levels emanating from the hall may be high.

Representations were also received from the Reverend of the Church of St James the Deacon in support of the application. He advised Members that good relations with neighbours were important to the Church. He stated that he had had detailed negotiations with planning officers and had amended the proposals in view of discussions in order to come to a proposal which suited all those concerned. He reported that he understood the concerns about drainage but that these had been addressed and in respect of the noise issue, he advised the Committee that the Church Hall would have few windows and these would be double glazed. The Reverend answered Members queries in relation to noise concerns and hire arrangements.

Members raised concerns about drainage. Officers advised that Condition 12 required the applicant to submit details of the proposed surface water drainage system to be approved by the Council and if the Council determined that soakaways were not practical, the applicant would have to consider other options.

Members commented that the car parking at the front made good use of the available space and the use of a geo-textile grid would prevent the grass from being churned up even in wet conditions. They also agreed that that the church hall would provide an additional amenity to the neighbourhood.

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 visual impact, residential amenity, highway safety and flood risk. As such the proposal complies with Policies GP1 and C1 of the City of York Local Plan Deposit Draft.

Councillor D Horton, Chair
[The meeting started at 3.00 pm and finished at 3.40 pm].

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Westfield
Date: 19 March 2009 **Parish:** No Parish

Reference: 08/01989/FUL
Application at: Yan's Express Cantonese Takeaway 11 Acomb Court Front Street York YO24 3BJ
For: Erection of two storey flat roof building comprising shop unit located at ground floor level with two flats at first floor level
By: Mr Y F Cheung
Application Type: Full Application
Target Date: 8 December 2008

1.0 PROPOSAL

1.1 The application is for erection of a two storey flat roof building comprising a shop unit located at ground floor level and two flats at first floor level.

1.2 The application comes before committee at the request of Cllr Stephen Galloway as this is a prominent site, in addition there is some concern regarding the amenity of the occupants of the proposed flats, and potential traffic generation.

1.3 The site is within the Acomb District Centre as specified in the Proposals Maps, it is just outside the Acomb Conservation Area which covers the opposite side of the street. The character of this part of the district centre is two storey flat roofed buildings.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYL1C
Provision of New Open Space in Development

CYGP15
Protection from flooding

CYGP16
Shopfronts

CYH4A
Housing Windfalls

CYS3
Mix of use in certain shopping streets

3.0 CONSULTATIONS

3.1 INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - The site is fronted by a pinch point in the footway of 1.6 metres, yet it is in the vicinity of a shopping area. It is therefore recommended that to cater for the increased pedestrian movement at the shop, the pinch point should be relieved by setting back the footway to 3 metres.

STRUCTURES AND DRAINAGE - Comments yet to be received on revised drainage information submitted.

ENVIRONMENTAL PROTECTION UNIT - No objections

- However they have concerns that the noise from deliveries to the commercial unit and use of the commercial unit may have a detrimental effect on the amenity of residents of the proposed development.

- Concerned that noise from the air conditioning units to the rear of the development may have a detrimental effect on the amenity of the residents of the proposed development.

- Have concerns that odour from number 11 Acomb court would have a detrimental effect on the amenity of the residents of the proposed development.

- Recommend that the following conditions: A1 use, opening be confined to hours of 09.00 - 18.00; Deliveries only between certain hours; all windows facing onto Acomb Court shall be non-opening; The building envelope of the proposed flats, shall be constructed so as to achieve internal noise levels of 30 dB LAeq 1 hour and 45 dB LAMax (23:00 - 07:00) in bedrooms and 35 dB LAeq 1 hour (07:00 - 23:00) in all other habitable rooms.

LIFELONG LEARNING AND LEISURE - As there is no on-site open space commuted sums should be paid to the Council for (a) amenity open space - which would be used to improve a local site such as Acomb Green or West Bank Park (b) play space - which would be used to improve a local site such as Acomb Green or West Bank Park (c) sports pitches - which would be used to improve a facility within the West Zone of the Sport and Active Leisure Strategy. The contribution to off site provision is to be based on the latest York formula through a Section 106 Agreement.

CITY DEVELOPMENT - No objections

CONSERVATION (TREES) - No objections

CONSERVATION (URBAN DESIGN)

- The proposed building is of a simple design with a relatively bland principal elevation that will rely upon the quality of materials and finishes to make a positive contribution to the setting of the conservation area adjacent. The scale of the proposed two storey building relates to the form and proportions of the existing building to the east. Design details such as the parapet, string course and vertical emphasis window openings at first floor level, respect the architectural character of the neighbouring building.
- The full height dressed stone sections proposed at the corner of the principal elevation are likely to provide a visual focus to the building when viewed from the west. The raised parapet level of the stone faced section could be reduced in height so that the design appears less contrived.

SUSTAINABILITY

- Welcome that the applicant is committed to achieving CSH level 3 as required under the IPS. In order to ensure this is achieved recommend that a condition be placed on this application ensuring we receive level 3 and including the submission of a CSH Design and Procurement Stage Pre- Estimator prior to commence on site.
- Satisfied that the applicant has looked into and supplied details on how the development has considered installations to generate 5% of the developments energy demand from renewable sources. Again, recommend a condition to ensure this % is achieved and that we receive a full energy statement with details on the developments total energy demand (in kWh/yr) and the total to be generated (in kWh/yr) by the renewable solar panels before commencement on site - so we can be sure the 5% is likely to be met.

3.2 EXTERNAL CONSULTATIONS/REPRESENTATIONS

No external representations were received within the consultation period

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY

07/01773/FUL - Erection of three storey building comprising ground floor hot food takeaway with 1 no. two bed flat at first floor and 1 no. one bed flat at second floor - Withdrawn

4.2 ADDITIONAL PLANNING POLICY

Planning Policy Statement 1 - Delivering Sustainable Development

Planning Policy Statement 3 - Housing

Planning Policy Statement 6 - Planning for Town Centres

Planning Policy Statement 25 - Development and Flood Risk

City of York Council Sustainable Design and Construction Interim Planning Guidance (2007)

4.3 KEY ISSUES

1. Visual impact of the building on the area
2. Amenity of the occupants of the proposed building
3. Impact on highway safety
4. Ground floor A1 use

4.4 ASSESSMENT

PLANNING POLICY

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.

4.2 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. Development should: provide details setting out the accessibility of the site by means other than the car and, where the type and size of development requires, be within 400 metres walk of a frequent public transport route and easily accessible for pedestrians and cyclists; contribute towards meeting the social needs of communities within the City of York and to safe and socially inclusive environments; maintain and increase the economic prosperity and diversity of the City of York and maximize employment opportunities; be of a high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City; minimize the use of non-renewable resources, re-use materials already on the development site, and seek to make use of grey water systems both during construction and throughout the use of development. Any waste generated through the development should be managed safely, recycled and/or reused. The 'whole life' costs of the materials should be considered; minimize pollution, including that relating to air, water, land, light and noise; conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife area and room for trees to reach full growth; maximize the use of renewable resources on development sites and seek to make use of renewable energy sources; and make adequate provision for the storage and collection of refuse and recycling.

4.3 Policy GP15a 'Development and Flood Risk' in the City of York Council Development Control Local Plan (2005) states that there will be a presumption against built development (except for essential infrastructure) within the functional floodplain outside existing settlement limits. Proposals for new development on previously undeveloped land outside defined settlement limits will only be granted where it can be demonstrated that the development will not result in the net loss of floodplain storage capacity, not impede water flows and not increase flood risk

elsewhere. All applications in the low to medium risk or high risk areas should submit a Flood Risk Assessment (FRA) providing an assessment of additional risk arising from the proposal and the measures proposed to deal with these effects.

4.4 Policy GP16 'Shopfronts' of the City of York Council Development Control Local Plan states that planning permission for new or alterations to existing will only be granted if the proposals respect the scale, proportion, materials and the architectural style of the building to which the attached an the area in which they are located.

4.5 Policy H4a 'Housing Windfalls' of the CYCDCLP states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

4.6 Policy S3a ' Mix of uses in Shopping Streets' states in York's City Centre Primary Shopping Streets, Acomb District Centre and Haxby District Centre development will be permitted where it provides the improvement and expansion of existing retail premises and the establishment of new shopping uses.

4.7 Policy L1c requires that all housing sites make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted payment will be required towards off site provision.

VISUAL IMPACT OF THE BUILDING ON THE AREA

4.8 Acomb district centre and this part of York Road are made up of two storey flat roofed buildings. The proposed building would be a two storey flat roofed building that follows the curve of the pavement. The proposed building is similar in design to those surrounding. The blank flank wall of 11 Acomb Court which the proposed building would be abutting is prominent, when travelling along York Road from the west approach. There is a sectional garage on site and two self-seeded sycamore trees. To the rear there is a small lane which gives access to 1 - 11 Acomb Court are in retail and commercial uses. There does not appear to be any residential use in any of these units. To the east of the site are public toilets.

4.9 The proposed building is in character and proportion with the surrounding buildings. The side elevation would be visible from the streetscene by virtue of the shape of the building and whilst not quite as dominant as the side elevation of 11 Acomb Court (as it would have windows at first floor level), the proposed side elevation would have little articulation and would have a neutral rather than a positive impact on the streetscene. The site would be capable of taking a striking design of building by virtue of being a prominent site, however the proposed design is similar to its surroundings and is not considered to have a negative impact on the streetscene. Neither is it considered to affect the setting of the nearby conservation area.

4.10 The agent has specified red brick but not the colour or type of the dressed stone to the front elevation which provides the visual focus, it is considered that it would be prudent to condition samples of materials.

AMENITY OF THE OCCUPANTS OF THE PROPOSED BUILDING

4.11 There is some concern regarding the residential amenity of the occupants of the residential units in the proposed building. The lane to the rear of the building has several air conditioning units creating an element of noise disturbance together with flues and extract fans from a takeaway and café causing possible causing smell issues. EPU have recommended that the windows to the rear of the building should be conditioned as fixed shut, to prevent any possible disturbance from rear lane. This would affect the one bedroom flat which is set to the rear of the building which has three windows two with an outlook of the rear land and one window in the side elevation. It is considered that it would be unreasonable to condition the windows to be fixed shut. The occupants of the one bed flat would be aware of these issues before taking residence. In the two bed flat the majority of the windows are in the front elevation.

4.12 There would be a yard to the side and rear which would accommodate the cycle store and refuse bins.

IMPACT ON HIGHWAY SAFETY

4.13 Highways Network Management have requested that the building be set back to allow for a wider pavement. It is not considered that this would be a reasonable request for the applicant to give up some of their land for a public footpath. It is considered that the widening of the footpath would have little impact on the use of the footpath. At its narrowest point the pavement would be 1.6 metres in width, this is considered to be sufficient in this case.

GROUND FLOOR A1 USE

4.14 A retail unit is considered to be an acceptable addition within the Acomb Centre. There are a significant proportion of ground floor non-A1 uses within the district centre and it is considered that an A1 use in this location may aid in the vitality and viability of the area.

4.15 The environmental protection unit have requested that the opening hours of the A1 unit be conditioned however this is considered to be rather restrictive in a shopping centre. The neighbouring units do not appear to have their opening times restricted.

OTHER ISSUES

4.16 There are two self-sown sycamore trees on the site it is stated that the tree closest to the public toilets will be retained.

4.17 In line with Policy L1c of the City of York Council Development Control Local Plan the applicant has agreed to make an open space contribution.

4.18 The applicant has confirmed that the building would be constructed to Level 3 of the Code for Sustainable Homes. The agents has confirmed that 5% of the energy requirements would be supplied by solar panels although no plans have been submitted with these shown and therefore would require an additional application. Therefore the 5% renewable target is reliant on the applicant submitted another application, and thus in this case it is considered that the 5% renewable target has not been met in this application.

4.19 Still awaiting comments from the Structures and Drainage Section regarding the revised drainage information submitted. The response will be provided at the sub committee meeting.

5.0 CONCLUSION

5.1 The proposed building is considered to be in keeping with the prevailing design of the buildings in Acomb Court it is not considered to be unduly prominent within the streetscene.

5.2 The proposed A1 use of the ground floor with the two flats above are considered to be acceptable in terms of use. Approval is recommended.

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: RSL/012 received 20 February 2009;

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

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

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

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

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £1,602.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

3 TIME2 Development start within three years

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

Reason: So as to achieve a visually cohesive appearance.

5 All deliveries to and despatch from the proposed A1 use shall be confined to the following hours:

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

Reason: To protect the amenity of future occupants of the proposed flats from noise

6 The building envelope of the proposed flats, shall be constructed so as to achieve internal noise levels of 30 dB LAeq 1 hour and 45 dB LAMax (23:00 - 07:00) in bedrooms and 35 dB LAeq 1 hour (07:00 - 23:00) in all other habitable rooms. These noise levels are with windows shut and other means of mechanical ventilation provided to all habitable rooms.

Reason: To protect the amenity of future occupants from noise

7 Prior to the commencement of development, a report demonstrating that the dwelling would comply with the Code for Sustainable Homes Level 3 assessment for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved report.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

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 visual amenity of the proposed building on the locality, highway safety, amenity of the occupants of the proposed building, and vitality and viability of the Acomb district centre. As such, the proposal complies with Policies GP1, L1c, GP10, GP16, H4a, E4 and S3a of the City of York Council Development Control Local Plan (2005).

2. Demolition and Construction - Informative

In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken, and where remediation (clean-up) is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

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

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

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

b. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of

practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

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

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

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

f. There shall be no bonfires on the site.

Contact details:

Author: Victoria Bell Development Control Officer

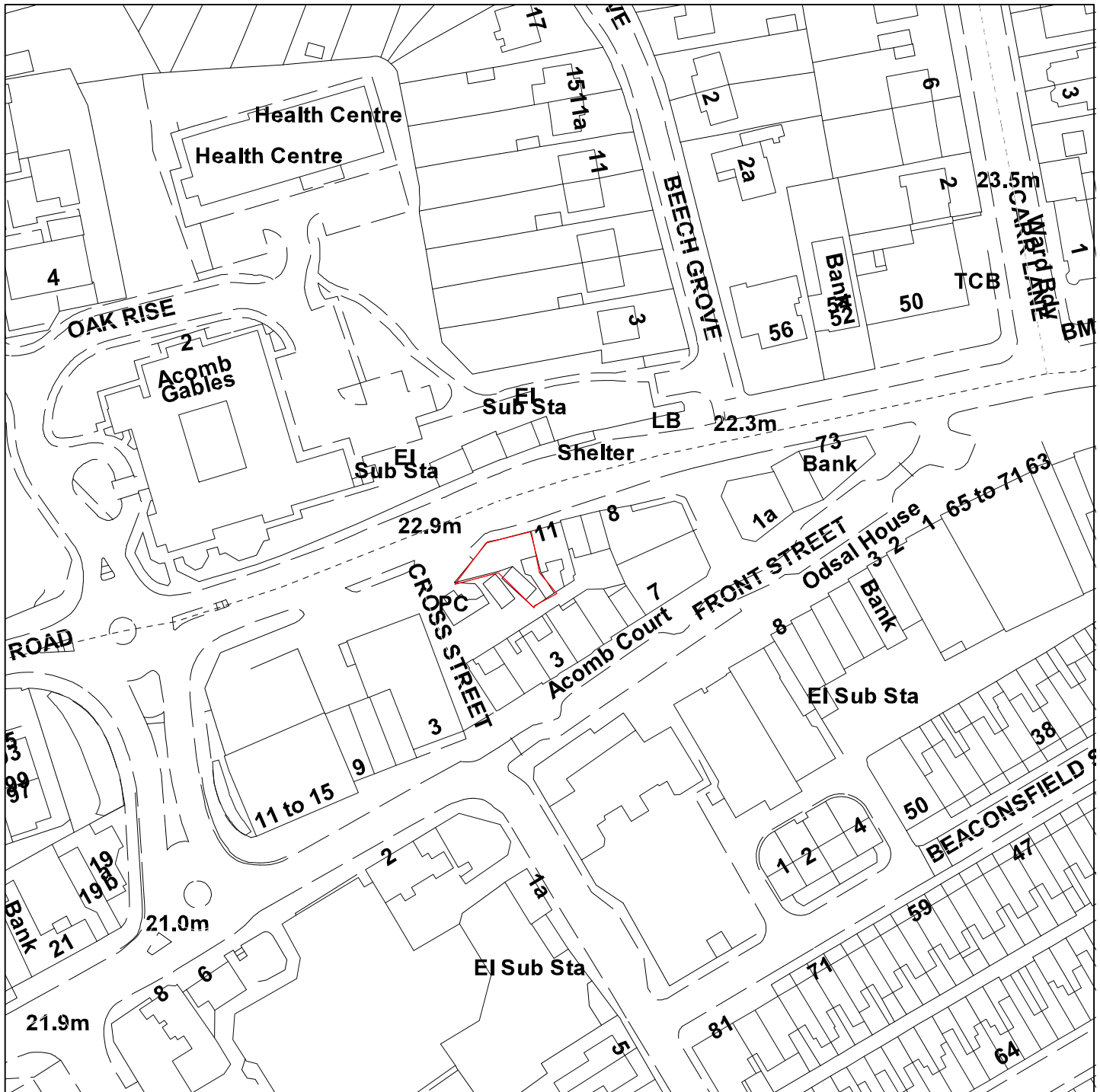
Tel No: 01904 551347

11 Acomb Court

08/01989/FUL



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	09 March 2009
SLA Number	Not Set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Westfield
Date: 19 March 2009 **Parish:** No Parish

Reference: 09/00198/FUL
Application at: 55 St Stephens Road York YO24 3EH
For: Two storey side and rear extension (resubmission)
By: Mrs Donley
Application Type: Full Application
Target Date: 2 April 2009

1.0 PROPOSAL

1.1 The application is for a two storey side and rear extension

1.2 Members will recall that the previous application (08/01708/FUL) for a two storey dwelling to the side was refused by Sub Committee on 18 December 2008 for the following reasons: the proposal, because of its height, rear projection and proximity to the boundary with 57 St Stephens Road, would cause a loss of light and be over dominant resulting in harm to the residential amenity of 57 St Stephens Road and therefore is contrary to Policies GP1 and H7 of the City of York Council Development Control Local Plan (2005); and the City of York Council Supplementary Planning Guidance - Extensions and alterations to private dwelling houses (2001). As the previous application was decided by committee it was considered that this application should also come before sub committee for decision.

1.3 The application differs from the previous application in that the proposed extension has been set back from the side boundary by 0.75 metres. The previous proposal was set back 0.5 metres from the front elevation at ground and first floor level. This has been retained at first floor level but not ground floor it protrudes forward of the original building by 1.1 metres. The rear extension has been reduced in size from 4 metres to 1.5 metres. The internal stair from the proposal has been removed.

1.4 A site visit is required as an objection has been received and the recommendation is to approve.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding : Air Field safeguarding 0175

City Boundary : York City Boundary 0001

DC Area Teams : West Area 0004

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

CYGP4A
Sustainability

3.0 CONSULTATIONS

3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 27/02/2009
Site Notice - N/A
Press Advert - N/A
Internal/External Consultations - Expires 27/02/2009

8 WEEK TARGET DATE 02/04/2009

3.2 INTERNAL CONSULTATIONS

None received

3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

1 LETTER OF OBJECTION

- Substantial increase in footprint - 79% increase
- Proposed extension out of proportion with other dwellings and developments in the area
- Dominate outlook
- Beyond rear building line, should not extend beyond rear building line
- Substantial sized window in rear elevation at first floor level causing loss of privacy to property at rear
- Existing problem with security lighting and concerned may be a future problem

4.0 APPRAISAL

RELEVANT SITE HISTORY

08/01708/FUL - Two storey dwelling attached to side - Refused

- The proposal, because of its height, rear projection and proximity to the boundary with 57 St Stephens Road, would cause a loss of light and be over dominant resulting in harm to the residential amenity of 57 St Stephens Road and therefore is contrary to Policies GP1 and H7 of the City of York Council Development Control Local Plan (2005); and the City of York Council Supplementary Planning Guidance - Extensions and alterations to private dwelling houses (2001).

7/00/996/PA - Double garage - Approved

ADDITIONAL PLANNING POLICY

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

KEY ISSUES

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

ASSESSMENT

PLANNING POLICY

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.

4.2 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.

4.3 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 or 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. Generally

roofs that reflect the pitch and style of the existing are encouraged. In order to reduce the visual impact of two storey extensions the ridge line should be lower than the original dwelling. Side extensions should be sympathetically designed to appear subservient to the main dwelling. Their appearance will be improved if the extension is set back from the main dwelling. It is particularly important that the design of side extension takes account of the height of the new building in relation to the distance from neighbouring properties.

VISUAL IMPACT ON THE DWELLING AND THE AREA

4.4 The parent dwelling is one of a pair of semi-detached dwellings. The street has a mixture of styles of dwellings dating from the mid 20th century. The dwelling is of its time with little in the way of architectural features. The pairs of semi-detached dwellings in the street have a graduated step back from the previous pair of dwellings. Therefore No.55 is set further forward than No 57 St Stephens Road.

4.5 The proposed extension has a degree of subservience to the main dwelling by virtue of the set back at first floor level (by 0.5 metres) and with a slightly lower ridge height than the host dwelling and a gap between the extension and the side boundary. The ground floor extends forward of the front elevation by 1.1 metres and wraps around to the existing front elevation. The side elevation has been reduced (to 9.1 metres in depth) which reduces the built up appearance within the streetscene. The scale of the extension is considered to be in keeping with the original dwelling. The appearance of the extension is not considered to cause undue harm to the streetscene, there are a variety of building styles within the street, and is not considered to be unduly prominent or visually intrusive.

IMPACT ON NEIGHBOURING PROPERTY

4.6 The proposed extension has been set in from the side boundary so there is external access to the rear garden. The distance between 57 St Stephens Road and No 55 would be 8 metres. The rear extension extends beyond the existing rear elevation by 1.5 metres. The proposed extension is not considered to cause an undue loss of light to the occupants of 57 St Stephens Road. 57 St Stephens Road has a seating/patio area to the side, the impact of the extension is mitigated by virtue of the distance between the proposed extension and the seating area, and the majority of the garden/amenity space is to the rear of the dwelling.

4.7 There is only one window in the side elevation of 57 St Stephens Road - a first floor bathroom window. As this is a secondary window and there would appear to be another bathroom window on the front elevation of No. 57 together with the 8 metre distance between the dwellings the proposed extension is not considered to cause a loss of light or overshadowing to the dwelling.

4.8 There would be two windows in the side elevation one at ground floor level and the other at first floor level, as the windows are to a bathroom and toilet it is considered that obscure glazing could be conditioned to prevent loss of privacy to the occupants of 57 St Stephens Road

4.9 Concern has been raised that the window in the rear elevation would cause overlooking and loss of privacy to the property to the rear. The distance between the extension and the dwelling to the rear is 39 metres, and 21.5 metres between the proposed dwelling and the garden of the dwelling to the rear. The distances are considered to be significantly large enough that there would be unlikely to be any overlooking or loss of privacy to the occupants of the property to the rear.

4.10 Concern has also been expressed about current and future security lighting on the rear elevation of the dwelling, however by virtue of the distance between the dwellings it is not considered that it would be reasonable to condition no security lighting. Any existing or potential light issues could be reported to the CYC Environmental Protection Unit and dealt with under their legislation.

OTHER ISSUES

4.11 There is considered to be a sufficient amount of hardstanding to the front to accommodate vehicles for a 5 bedrooomed dwelling. No additional parking spaces have been requested.

5.0 CONCLUSION

5.1 The proposed dwelling is not considered to cause harm to the streetscene or when viewed in context with the host dwelling. It is not considered to cause undue harm to the amenity of the occupants of the neighbouring dwellings. Approval is recommended.

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 DSSR/1/04
Drawing Number DSSR/1/05
Drawing Number DSSR/1/06;

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

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

2 TIME2 Development start within three years

3 VISQ1 Matching materials

4 Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the first floor bathroom window and the ground floor toilet window in the south west elevation of the dwelling shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above.

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

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any order revoking or re-enacting that order) no additional windows other than those shown on the approved plans shall be constructed.

Reason: As the insertion of additional windows could have a serious impact on the privacy of neighbours and should therefore be controlled.

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, and the visual amenity of the dwelling and the locality. 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:

Author: Victoria Bell Development Control Officer

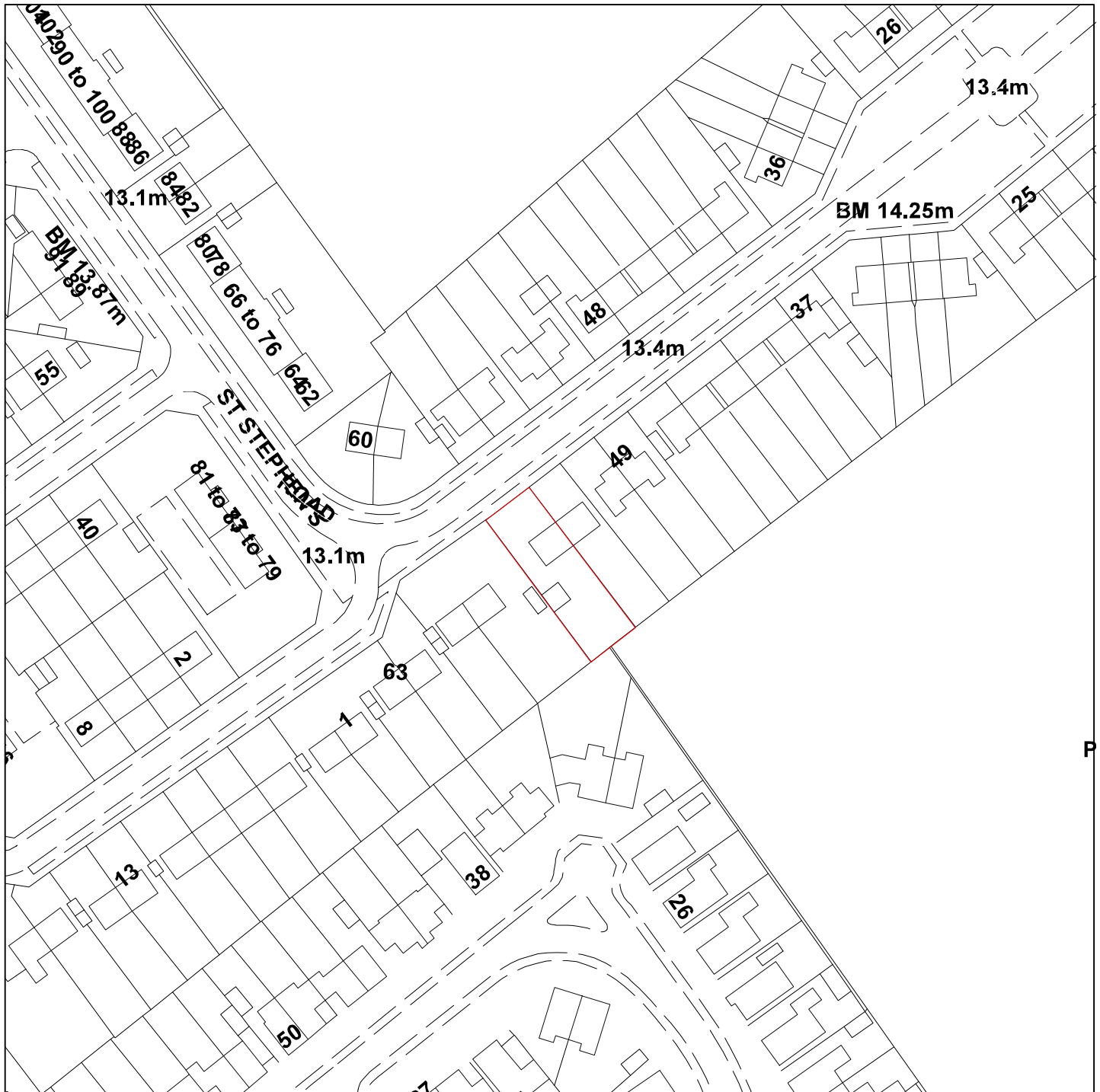
Tel No: 01904 551347

55 St Stephens Road

09/00198/FUL



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	09 March 2009
SLA Number	Not Set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 19 March 2009 **Parish:** Guildhall Planning Panel

Reference: 09/00102/FUL
Application at: 8 Peckitt Street York YO1 9SF
For: Raising of retaining wall and railings, and temporary flood barriers, in connection with flood defence scheme at 8 Peckitt Street, 1-3 Friars Terrace
By: City Of York Council
Application Type: Full Application
Target Date: 18 March 2009

1.0 PROPOSAL

1.1 The proposal seeks permission for the raising of the parapet wall and railings and creation of temporary flood barriers in connection with a flood defence scheme at 8 Peckitt Street, 1-3 Friars Terrace and 4 South Esplanade. A companion LBC (09/00106/LBC) is reported elsewhere on this agenda.

1.2 1-3 Friar's Terrace and no. 8 Peckitt Street form a terrace of four mid C19th houses, continuous with nos 1-5 South Esplanade, facing the River Ouse. They are elevated above a stone retaining wall which was the continuation of the south-west precinct wall of the C13th Franciscan Friary formerly occupying the area between Castlegate, the river and the city wall to the south-east. The houses are listed at Grade II and the wall, including the steps, is separately listed at Grade II. The structures are located within the Central Historic Core conservation area in a highly visible location.

1.3 This application is reported to sub-committee as it is a City of York Council application and an objection has been received.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest : City Centre Area 0006
Conservation Area : Central Historic Core 0038
City Boundary : York City Boundary 0001
DC Area Teams : Central Area 0002
Listed Buildings : Grade 2; 2 Friars Terrace York YO1 1SH 0970
Listed Buildings : Grade 2; 3 Friars Terrace York YO1 1SH 0971
Listed Buildings : Grade 2; Retaining Wall And Steps NE Side Of South Esplanade 0980
Listed Buildings : Grade 2; 5 South Esplanade York YO1 1SJ 0972
Listed Buildings : Grade 2; 1 Friars Terrace York YO1 1SH 0969
Listed Buildings : Grade 2; 8 Peckitt Street York YO1 1SF 0968

2.2 Policies:

CYGP1
Design

CYHE2
Development in historic locations

CYHE4
Listed Buildings

3.0 CONSULTATIONS

INTERNAL

3.1 Design, Conservation and Sustainability - the proposal would be obvious and would have an adverse effect on the special interest of the listed buildings, however the proposal would copy the existing flood protection methods used in adjacent buildings and walls, therefore the proposals are justified to provide long term protection from flooding.

3.2 Highway Network Management - No objections in principle however the gate is to be rehung to open outwards onto the highway. Details of its method of fixing against the wall should be conditioned.

EXTERNAL

3.3 British Waterways - No objection

3.4 Guildhall Planning Panel - Approves of the overall aim to protect the buildings from flooding however objects to the materials used - should be matching stone rather than brickwork.

3.5 Publicity - The application was advertised by press advert, site notice and neighbour notification letter. No responses have been received.

4.0 APPRAISAL

KEY ISSUES:-

Visual impact on the buildings and conservation area

RELEVANT PLANNING POLICY

4.1 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 Draft Local Plan Policy HE2 states that within conservation areas and in locations which affect the setting of listed buildings, scheduled monuments or nationally important archaeological remains, development proposals must respect ancient buildings, open spaces, landmarks and settings and have regard to local scale, proportion, details and material.

4.3 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.

VISUAL IMPACT ON THE BUILDINGS AND CONSERVATION AREA

4.4 These four buildings (1-3 Friar's Terrace and no. 8 Peckitt Street) are more vulnerable to flooding than neighbouring properties which have a raised section of brickwork above the boundary wall. The scheme put forward in this application is to raise the existing boundary wall to the same height as that of the neighbouring properties, nos 1-5 South Esplanade, in order to achieve improved resistance to flood.

4.5 The extra height would be achieved in brickwork dowelled through to the stonework below to improve the effectiveness of the retaining function and to overcome any weakness at the point of connection between the two materials. Existing stone copings would be reused in their new location and the railings would be adapted and refixed in their higher location.

4.6 It would have been preferred for the entrance gate onto the esplanade, outside no. 3, to remain useable as an entrance; however this would have resulted in excessive disturbance to the existing wall and steps to achieve water resistance. So the proposal is to leave the gate in place and to continue the wall behind. The well will receive a pit containing a pump to assist in absorbing and discharging flood water. The gate will be hinged outwards so that it can be maintained.

4.7 The other area of flood risk is at the bottom of Peckitt Street where the steps are low and the low boundary wall of 8 Peckitt Street returns. It is therefore necessary to build up the outer walls of the steps in alignment with adjacent walls. The existing railings are to be repaired and refixed. Bollards are also to be provided at the bottom of Peckitt Street to protect the railings which have been damaged by turning vehicles. Also channels will be fixed into the solid upstands to receive demountable barriers.

4.8 Proposals would copy the method of flood defence already used in adjacent buildings and walls. The alterations would be obvious, however the minor adverse

effect on the character of the conservation area is considered justified in order to protect the buildings from flooding.

4.9 There are no amenity issues with regard to highway safety or residential amenity.

5.0 CONCLUSION

5.1 It is considered that the proposed flood protection measures will not adversely harm the historic character and visual appearance of the conservation area. Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- | | | |
|---|--------|--|
| 1 | TIME2 | Development start within three years |
| 2 | PLANS1 | Approved plans - Drawings Dec/006422/02 and 03 received 20.01.09 |

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 historic character and appearance of the conservation area. As such the proposal complies with Policies GP1, HE2 and HE3 of the City of York Draft Local Plan.

Contact details:

Author: Elizabeth Potter Development Control Assistant

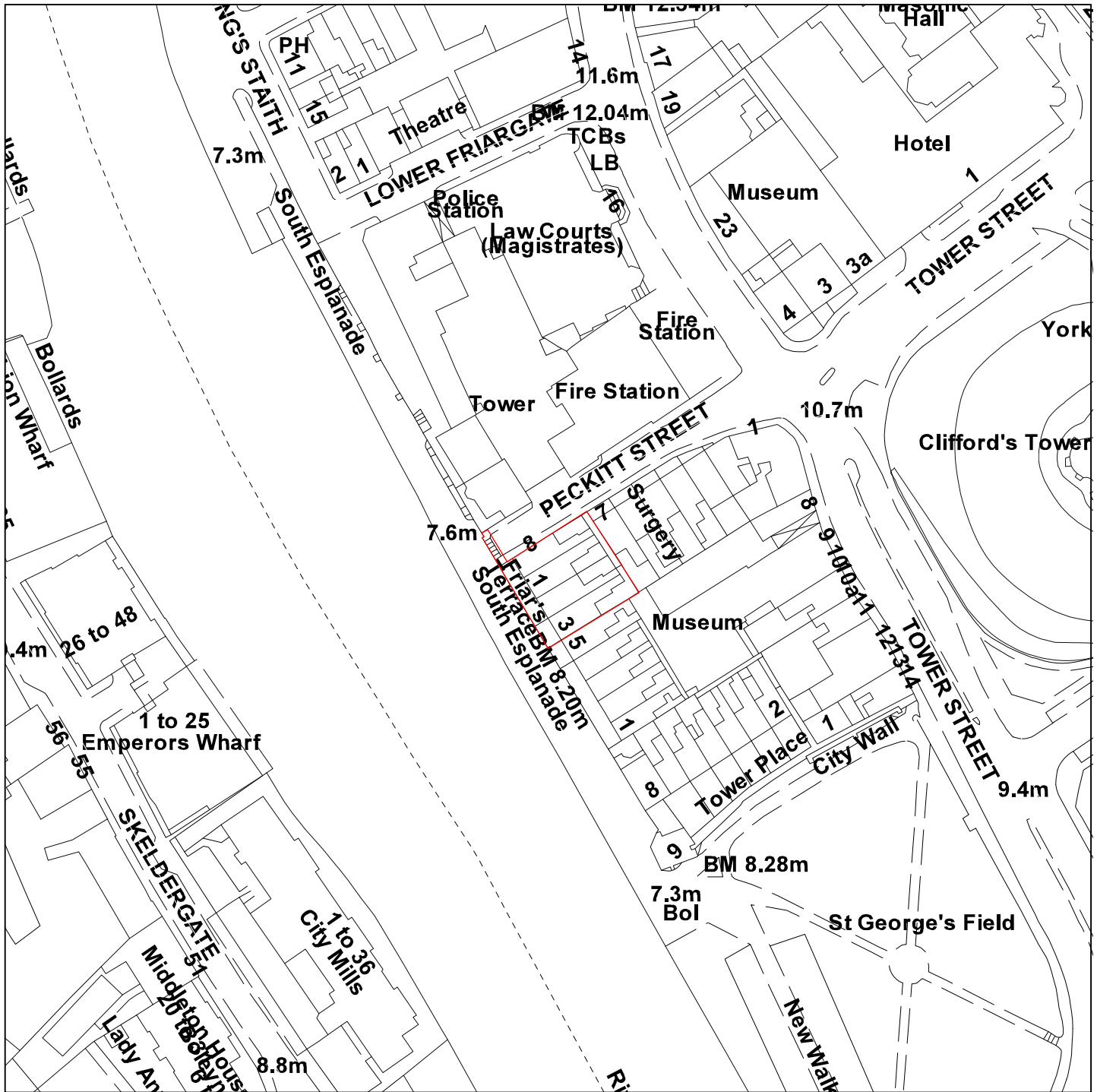
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8 Peckitt Street

09/00106/FUL



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	09 March 2009
SLA Number	Not Set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 19 March 2009 **Parish:** Guildhall Planning Panel

Reference: 09/00106/LBC
Application at: 8 Peckitt Street York YO1 9SF
For: Raising of retaining wall and railings, and temporary flood barriers, in connection with flood defence scheme at 8 Peckitt Street, 1-3 Friars Terrace and 4 South Esplanade
By: City Of York Council
Application Type: Listed Building Consent
Target Date: 20 March 2009

1.0 PROPOSAL

1.1 The proposal seeks listed building consent for the raising of the parapet wall and railings and creation of temporary flood barriers in connection with a flood defence scheme at 8 Peckitt Street, 1-3 Friars Terrace and 4 South Esplanade. A companion planning application is reported elsewhere on this agenda.

1.2 1-3 Friar's Terrace and no. 8 Peckitt Street form a terrace of four mid C19th houses, continuous with nos 1-5 South Esplanade, facing the River Ouse. They are elevated above a stone retaining wall which was the continuation of the south-west precinct wall of the C13th Franciscan Friary formerly occupying the area between Castlegate, the river and the city wall to the south-east. The houses are listed at Grade II and the wall, including the steps, is separately listed at Grade II. The structures are located within the Central Historic Core conservation area in a highly visible location.

1.3 This application is reported to sub-committee as it is a City of York Council application and an objection has been received.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest : City Centre Area 0006
Conservation Area : Central Historic Core 0038
City Boundary : York City Boundary 0001
DC Area Teams : Central Area 0002
Listed Buildings : Grade 2; 2 Friars Terrace York YO1 1SH 0970
Listed Buildings : Grade 2; 3 Friars Terrace York YO1 1SH 0971
Listed Buildings : Grade 2; Retaining Wall And Steps NE Side Of South Esplanade 0980
Listed Buildings : Grade 2; 5 South Esplanade York YO1 1SJ 0972
Listed Buildings : Grade 2; 1 Friars Terrace York YO1 1SH 0969
Listed Buildings : Grade 2; 8 Peckitt Street York YO1 1SF 0968

2.2 Policies:

CYHE2

Development in historic locations

CYHE4

Listed Buildings

3.0 CONSULTATIONS

INTERNAL

3.1 Design, Conservation and Sustainability - the proposal would be obvious and would have an adverse effect on the special interest of the listed buildings, however the proposal would copy the existing flood protection methods used in adjacent buildings and walls, therefore the proposals are justified to provide long term protection from flooding.

EXTERNAL

3.2 Guildhall Planning Panel - Approves of the overall aim to protect the buildings from flooding however objects to the materials used - should be matching stone rather than brickwork.

3.3 Publicity - The application was advertised by press advert and site notice. One response of support was received from Cllr D'Agorne stating that the scheme would be an appropriate and cost effective solution to the regular flooding issue affecting these properties and would be in keeping with the architectural design of the conservation area and listed buildings.

4.0 APPRAISAL

KEY ISSUES

Impact on visual amenity and historic character of the listed building

RELEVANT PLANNING POLICY

4.1 Draft Local Plan Policy HE2 states that within conservation areas and in locations which affect the setting of listed buildings, scheduled monuments or nationally important archaeological remains, development proposals must respect ancient buildings, open spaces, landmarks and settings and have regard to local scale, proportion, details and material.

4.2 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.

4.3 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 fro the community, in particular by contributing to the economic regeneration of the area or the enhancement of its environment (including other listed buildings).

IMPACT ON THE SPECIAL HISTORIC CHARACTER OF THE LISTED BUILDINGS

4.4 These four buildings (1-3 Friar's Terrace and no. 8 Peckitt Street) are more vulnerable to flooding than neighbouring properties which have a raised section of brickwork above the boundary wall. The scheme put forward in this application is to raise the existing boundary wall to the same height as that of the neighbouring properties, nos 1-5 South Esplanade, in order to achieve improved resistance to flood.

4.5 The extra height would be achieved in brickwork dowelled through to the stonework below to improve the effectiveness of the retaining function and to overcome any weakness at the point of connection between the two materials. Existing stone copings would be reused in their new location and the railings would be adapted and refixed in their higher location.

4.6 It would have been preferred for the entrance gate onto the esplanade, outside no. 3, to remain useable as an entrance; however this would have resulted in excessive disturbance to the existing wall and steps to achieve water resistance. So the proposal is to leave the gate in place and to continue the wall behind. The well will receive a pit containing a pump to assist in absorbing and discharging flood water. The gate will be hinged outwards so that it can be maintained.

4.7 The other area of flood risk is at the bottom of Peckitt Street where the steps are low and the low boundary wall of 8 Peckitt Street returns. It is therefore necessary to build up the outer walls of the steps in alignment with adjacent walls. The existing railings are to be repaired and refixed. Bollards are also to be provided at the bottom of Peckitt Street to protect the railings which have been damaged by turning vehicles. Also channels will be fixed into the solid upstands to receive demountable barriers.

4.8 Proposals would copy the method of flood defence already used in adjacent buildings and walls. The alterations would be obvious, however the minor adverse effect on the special interest of the historic buildings and structures is considered justified in order to protect the buildings from flooding.

5.0 CONCLUSION

5.1 It is considered that the proposed flood protection measures will not adversely harm the historic character and special interest of the Listed Buildings. Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

2 PLANS2 Apprvd plans and other submitted details - Drawings Dec/006422/02 and 03 received 20.01.09

3 Prior to the commencement of work on site a detailed photographic survey of the wall, cross referenced to scale drawings shall be submitted to and approved by the local planning authority.

Reason: To ensure the protection of the special interest and historic character of the retaining wall.

4 Natural hydraulic lime mortar must be used in the reconstruction and alterations to the wall. Samples of pointing shall be carried out in agreed locations to be approved by the local planning authority prior to works commencing on site.

Reason: To ensure the protection of the special interest and historic character of the retaining wall.

5 The dowels attaching the brickwork and stonework shall be secretly fixed, i.e. so that they do not show on completion.

Reason: To ensure the protection of the special interest and historic character of the retaining wall.

6 The bricks and brickwork shall match that of the adjacent work to the boundary wall to the front of no's 1-5 South Esplanade.

Reason: To ensure the protection of the special interest and historic character of the retaining wall.

7 All materials removed in association with the alterations to the wall shall be reused unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of the special interest and historic character of the retaining wall.

8 Prior to work commencing on site, a method statement detailing repairs,

alterations, redecoration and refixing of the ironwork shall be submitted to and approved by the local planning authority.

Reason: To ensure the protection of the special interest and historic character of the retaining wall.

9 Details of the proposed bollards to be erected at the bottom of Peckitt Street shall be submitted to and approved by the local planning authority.

Reason: To protect the appearance and historic character of the conservation area.

10 Prior to the commencement of works on site, large scale details (1:5) of the following shall be submitted to and approved by the local planning authority:

- (a) any alterations to the tall gate and overhead railings leading onto the Esplanade
- (b) any alterations to railings, intermediate gates and their fixings
- (c) any alterations to the balustrade and handrail on the public steps
- (d) channel fixing detail for demountable barriers shown in context with the existing wall

Reason: To ensure the protection of the special interest and historic character of the retaining wall.

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 historic character and special interest of the listed buildings. As such the proposal complies with Policies HE2 and HE4 of the City of York Draft Local Plan and national planning guidance contained in Planning Policy Guidance Note PPG15: Planning and the Historic Environment.

Contact details:

Author: Elizabeth Potter Development Control Assistant

Tel No: 01904 551350

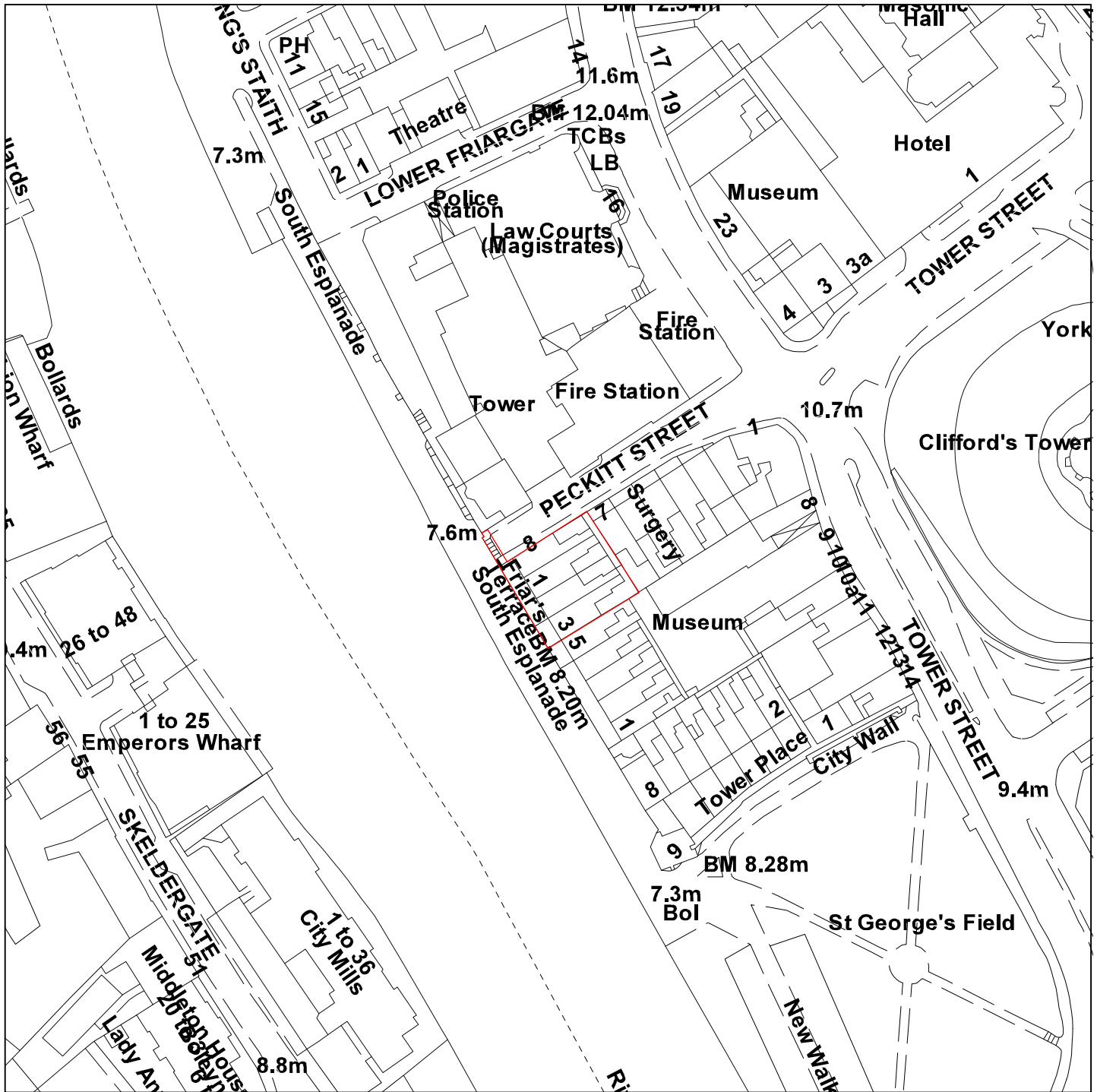
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8 Peckitt Street

09/00102/LBC



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	09 March 2009
SLA Number	Not Set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Micklegate
Date: 19 March 2009 **Parish:** Micklegate Planning Panel

Reference: 05/00097/CAC
Application at: All Saints Church North Street York
For: Demolition of church hall in the Conservation Area
By: PCC Of All Saints Church
Application Type: Conservation Area Consent
Target Date: 16 March 2005

1.0 PROPOSAL

1.1 All Saints Church Hall , North Street comprises a single storey brick built Victorian structure in some disrepair adjacent to All Saints Church North Street and All Saints Cottages Listed Buildings and lying in a prominent location within the Historic Core Conservation Area. Conservation Area Consent is sought for demolition of the structure to be replaced by a modest housing development planning permission for which has been sought under 05/00048/FUL.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Fluvial Flooding Flooding Areas 0234

2.2 Policies:

CYHE2
 Development in historic locations

CYHE3
 Conservation Areas

3.0 CONSULTATIONS

INTERNAL:-

3.1 Highway Regulation raise no objection to the proposal.

3.2 Design, Conservation and Sustainable Development raise no objection to the proposal providing some form of Community Use is retained on site and the successor scheme is of sufficient architectural merit.

EXTERNAL:-

3.3 Micklegate Planning Panel raise no objection to the proposal.

4.0 APPRAISAL

KEY ISSUES :-

4.1 Impact of the loss of the existing building on the character and appearance of the Conservation Area

The architectural merit of the replacement scheme in relation to the setting of adjacent Listed Buildings and the wider street scene.

IMPACT OF THE LOSS OF THE EXISTING BUILDING ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA;

4.2 Policy HE3 of the York Development Control Local Plan sets a firm policy presumption that proposals for the demolition of unlisted buildings within Conservation Areas would only be permitted where there would be no adverse effect on the character and appearance of the Conservation Area. The current proposal envisages the demolition of the existing parish room a low rise late 19th century brick built structure of in-different townscape quality and its replacement with two two storey residential properties together with a community room with a flat above (subject of planning application ref:05/00048/FUL). The existing building is in severe disrepair with evidence of severe structural movement, decaying brickwork and pointing, failure of large areas of the roofing material and infestations of both dry rot and wet rot. The applicant has established that the cost of returning the building to a usable condition would substantially exceed the income it would generate making due allowances for its townscape value. The demolition of the existing building and its replacement with the proposed re-development scheme would not harm the character or appearance of the Historic Core Conservation Area and the terms of Policy HE3 would thus be complied with.

IMPACT OF THE PROPOSAL ON THE SETTING OF ADJACENT LISTED BUILDINGS;

4.3 Policy HE2 of the York Development Control Local Plan sets a firm policy presumption requiring new development proposals within Conservation Areas and the setting of Listed Buildings to respect adjacent buildings and settings and to have

regard to local scale, proportion, detail and materials. The current proposal envisages the replacement of the existing sub-standard church hall with a mix of two storey dwellings and a community room with a flat over. The existing building by its alien design and massing and poor state of repair materially detracts from the setting of All Saints Church together with All Saints Cottages. The demolition of the building and its replacement with the proposed re-development would secure compliance with the terms of Policy HE2 of the York Development Control Local Plan.

5.0 CONCLUSION

5.1 All Saints Church Hall North Street comprises a single storey low rise brick built Victorian structure in some considerable disrepair. It is of no particular townscape merit but lies within a prominent location within the Historic Core Conservation Area and the setting of All Saints Church and All Saints Cottages Listed Buildings. The proposals envisage the demolition of the existing building and its replacement with a development of two dwellings and a community room with flat over on the cleared site. This would secure the preservation and enhancement of the character and appearance of the Conservation Area as a consequence approval of Conservation Area Consent is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

2 DEM1 No demolition before rebuilding contract

3 No work shall commence on site until the applicant has secured the implementation of a programme of recording of the building to be demolished (including publication by an approved archaeological unit) in accordance with the specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development may affect important archaeological features which must be recorded prior to destruction.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

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

Historic Core Conservation Area and the setting of All Saints North Street and All Saints Cottages Listed Buildings. As such the proposal complies with Policies HE2 and HE3 of the City of York Local Plan Deposit Draft and the policies and advice contained within PPG15 "Planning and the Historic Environment."

Contact details:

Author: Erik Matthews Development Control Officer

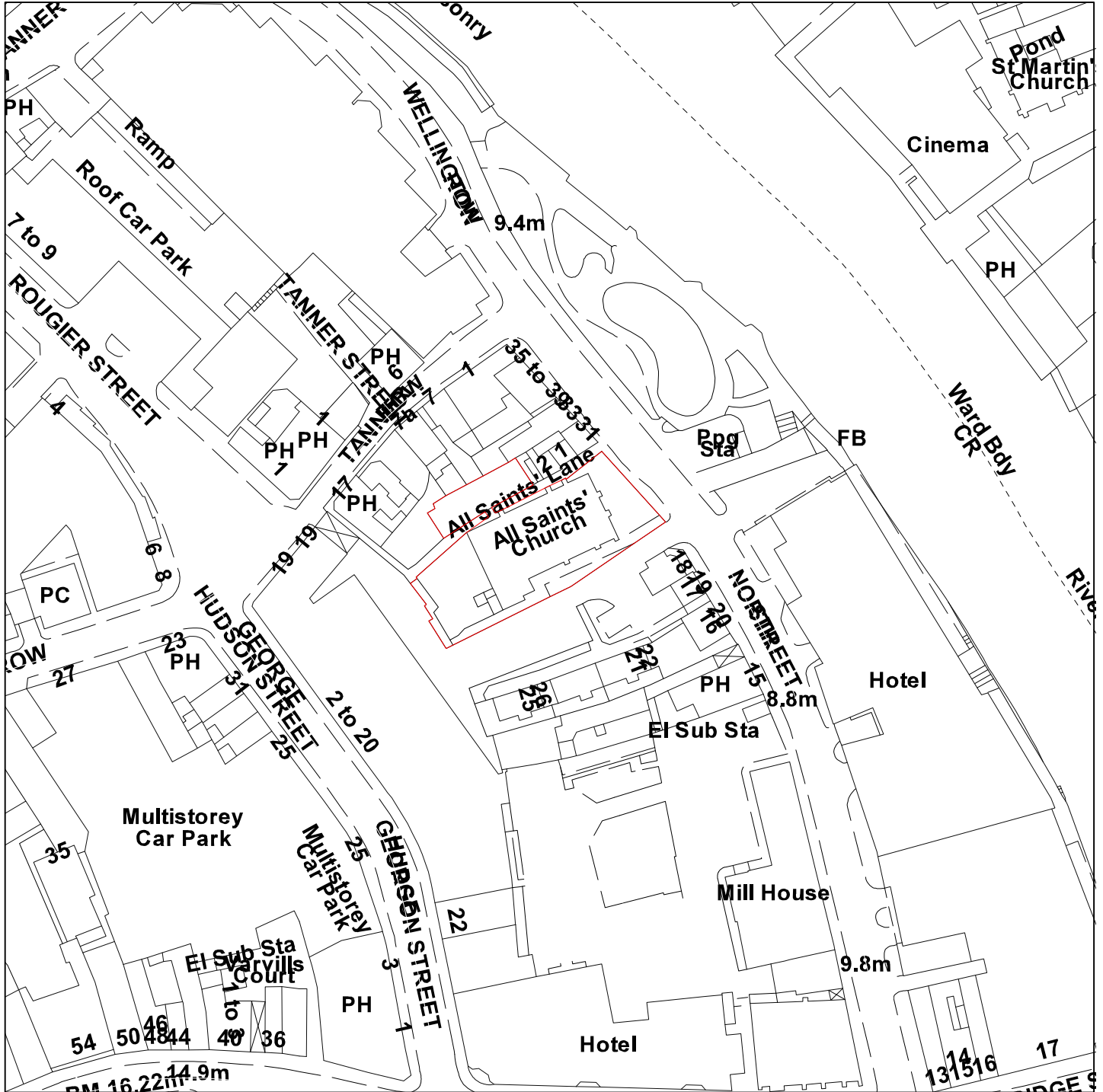
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All Saints Church, North Street

05/00097/CAC



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	09 March 2009
SLA Number	Not Set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Micklegate
Date: 19 March 2009 **Parish:** Micklegate Planning Panel

Reference: 05/00048/FUL
Application at: All Saints Church North Street York
For: Erection of three dwellings to replace existing church hall, erection of extension to vestry, installation of lockable gates at two locations in All Saints Lane
By: The PCC Of All Saints Church
Application Type: Full Application
Target Date: 16 March 2005

1.0 PROPOSAL

1.1 All Saints Church Hall North Street comprises a low-rise brick built Victorian Structure in some significant disrepair adjacent to All Saints Cottages (Grade II Starred) and All Saints Church (Grade 1) Listed Buildings and occupying a significant location within the Historic Core Conservation Area. Conservation Area Consent has been sought for demolition under 05/0097/CAC reported elsewhere on this agenda. Planning permission has been sought for erection of three dwellings; two lockable gates a vestry extension to the Church and a Community Room. The scheme has been amended to deal with concerns in respect of design and flood mitigation, in particular a glazed link previously envisaged between the proposed Community Room and the Church itself has been deleted from the proposal. The application has also recently been amended to tackle concerns regarding the residential amenity of the occupiers of 33 North Street lying behind the proposed Community Room with flat above lowering the roof ridge height and creating a solid brick wall to the rear of the proposed bin store.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Fluvial Flooding Flooding Areas 0234

Listed Buildings Grade 0; 0521

2.2 Policies:

CYGP15
Protection from flooding

CYGP4A
Sustainability

CYC1
Criteria for community facilities

CYGP1
Design

CYGP3
Planning against crime

CYH4A
Housing Windfalls

CYHE2
Development in historic locations

CYHE3
Conservation Areas

3.0 CONSULTATIONS

INTERNAL

3.1 The City Council's Drainage Consultancy raise no objection to the proposal.

3.2 Environmental Protection Unit raise no objection to the proposal.

3.3 Highway Network Management raise no objection in principle to the scheme but express concern in respect of the proposed gating of All Saints Lane.

3.4 Urban Design, Conservation and Sustainable Development raise no objection to the proposal as amended.

EXTERNAL

3.5 North Yorkshire Police Architectural Liaison Officer raises no objection to the proposal.

3.6 British Waterways raise no objection to the proposal.

3.7 Yorkshire Water Services raise no objection to the proposal.

3.8 English Heritage raises no objection to the proposal.

3.9 York Civic Trust object to the proposal on the grounds that the proposed new dwellings would in their opinion appear sub-urban and perfunctory in terms of their design.

3.10 The Environment Agency raise no objection to the scheme as amended.

3.11 Micklegate Planning Panel raise no objection to the proposal.

3.12 Two letters of objection have been received in respect of the proposal on the grounds that gating of All Saints Lane would unfairly deny access to a section of the "Snickleways" and at the same time would materially detract from the character and appearance of the Conservation Area. Concern is also expressed in relation to the impact of the proposal on the residential amenity of 33 North Street by virtue of overshadowing from the rear elevation of the proposal together with the proximity of the proposed bin leading to a loss of privacy. A further letter of objection has been received in respect of the impact of the revised scheme on the residential amenity of No 33 North Street. This expresses concern in respect of the loss of natural light to the rear patio area of No 33 North Street and loss of privacy arising from the second floor accommodation to be constructed above the proposed Community Room.

4.0 APPRAISAL

4.1 KEY CONSIDERATIONS

- _ Impact of the proposal upon the level of flood risk in the vicinity;
- _ Impact of the design of the proposal on the character and appearance of the Conservation Area and the setting of adjacent Listed Buildings;
- _ Impact of the proposed gating of All Saints Lane on the usage of the "Snickleways" and the level of crime and disorder in the vicinity;
- _ Impact of the proposal upon the residential amenity of 33 North Street;
- _ Impact of the proposal upon buried archaeology in the area.
- _ The sustainability of the proposed new development.

FLOOD RISK

4.2 Policy GP15a) of the York Development Control Local Plan sets a firm policy framework requiring the successful management of floodrisk with minimal environmental effect in relation to new development in flood prone areas. The current proposal has been subject to a flood risk assessment and flood defences designed to mitigate against a 1 in a 100 year flooding event lie adjacent to North Street. The scheme has been further amended to incorporate integral floodgates, ground floors of concrete construction and location of service points above the Environment Agency's recommended datum. The Environment Agency has recommended the raising of floor levels by 225mm above existing ground level and

the creation of a designated flood escape route. The intended floor levels have already been raised by the required amount and the proposed measures would be appropriate to minimise risk to the occupiers of the proposed development and those adjoining. The terms of Policy GP15a) would thus be complied with.

CONSERVATION AREA/SETTING OF LISTED BUILDINGS

4.3 Policies HE2 and HE3 of the York Development Control Local Plan set a firm policy framework for the preservation and enhancement of the setting of Listed Buildings and the character and appearance of Conservation Areas. The current proposal lies within the Historic Core Conservation Area as well as the setting of All Saints Church and All Saints Cottages, Listed Buildings. The proposal as amended envisages the erection of a community meeting room with a one bedroom flat above, together with 2no. two storey dwellings and a partially open yard for cycle and bin storage in between. The existing church hall is not felt to be of sufficient architectural merit within the Conservation Area to justify its retention when balanced against the economic viability of refurbishment. The massing and proposed roofscape would follow that of the adjacent All Saints Cottages, a series of two-storey timber framed properties dating from the 15th century. The palette of materials chosen, red/orange rustic mix clay facing brick, white render, clay plain tiles and softwood joinery whilst not used in the direct vicinity are characteristic of recent developments in the wider vicinity. The design has been developed as being subtle and unchallenging in view of the sensitive location of the property. The design of the western most of the proposed dwellings pays reference to All Saints Cottages in terms of its massing and roofscape but precise imitation has deliberately been avoided. The design of the proposed Vestry extension in coursed Magnesian limestone ashlar with a patent glazed and timber link to the early 20th century shuttered concrete "Anchor Hold" would preserve and enhance the Conservation Area. In terms of Listed Building Control the work would fall within the remit of Church Faculty Jurisdiction and no LBC application has been submitted as a consequence. On balance the proposal would preserve and enhance the character and appearance of the Conservation Area together with the setting of the adjacent Listed Buildings in compliance with Policies HE2 and HE3 of the York Development Control Local Plan.

IMPACT OF THE PROPOSED GATING OF ALL SAINTS LANE

4.4 Policy GP3 of the York Development Control Local Plan sets a firm policy requirement for new development proposals to incorporate a range of crime prevention measures where appropriate to do so. The proposal lies within an area identified by North Yorkshire Police as being at significant risk of drug related crime and anti-social behaviour. The churchyard is regularly cleared of drug taking paraphernalia's a consequence the erection of two 1.8 metre high wrought iron gates has across All Saints Lane has been specified as part of the proposal. The gate would be opened between the hours of 10am and dusk each day with the occupiers of the new properties having key controlled access outside of these times. This reflects the practise in respect of the "Snickleways" surrounding Little Stonegate and Grape Lane, which have also previously experienced problems of anti-social behaviour. There is some evidence in the form of well-defined gate piers and hinges of the Lane having previously been gated. The applicant has established the Lane to be substantively within the churchyard of All Saints, on that basis it would be

possible for the church authorities to arrange for its gating without recourse to the usual procedures within the Highway/Planning Acts. In view of the sensitive location of the property it would be appropriate to require the further submission and approval of the details of the proposed gates and railings as a condition attached to any permission. More indirectly the introduction of a further residential use into the area would introduce an element of " passive surveillance" to further deter crime and anti-social behaviour in the vicinity.

IMPACT OF THE PROPOSAL ON THE RESIDENTIAL AMENITY OF 33 NORTH STREET

4.5 Policy GP1 of the York Development Control Local Plan sets a firm policy presumption in favour of new developments which respect or enhance the local environment, are of a scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials and ensure that residents living nearby are not unduly affected by overlooking, overshadowing or dominated by overbearing structures. The current proposal envisages demolition of the existing Church Hall which is in considerable disrepair and of only modest importance in relation to the character and appearance of the Conservation Area and its replacement with 2no. two storey brick and render built dwellings together with a two storey community meeting room with flat over. As initially submitted the proposal had an awkward physical and visual relationship with the rear yard and living room windows of No 33 North Street and the Old Vicarage. The proposal has been amended to remove the previous gap between the bin/cycle storage yard associated with the two dwellings and the rear garden area of No 33. The boundary would now comprise a solid brick wall with the same broad appearance of the existing rear wall of the Church Hall, but some 0.35 metres higher. There would be some impact upon the level of daylight and sunlight entering the rear upper floor window of No 33 however that impact would not be materially different from that existing. In terms of loss of privacy there are no windows proposed on the elevation facing into the rear patio area and there would be not material benefit arising from the reduction of the accommodation from two to a single storey.

IMPACT OF THE PROPOSAL ON BURIED ARCHAEOLOGY

4.6 Policy HE10 of the York Development Control Local Plan sets a firm policy framework supporting new built development within the City Centre Area of Archaeological Importance where a field evaluation has been undertaken and the applicant has been able to demonstrate that less than 5% of any archaeological deposits will be disturbed or destroyed. An archaeological evaluation was undertaken in 2004 at the site which revealed the presence of Medieval deposits including burials. Subject to the implementation of appropriate mitigation measures including shallow raft foundations, the archaeological excavation of necessary ground disturbances and the obtaining of a Home Office Licence to excavate any burials then the development would be acceptable in archaeological terms.

THE SUSTAINABILITY OF THE PROPOSED NEW DEVELOPMENT

4.7 Policy GP 4a) of the York Development Control Local Plan sets a firm policy framework requiring new built development to have due regard to the principles of Sustainable Development in their justification and design. These comprise the accessibility of the site by means other than the car, the contribution of the development towards meeting the wider social needs of the community, the contribution of the development to maintaining the vitality and viability of the City's economy, the maintenance of high standards of design within the City area, the recycling of materials previously used within the existing building and the provision within the development for users to themselves recycle. The proposal would be readily accessible to services and employment centres within the City Centre and surrounding on foot, by bicycle and public transport. The long standing aspiration to enhance the range of residential accommodation available within the City Centre would be further underwritten by the proposal with more consequent usage of local services and a reduction of the levels of crime and anti-social behaviour currently characteristic of the area. A palette of materials characteristic of development within the area would be utilised in the new work and the materials utilised in the existing property would be re-used in the new work wherever possible. The terms of Policy GP4a) would thus be complied with in relation to the proposal.

5.0 CONCLUSION

5.1 All Saints Church Hall comprises a single storey brick and render built structure in poor structural repair and of only modest townscape importance in relation to the wider street scene. It lies within the Historic Core Conservation Area and the setting of All Saints North Street and All Saints Cottages, Listed Buildings. The proposal envisages its demolition and replacement with a development comprising the erection of 2no. two storey dwellings together with a two-storey community room with flat above. Wrought iron double gates would also be erected at both ends of All Saints Lane to restrict access in hours of darkness due to high levels of crime and anti-social behaviour in the area. The scheme has been extensively amended to accommodate concerns in respect of its design, impact upon residential amenity and treatment of floodrisk. Associated with the proposal are alterations to the Church vestry which are subject to Church Faculty jurisdiction. On balance, the development would not adversely impact upon the wide range of constraints impacting upon the site and would preserve and enhance the character and appearance of the Conservation Area.

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:-

Drawing Ref: 1240/03 Rev J. Date Stamped 02/02/2009

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

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

3 VISQ8 Samples of exterior materials to be app

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

Reason:

In the interests of satisfactory and sustainable drainage.

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

Reason:

To ensure that the development may be properly drained.

6 Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason:

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

7 The development hereby authorised shall be erected in strict accordance with the flood proofing works outlined in the applicants letter dated 21st October 2008 and stamped as received on 24th October 2008.

Reason:

To minimise the risk of flooding and to secure compliance with Policy GP15a of the York Development Control Local Plan.

8 Notwithstanding the details approved under condition 7 a written specification identifying a safe route into and out of the site in the event of flooding shall be submitted to and approved in writing by the Local Planning Authority before work on site commences, and be kept free and available for use thenceforth.

Reason:

To minimise the risk from flooding of the site and to secure compliance with Policy GP 15a) of the York Development Control Local Plan.

9 ARCH1 Archaeological programme required

10 ARCH2 Watching brief required

11 ARCH3 Foundation design required

12 Notwithstanding the application details hereby approved 1:20 drawings of the external elevations and sections of the development showing the articulation of the building envelope at wall and window positions shall be submitted to and approved in writing by the Local Planning Authority before work on site commences.

Reason:

To safeguard the visual amenity of the street scene and to secure compliance with Policies HE2 and HE3 of the York Development Control Local Plan.

13 Notwithstanding the application details hereby approved 1:5 drawings of the following items illustrating them in context shall be submitted to and approved in writing by the Local Planning Authority before work on site commences:

i) Verges;

ii) Eaves Details;

iii) Window details (inc details of window openings ie lintels, cills and reveals showing any set backs).

iv) Doors (inc details of door openings ie lintels, thresholds).

Reason:

To Safeguard the visual amenity of the street scene and to secure compliance with York Development Control Local Plan Policies HE2 and HE3.

14 Notwithstanding the application details hereby approved full details of the proposed gates, railings and boundary walls including materials, colours and fine detailing shall be submitted to and approved in writing by the Local Planning Authority before work on site commences. Work shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason:

To safeguard the visual amenity of the street scene and to secure compliance with Policies HE2 and HE3 of the York Development Control Local Plan.

15 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs together with details of hard landscaping which shall include the re-use of existing York Stone paving flags. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in order to preserve and enhance the character and amenity of the conservation area in accordance with policy HE2 of the Development Control local plan.

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

Reason: In the interests of the amenities of the adjoining residents, impact upon the character and appearance of the Conservation Area and the setting of All Saints Church and All Saints Cottages Listed Buildings, the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the residential amenity of No 33 North Street, impact upon the character and appearance of the Historic Core Conservation Area, impact upon the setting of All Saints Church North Street and All Saints Cottages Listed Buildings, impact upon the level of flood risk affecting prospective residents and others living in the area, impact upon buried archaeology at the site and impact upon the level of crime and anti-social behaviour within the locality. As such the proposal complies with Policies GP1, GP3, GP4a, GP15a) HE2, HE3 and HE10 of the City of York Local Plan Deposit Draft.

2. DEMOLITION AND CONSTRUCTION

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

Monday to Friday 08:00 to 18:00

Saturday 09:00 to 13:00

Not at all on Sundays and Bank Holidays.

ii) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228:Part 1:1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of Noise and Vibration".

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

iv) The best practicable means as defined by Section 72 of the Control of Pollution

Act 1974, shall be employed at all times in order to minimise noise emissions.

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

vi) There shall be no bonfires on site.

3. ARCHAEOLOGY

The foundations for the built development hereby authorised must consist of a shallow raft. The site must be excavated archaeologically to the formation levels for the raft, any service connections and the re-profiled All Saints Lane. Permission must be given by the Diocesan authorities and the Home Office to excavate, study and rebury any human burials from the site and to build over any burials which will remain in-situ below the formation levels described above.

Contact details:

Author: Erik Matthews Development Control Officer

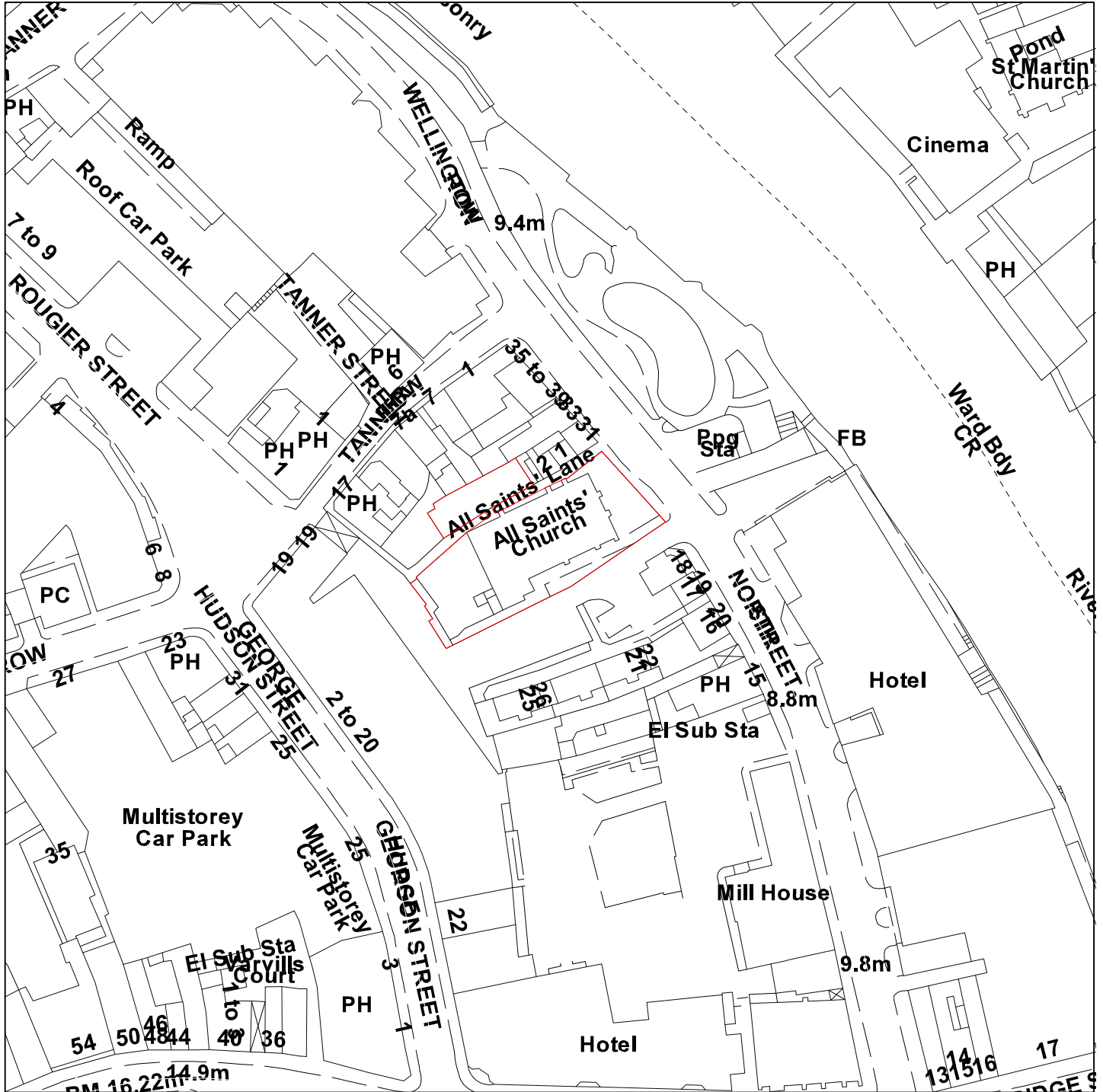
Tel No: 01904 551416

All Saints Church, North Street

05/00048/FUL



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	09 March 2009
SLA Number	Not Set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Micklegate
Date: 19 March 2009 **Parish:** Micklegate Planning Panel

Reference: 09/00072/FUL
Application at: Pavilion Rowntree Park Terry Avenue York
For: Single storey pitched roof amphibious community and sports pavilion after demolition of existing single storey pavilion
By: The Friends Of Rowntree Park
Application Type: Full Application
Target Date: 19 March 2009

1.0 PROPOSAL

1.1 The application is for a single storey pitched roof community and sports pavilion after demolition of the existing pavilion building. The building would be set within a tank and would be set on a floatation device so it would be able to float when the River Ouse is in flood. The building would be kept in place by 4 columns two to the north elevation and two to the south elevation and would be attached by structural loops.

1.2 The proposed pavilion building would incorporate changing and toilet facilities; an office for Rowntree Park staff; an office for Friends of Rowntree Park and the building management; a multi-purpose space that would accommodate a variety of uses; and storage for indoor and outdoor equipment.

1.3 Rowntree Park was opened in 1921 as a public memorial to workers lost in the First World War. It is on the Register of Parks and Gardens of special historic interest at Grade II. Early eighteenth century wrought iron gates, including subsidiary flanking walls and piers, were moved from elsewhere to the Terry Avenue entrance as a second world war memorial in 1954, and are listed as buildings of special architectural or historic interest at Grade II*. The park is not included in the adjoining New Walk/Terry Avenue conservation area. The proposed pavilion is sited with the greenbelt.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary : York City Boundary 0001

DC Area Teams : Central Area 0002

Historic Parks and Gardens : GD2903; Rowntree Park York

2.2 Policies:

CYGP1
Design

CYSP3
Safeguarding the Historic Character and Setting of York

CYSP2
The York Green Belt

CYGP4A
Sustainability

CYGP15
Protection from flooding

CYNE1
Trees, woodlands, hedgerows

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYHE12
Historic parks and gardens

CYGB1
Development within the Green Belt

CYGB13
Sports facilities outside settlements

CYC1
Criteria for community facilities

CYNE7
Habitat protection and creation

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

3.1 HIGHWAY NETWORK MANAGEMENT - No objections

3.2 CONSERVATION OFFICER

- The existing pavilion building was constructed in the late twentieth century. By virtue of its scale, form and materials it sits comfortably in its surroundings, but isn't of any special interest, and does not contribute to the special interest of the park. Consequently, its demolition would not in itself harm the character of the park or affect the setting of the neighbouring conservation area.
- The replacement structure is of contemporary design, and clad in currently fashionable cedar or larch boarding, with a "green" roof. Whilst the footprint is greater than the existing structure, the height is lower. Over a period of time, the cladding materials will weather, and by virtue of this, and the reduction in height of the structure, it is my opinion that it will appear no more intrusive than the existing structure.
- However, this opinion relies on assumptions that the development will be carried out exactly as illustrated in the proposed plans, and relies on very general descriptions of materials and finishes. I wonder whether the detail shown for the included wall section at the intersection of the two roof planes, as illustrated in the "south elevation" will be weather-tight, or if instead, the up stand will have to be formed in lead or similar. The same doubt applies to the larch-boarded facias. Small detailed changes which may be necessary to successfully implement this proposal will make the difference between an acceptable and unacceptable scheme.
- Provided acceptable detailing and finishes can be agreed, the proposed development could preserve the historic character of the park, the setting of the adjacent conservation area, and the setting of the listed gates.
- Should the granting of planning permission be recommended, conditions should be attached with respect to: Full details of all external finishes, including those of the floatation piers and safety railing; Full schedule of materials, including those for doors and windows; Full details of junction between roof planes, including vertical section drawing at a scale of 1:20; Full schedule of flashings, soakers or other weathering details, including illustrations at an appropriate scale; Vertical section drawing through all window and door openings, including head and sill details; Vertical section drawing through entrance doors to terrace at a scale of 1:20; Remove any permitted development rights

3.3 LANDSCAPE ARCHITECT

- The existing pavilion, although not an insignificant building, is fairly incidental and discrete within the overall park. It is located outside of the central formal garden area, on entering the park from Richardson Street, the existing pavilion is not visible from this elevated position due to the number of trees and vegetation in the foreground, including in the winter months.
- The new pavilion has a larger footprint and is double the length of the existing. However it is still shorter than the tennis courts to which it relates, i.e. it does not stick out beyond the courts and remains 'contained' by the fenced courts and the remaining trees. Nor does it project significantly further forward into the north-south view along the pavement connecting the formal gardens with the woodland.
- The pavilion is at the opposite side of the park to the 1920s tea room building, as well as being screened from it; thus I feel there is no conflict there.
- The architectural treatment of the proposed pavilion is suitable for its setting amongst the trees adjacent to the woodland. The cladding in natural timber will weather to a toned down silver-grey. The green roof will connect it with the woodland floor. The height of the pavilion is kept low by way of shallow single pitches.

- A number of evergreen trees, i.e. a group of four conifers to the south, and two Hollies and a Yew to the north, help sit the building comfortably within the parkland landscape, especially through the winter months. Most of these will be lost due to the development; therefore these should be replaced with similar, sizeable, evergreen species to similar effect.
- There will be a further loss of deciduous trees resulting from the development. None of these are outstanding specimens, most are Sycamores and poor Birches, which could be readily replaced with alternative woodland species, such as Maples, Hornbeam, and Hazel, where space allows within the surrounding woodland.
- Recommend reinstating a suitable native, woodland ground flora to the rear of the proposed pavilion to include e.g. winter aconite, snowdrops and wood anemone. The development does not impact on the large Pines to the north of the pavilion which are prominent trees within the park and views of it. It should be possible to retain the Sycamore (02750) and the adjacent Lime located between the rear of the pavilion and Terry Avenue.
- The development presents an opportunity to improve this rear area.
- The increased footprint brings the building closer to the perimeter with Terry Avenue and also extends the elevation. The building would be a functional part of the park's structure and not unattractive; thus the aim should be to plant up the rear of the pavilion with a limited range of specimen trees and shrubs, and to sit it in a landscape setting and break up the long, blank elevation, rather than to screen it.
- Would like a condition for protection of existing trees to be retained in close proximity to the development and LAND 1 to secure some replacement planting.

3.4 COUNTRYSIDE OFFICER

- The existing building presents a medium potential for roosting bats, although no evidence of recent use by bats was found.
- The surrounding habitat is however extremely good for bats with the river just to the rear of the pavilion, and many mature trees in the park presenting excellent foraging and roosting opportunities. There are also a number of bat records within this locality, both within the park itself and within the immediate surrounding area. The construction of the new community and sports pavilion here would be a good opportunity to further enhance the wildlife interest of the park, potential for incorporating some bat habitat features into the designs of this building. These can be created very simply, and could include incorporating an internal bat box within the roof, or leaving some small gaps under the boarded fascia or cladding for bats to enter. This would also add to the biodiversity plan which is currently being developed for Rowntree Park.

3.5 LIFELONG LEARNING AND LEISURE - Support the application

- Will be of great benefit to numerous parks users by creating a weatherproof multifunctional community space. The new design is exciting and will be a role model for building situated in flood prone sites which have to cope with the effects of climate change. In arriving at the design the Friends have consulted extensively with potential users and ourselves. Indeed, the new pavilion would be an excellent base of our education and events programmes and new site office for parks staff.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

3.6 MICKLEGATE PLANNING PANEL - Support the application

3.7 BRITISH WATERWAYS - No comments regarding proposal but would like a informative placed on the planning permission instructing the applicant to gain the necessary consents and that works comply with the British Waterways code of practice

3.8 POLICE ARCHITECTURAL LIAISON OFFICER - No objections

- Crime levels are low
- Design and access statement makes little reference to crime prevention measures
- Measures should be incorporated to offer some degree of protection to the rear and side of the new building from graffiti, suggest incorporating defensive planting
- Concerned that the low roof will give people easy access to the roof, the four vertical columns may also aid this.
- Concerned regarding the glazing to the front elevation, and possible damage from vandalism. Consideration should be given to security grilles or shutters although it would detract from the building. Windows and doors should be security tested to British Standard 7950 and Product Assessment specification (P.A.S.) 24 respectively. Glazing should be laminated to a minimum thickness of 7.5mm
- Possibility covered terrace would provide an area for anti-social behaviour and youth congregation
- Advise that an intruder alarm system be considered
- Fitting of security lighting should be considered
- To reduce the risk of theft from the changing room, some form of access control needs to be considered for the external doors, secure lockers should also be provided
- A new building as proposed, could attract unwanted attention owing to its uniqueness and isolated location, crime prevention measures should be designed in to minimise the risks

3.9 ENVIRONMENT AGENCY - No objections

- Would like conditions placed on a planning permission: development shall be built in accordance with the flood risk assessment; building must be able to lift to a minimum of 11mAOD; floodwarning notices.

3.10 GARDEN HISTORY SOCIETY - No comments

3.11 7 REPRESENTATIONS OF SUPPORT

- Exciting and innovative design that will support the community
- An indoor area for various community groups to meet
- Current community facilities have suffered as a result of flooding
- Able to store equipment without the risk of flood damage
- Enhance to use of the Rowntree Park facilities

4.0 APPRAISAL

ADDITIONAL PLANNING POLICY

Planning Policy Statement 1 - Delivering Sustainable Development

Planning Policy Guidance 2 - Green Belts

Planning Policy Guidance 15 - Planning and the historic environment

Planning Policy Guidance 17 - Planning for open space, sport and recreation
Planning Policy Statement 25 - Development and Flood Risk

KEY ISSUES

1. Visual impact of the building in Rowntree Park
2. Impact of trees
3. Impact on the Green Belt

ASSESSMENT

PLANNING POLICY

4.1 PPG15 states that whilst there are no additional statutory controls follow from the inclusion of a site in English Heritage's Register of Parks and gardens of Special Historic Interest, local authorities should protect registered parks and gardens in determining planning applications. The effect of proposed development on a registered park or garden or its setting is a material consideration in the determination of a planning application

4.2 Policy YH9 and Y1 of the Yorkshire and Humber Regional Spatial Strategy (May 2008) sets out the extent of the City of York Green Belt.

4.3 PPS25 Development and Flood Risk: This PPG explains how flood risk should be considered at all stages of the planning and development process. It sets out the importance of the management and reduction of flood risk in planning, acting on a precautionary basis and taking account of climate change.

4.4 Policy SP2 'The York Green Belt' in the City of York Council Development Control Local Plan (2005) states that the primary purpose of the York Green Belt is to safeguard the setting and historic character of the City of York.

4.5 Policy SP3 'Safeguarding the Historic Character and Setting of York' in the City of York Council Development Control Local Plan (2005) states that high priority will be given to the protection of the historic character and setting of York. The following principles will be applied when considering planning applications: The protection of key historic townscape features, particularly in the City Centre, that contribute to the unique historic character and setting of the City; the protection of the Minster's dominance, at a distance, on the York skyline and City Centre roofscape; the protection of the environmental assets and landscape features which enhance the historic character and setting of the City. These comprise the river corridors and the green wedges, both existing and extended. They also include areas of open countryside, which provide an impression of a historic city, such as locations which allow good view of the Minster or an urban edge including a conservation area, and views into the City from a number of main transport routes; the protection of the main gateway transport corridors into York from development which, cumulatively, could have an adverse impact on the character and setting of the corridor and the surrounding environment. If development is allowed, early and substantial planting of sensitive boundaries will be required.

4.6 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.

4.7 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. Development should: provide details setting out the accessibility of the site by means other than the car and, where the type and size of development requires, be within 400 metres walk of a frequent public transport route and easily accessible for pedestrians and cyclists; contribute towards meeting the social needs of communities within the City of York and to safe and socially inclusive environments; maintain and increase the economic prosperity and diversity of the City of York and maximize employment opportunities; be of a high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City; minimize the use of non-renewable resources, re-use materials already on the development site, and seek to make use of grey water systems both during construction and throughout the use of development. Any waste generated through the development should be managed safely, recycled and/or reused. The 'whole life' costs of the materials should be considered; minimize pollution, including that relating to air, water, land, light and noise; conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife area and room for trees to reach full growth; maximize the use of renewable resources on development sites and seek to make use of renewable energy sources; and make adequate provision for the storage and collection of refuse and recycling.

4.8 Policy GP15a 'Development and Flood Risk' in the City of York Council Development Control Local Plan (2005) states that there will be a presumption against built development (except for essential infrastructure) within the functional floodplain outside existing settlement limits. Proposals for new development on previously undeveloped land outside defined settlement limits will only be granted where it can be demonstrated that the development will not result in the net loss of floodplain storage capacity, not impede water flows and not increase flood risk elsewhere. All applications in the low to medium risk or high risk areas should submit a Flood Risk Assessment (FRA) providing an assessment of additional risk arising from the proposal and the measures proposed to deal with these effects.

4.9 Policy NE1 'Trees, Woodlands and Hedgerows' seeks to protect trees that are of landscape, amenity or nature conservation value by, inter alia, refusing development proposals that would result in their loss and by seeking appropriate protection measures when they are proposed for removal. Appropriate replacement planting will be sought where trees are proposed for removal.

4.10 Planning Policy Guidance Note 15 'Planning and the Historic Environment' (PPG15) sets out the approach to dealing with proposals that affect Conservation Areas. In making decisions on proposals in Conservation Areas, Planning Authorities have a statutory duty to consider the desirability of preserving or enhancing the character or appearance of the Conservation Area. Policies HE2 'Development within Historic Locations' and HE3 'Conservation Areas' of the City of York Development Control Local Plan are also relevant to this proposal. These policies expect proposals to maintain or enhance existing urban spaces, views, landmarks and other townscape elements and not to have an adverse effect on the character or appearance of the Conservation Area.

4.11 Policy HE12 'Historic Parks & Gardens' in the City of York Council Development Control Local Plan (2005) states that proposal affecting historic parks and gardens will be permitted providing they have no adverse effect on the character, appearance, amenity, setting or enjoyment of the park/garden.

4.12 Planning Policy Guidance note 2 'Green Belts' sets out the purposes of including land within Green Belts and establishes specific categories of development that are appropriate within Green Belts. All other development is deemed inappropriate and therefore harmful to the Green Belt. For such development to be acceptable in Green Belts very special circumstances must be demonstrated to show that the harm is outweighed by other considerations. The boundaries of the Green Belt are detailed on the Proposals Map of the City of York Council Development Control Local Plan (CYCDCLP) and this site clearly falls within the Green Belt. Policy GB1'Development in the Green Belt' of the CYCDCLP follows the advice contained in PPG2 in stating that permission for development will only be granted where: the scale, location and design would not detract from the open character of the Green Belt; it would not conflict with the purposes of including land within the Green Belt; and it would not prejudice the setting and special character of the City, and is for a type of development listed as appropriate development. All other forms of development are considered to be inappropriate and very special circumstances would be required to justify where the presumption against development should not apply.

4.13 Policy GB13 'Sports Facilities Outside Settlement Limits' of the City of York Council Development Control Local Plan (2005) states that within the green belt or open countryside proposals for the development of essential ancillary facilities for outdoor sport or recreation will be permitted where: the facilities are essential to support the outdoor provision; and the facilities are kept to a scale consistent with the requirements of the outdoor recreational activity; and there are no opportunities to provide the built facilities in adjacent settlements; and any new buildings or structures and associated parking do not detract from the openness of the green belt.

4.14 Policy C1 'Community Facilities' of the City of York Council Development Control Local Plan (2005) states that a planning application for social, health, community and religious facilities will be granted permission providing that the proposed development is of a scale and design appropriate to the character and appearance of the locality and it would meet a recognised need.

4.15 Policy C3 'Change of use of Community Facilities' of the City of York Council Development Control Local Plan states that permission for the redevelopment of community facilities will only be granted where the proposals are of a scale and design appropriate to the character and appearance of the locality, it can be demonstrated that the buildings or land are surplus to or no longer capable of meeting the existing or future needs of the local community, or it can be demonstrated that alternative acceptable sites for the existing use can be provided.

VISUAL IMPACT OF THE BUILDING IN ROWNTREE PARK

4.16 The existing pavilion building was constructed in the late twentieth century. By virtue of its scale, form and materials it sits comfortably in its surroundings, but is not of any special interest, and does not contribute to the special interest of the park. It is located outside of the central formal garden area, which includes the bowling greens and herbaceous borders either side of the main east/west axis running between the two main entrances off Richardson Street and Terry Avenue. On entering the park from Richardson Street, the existing pavilion is not visible from this elevated position due to the number of trees and vegetation in the foreground, including in the winter months. Its demolition would not in itself harm the character of the park or affect the setting of the neighbouring conservation area.

4.17 The proposed building would be clad in softwood boarding with a sedum roof. The roof comprises of two gently curved planes, which cause the sedum roof to be visible from ground level. It would have a covered terrace, and full width glazing from the multipurpose space overlooking the tennis courts. The building would be set on a flotation device set within a tank. A safety fence will be constructed around the immediate perimeter of the building connected onto the top of the tank wall. The proposed building would be slightly elevated above the surrounding land to provide for the flotation device, (the existing building pavilion is also raised above the surrounding ground level). There would be 4 vertical columns set into the foundation to provide lateral restraint against wind load and the force of the flowing water. The building will be attached to the columns with structural loops which would retain the building in place during a flood period.

4.18 During a flood period the building will rise with the floodwater until the maximum water level is reached, being kept in the same position by the columns. The weight of the structure will be supported by the floatation device and restrained laterally by the structural loops. The floatation device (which is underneath the structure) would have a depth of 1.7 - 3 metres. The top of the tank would be 0.4 metres above ground level and the safety fence would be 1.2 - 1.4 metres in height. This would produce a height of 3.3 - 3.8 metres when the building is in its flood position. The floatation device will not rise above the level of the safety fence. The fence will also prevent large flood debris from entering the tank

4.19 The proposed building would be a 94.6% increase in footprint on the original building; the height of the building is low at 4.4 metres. Whilst the overall size of the proposal is substantially larger than the previous building the building is not considered to be visually intrusive within Rowntree Park and by virtue of the screening created by the surrounding trees the proposal would not be visible from much of Rowntree Park. Whilst the proposed building would be visible from Terry

Avenue and the New Walk/ Terry Avenue Conservation Area, it is not considered to cause visual harm to the character of the area and the natural materials further mitigate the impact on the surroundings.

IMPACT ON TREES

4.20 The agent has stated that four trees to the south of the existing building would be felled although it would appear that a group of four conifers to the south, two Hollies and a Yew to the north, would also be removed. The agent has stated that they are willing to plant other trees to mitigate the loss of these trees. However we are waiting a response from the agent confirming or not that there is an agreement that this would be acceptable between the Friends of Rowntree Park and the CYC as landowners. The loss of these trees is considered to be acceptable, the loss if not considered to cause harm to the visual amenity of the area.

IMPACT ON THE GREENBELT

4.21 Essential facilities for outdoor sport and outdoor recreation are generally acceptable in the greenbelt. The use of the proposed building is considered to fall within this category. PPG2 infers that these facilities should be as small as possible to reduce the impact on the greenbelt; the increase in size of the pavilion from the original building is significant. However the proposed pavilion is not considered to be an unreasonable size in terms of internal layout. The space would mean that the building would see an increase in use to that of the original building. The building would be screened by the surrounding trees and the height of the building has been kept low, the impact of the building is also mitigated by its use of natural materials for the external finish. Therefore the proposed pavilion despite its increase in size is not considered to impact negatively on the openness of the greenbelt or the purposes of including the land within the greenbelt.

OTHER ISSUES

4.22 The police architectural liaison officer has raised concerns regarding the security of the building however many of them are not planning issues such as the intruder alarms, lockers, security from the changing rooms. Other issues such as the shutters/security barriers, have not been submitted with this application, it is not considered that it would be appropriate to condition these as they would have such a large visual impact on the building. Security grilles would require planning permission if they were added in the future. Details of potential external lighting could be conditioned, as the park is grade II listed.

4.23 The Countryside Officer has stated that there is no evidence that bats are present in the existing building. However it is considered that, as the area is good habitat for bats that it is reasonable to condition details of how the development will accommodate bats.

5.0 CONCLUSION

5.1 The proposed building is not considered to harm the historic interests of Rowntree Park, or the adjacent conservation area, or the green belt. The proposed

building would not be visually intrusive and would sit well within its setting. Approval is recommended

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 AITP/010 Revision A received 19 January 2009
Project Number 2007 1046 Sheet no. CP07 received 19 January 2009
Project Number 2007 1046 Sheet no. CP08 received 19 January 2009;

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 TIME2 Development start within three years

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

Reason: So as to achieve a visually cohesive appearance.

4 The building must be able to lift a minimum of 11m AOD.

Reason: This will allow the building to raise 600mm above the highest recorded flood level.

5 Notwithstanding the submitted plans full details of the junction between the roof planes, including a vertical section drawing should be submitted at a scale of 1:20. These details should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: To retain the character of Rowntree Park and the adjacent New Walk/Terry Avenue Conservation Area.

6 A vertical section detail:

- through the entrance doors to the terrace
- through the windows and door openings, including head and cill details

should be submitted at a scale of 1:20. These details should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: To retain the character of Rowntree Park and the adjacent New Walk/Terry Avenue Conservation Area.

7 Notwithstanding the submitted plans and prior to the commencement of the development full details of the method and design of external illumination for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

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

8 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 4.5 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

9 No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of what measures are to be provided to within the design of the new building to accommodate bats. The works shall be completed in accordance with the approved details. Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards, bat boxes. etc.

Reason: This is proposed to take account of and enhance the habitat for bats.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

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

with particular reference to the impact on the historic interests and visual amenity of Rowntree Park; impact on the greenbelt; impact on the setting of the adjacent conservation area. As such, the proposal complies with Policies GP1, SP2, SP3, GP15a, HE2, HE3, HE12, GB1, GB13, NE7 and C1 of the City of York Development Control Local Plan (2005); national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development", Planning Policy Guidance 2 "Green belts", Planning Policy Guidance 15 "Planning and the Historic Environment".

2. British Waterways Informative

The applicant/developer is advised to contact (Ken Fowler 0113 281 6875) in order to ensure that any necessary consents are obtained and that the works comply with British Waterways "Code of Practice for Works affecting British Waterways".

Contact details:

Author: Victoria Bell Development Control Officer

Tel No: 01904 551347

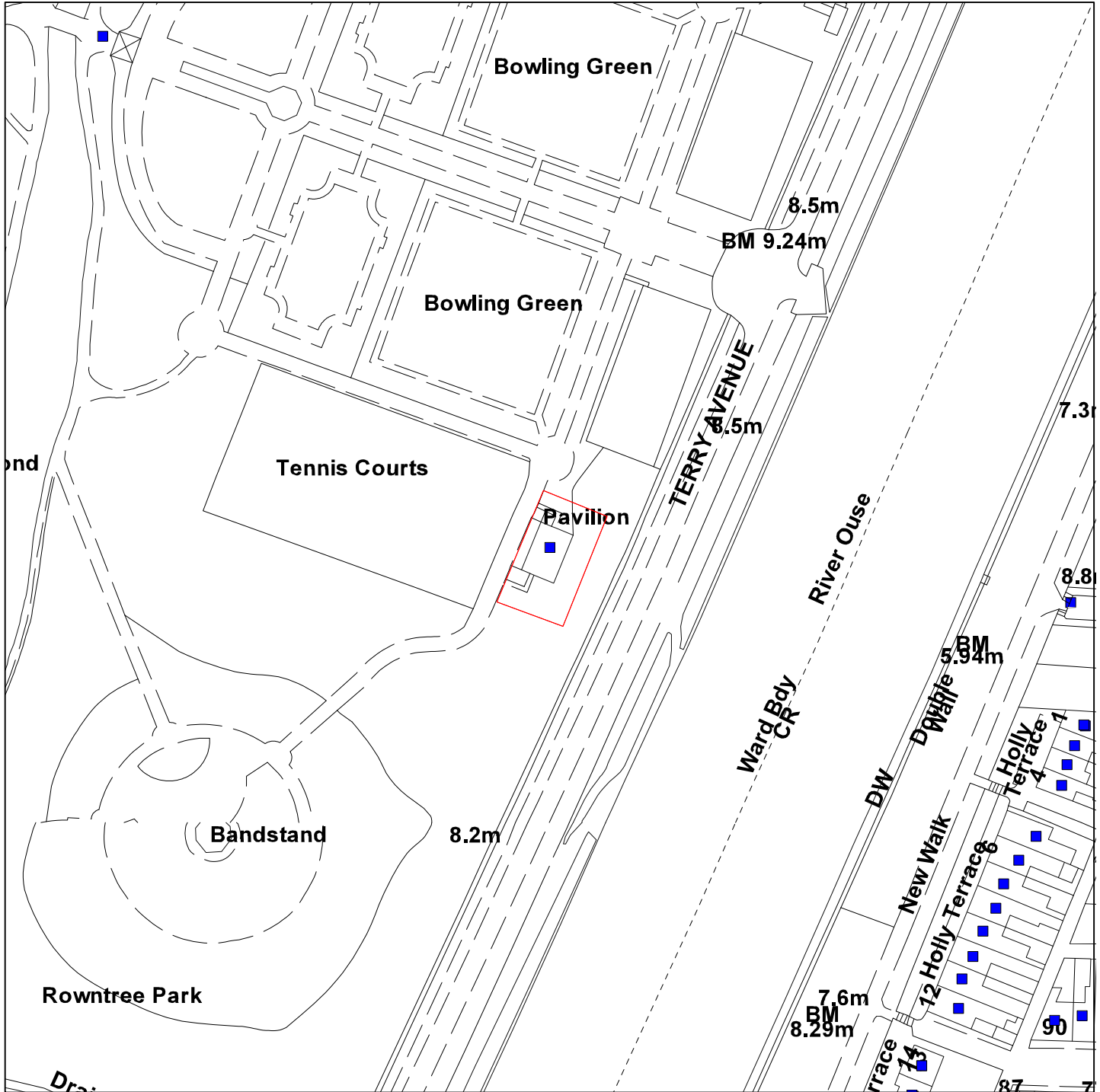
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Pavilion, Rowntree Park, Terry Avenue

09/00072/FUL



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	09 March 2009
SLA Number	Not Set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Holgate
Date: 19 March 2009 **Parish:** No Parish

Reference: 09/00118/FUL
Application at: Jorvik Racing 41 Bright Street York YO26 4XS
For: Change of use from betting shop to 2no. houses, with two-storey pitched roof rear extension and external alterations
By: Mr G Taylor
Application Type: Full Application
Target Date: 20 March 2009

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to a two-storey end terrace with a rear yard, which is located on the corner of Bright Street and Salisbury Terrace. The building was last used as a betting shop at ground floor level, with living accommodation above. The immediate surrounding area (Salisbury Terrace to the north, Kingsland Terrace to the east, Bright Street to the south and Bromley Street to the west) are all terraces of predominantly housing.

1.2 The site is located within flood zone 3, where the risk of flooding is high.

PROPOSALS

1.3 It is proposed to convert the existing building into two 2-bed houses. This would involve an extension to the existing rear outshot (around 2.2m by the width of the yard area) and external alterations relating to doors/windows as follows -

Bright Street

- Replace shop window with two windows to match those at first floor level, in terms of materials, size, style and detailing.
- Remove part of timber pediment, retaining it above the corner entrance.

Salisbury Terrace

- Front entrance door for unit 2.
- New window on rear extension.

1.4 A rear yard area would be retained, primarily for the storage of bins and cycles.

SITE HISTORY

1.5 Planning permission was granted to use the first floor of the premises as residential in 1986 (application number 7/01/5834/PA).

REASON FOR COMMITTEE

1.6 The application is brought to planning committee at the request of Councillor Bowgett, on the grounds of overdevelopment.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary : York City Boundary 0001

DC Area Teams : West Area 0004

Schools : St. Barnabas' CE Primary 0224

York North West Boundary : York North West Boundary CONF

2.2 Policies:

CYGP4A Sustainability

CYGP10 Subdivision of gardens and infill development

CYH4A Housing Windfalls

CYGP1 Design

CYH5A Residential Density

CYL1C Provision of New Open Space in Development

CYGP15 Protection from flooding

CYS9 No loss of local or village shops

3.0 CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 No objection. Although there are no on-site parking facilities, there is on-street parking available, the site is close to the city centre and has good transport links. It is also considered there would be an overall reduction in traffic connected with the site, due to the proposed change of use from betting shop to residential.

LIFELONG LEARNING AND CULTURE

3.2 As there is no on-site open space commuted sums should be paid to the Council for amenity open space - which would be used to improve a local site such as Victoria park or back park, play space - which would be used to improve a local site such as Back park and sports pitches - which would be used to improve a facility within the West Zone of the Sport and Active Leisure Strategy.

ENVIRONMENT AGENCY

3.3 No objection in principle. Should permission be granted the measures detailed in the supplied flood risk assessment should be implemented, i.e. flood proof construction measures implemented and a place for safety provided at first floor level. Ask that there be no discharge of foul or contaminated drainage from the site into either groundwater or surface water. To prevent pollution of the water environment.

PUBLICITY

3.4 The application was publicised by site notice and letters of neighbour notification. The deadline for original comment was 4.3.09. The occupants of 206, 208 and 210 Salisbury Terrace have been notified of the revised plan and given until 18 March to comment. An objection has been made by Councillor Simpson-Laing on the grounds of overdevelopment of the site and lack of amenity space.

4.0 APPRAISAL

4.1 Key issues

- Principle of development
- Design
- Residential amenity
- Flood risk
- Sustainability
- Highway safety

PRINCIPLE OF DEVELOPMENT

4.2 H4a of the City of York Draft Local Plan states that proposals for residential development on land not already allocated on the proposals map will be granted permission where: the site is within the urban area and is vacant, underused or it involves infilling, redevelopment or conversion of existing buildings; the site has good accessibility to jobs, shops and services; and it is of an appropriate scale and density to surrounding development and it would not have a detrimental impact on existing landscape features.

4.3 The application relates to previously developed land in an urban area, with services and transport links. The proposed development requires an extension of appropriate scale and design to the host building, which would be in-keeping with the character and appearance of the area. Overall the site is one where re-development is deemed appropriate by policy H4a.

4.4 Policy S9 relates to the loss of local shops. It states that permission will only be granted for a change of use where it can be demonstrated that a need for the shopping facility no longer exists, or where appropriate facilities exist within the local area.

4.5 The ground floor of the application site was last used as a betting shop, the applicants advise it has been vacant for 9 years. Although there are no other betting shops immediately nearby, there remain around 10 premises, which provide local goods and services within 200m distance of the application site. As such it is considered the loss of this premises, which could be used as either retail (class A1) or financial/professional services (A2) would not lead to a lack of local facilities in the area.

DESIGN

4.6 Local Plan policy GP1 Refers to design, for all types of development. It states that development proposals will be expected to, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with the surrounding area; use appropriate materials; avoid the loss of open spaces, vegetation and other features which contribute to the quality of the local environment; retain, enhance, or create urban spaces; provide and protect amenity space; provide space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from overdominant structures.

4.7 Local Plan policy GP10 relates to sub-divisions and infill development. It states permission will only be granted for sub-division or infilling to provide new development where this would not be detrimental to the character and amenity of the local environment. The policy advises that the space between and around existing buildings often contributes significantly to the character of an area and residential amenity. When considering applications for development of small infill sites or existing gardens regard will be given to the impact of the proposal on the surrounding area and overdevelopment would be resisted.

4.8 H5a states the scale and design of proposed residential developments should be compatible with the surrounding area and must not harm local amenity. It also recommends that development in urban areas should be a minimum of 40 dwellings per hectare.

4.9 The proposed 2 houses would provide 48 and 49 sq m floorspace each. Around 10 sq m is retained onsite as outdoor space. The site is within a terrace where typically each house has an outside yard. Along this side of Bright Street back yards range in size from 7 sq m to 26 sq m. It is common for end terraces to front onto both elevations facing the highway, due to the scale of the extension proposed it would maintain a balance between developing the corner plot to gain a street presence and retaining adequate openness between Bright Street and the opposite terrace; Kingsland Terrace. There would be no loss of garden/landscaped area that would detract from the setting.

4.10 The materials proposed on the extension are to match the existing building, the shape and detailing on/around the windows and doors are in-keeping with the host building and the surrounding area.

4.11 In accordance with policies GP1, GP10 and H5a of the Local Plan the proposed development would be compatible with the existing building and its surroundings, and not lead to overdevelopment of the plot.

RESIDENTIAL AMENITY

4.12 The standards expected regarding residential amenity are covered in policy GP1 of the Local Plan (see 4.4)

Future occupants

4.13 There would be adequate internal space, outlook and space for external storage of bins and cycles at the application site. There is no private outside space, although this is not required for all residential development as amenity space can alternatively be provided through a contribution - see para. 4.14. Overall the level of amenity for future occupants would be acceptable.

Amenity space

4.14 Policy L1c of the Local Plan states developments for all housing sites will be required to make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted sum payment will be required for off site provision.

4.15 The proposal involves the creation of one additional house overall. In accordance with policy the applicants agree to contribute £1,242 towards open space, this would be obtained through a condition were the application approved. The contribution would go toward local facilities, as listed in 3.2.

Neighbours

4.16 The application site is at the north end of a terrace. A 2.2m deep rear extension; to the east side of the building is proposed. As a consequence of the extension the rear building line of the host building would be some 4.5m beyond that of no.40. The eaves and ridge levels on the rear outshot are set-down from those on the main house, to the extent that the ridge level is around 1.7m lower.

4.17 As the host is to the north, no loss of light would occur over the neighbour, no.40. The only first floor window on no.40 is around 1.5m away from the proposed extension. The extension proposed, due to its size and height, and as there are only single storey outshots at the neighbour on the other side (no.39) would not be unduly overbearing or overdominant over the neighbouring dwellinghouse.

4.18 An additional window is proposed on the north elevation, facing across Salisbury Terrace. The separation distance between this window and the houses across the road would be as per those existing and no further overlooking would occur as a consequence of the proposed development.

4.19 In accordance with policy GP1 of the Local Plan the development would not have a material impact on amenity.

SUSTAINABILITY

4.20 It is a requirement of policy GP4a of the Local Plan that a sustainability statement is submitted with development proposals. The development should meet the requirements of the Council's planning guidance Interim Planning Statement

(IPS) on Sustainable Design and Construction. The IPS recognises that the re-use of existing buildings can be the most sustainable option. For conversions developments should meet the minimum standards on energy and water use, pollution, renewable energy and recycling. It is requested by the IPS that developments generate at least 5% of their expected energy demand for the development.

Energy use

4.21 The development would conserve energy through:

- Insulation of walls, roof and windows
- Micro combined heating and power units
- Low energy lighting

Water use

4.22 Due to the size of the site, and as it only has a small yard area there is limited scope for rainwater harvesting systems. Water efficient appliances will be installed in bathrooms and kitchens.

Waste reduction

4.23 Waste recycling facilities will be provided onsite.

Pollution

4.24 The extension would be of brick and slate externally, with timber windows and sheepswool insulation. Bricks are re-useable and durable; sheepswool and slate tiles also have low embodied energy and are recyclable.

Renewable energy

4.25 The applicant has agreed to install panels on the roof that would provide renewable energy for the proposed development.

FLOOD RISK

4.26 The application site falls within Flood Zone 3, were the risk of flooding is high (annual probability of 1%). According to PPS25: Development and Flood Risk, a dwellinghouse is classed as a "more vulnerable" form of development. As such the proposal should pass the exception test. To pass the exception test the development is expected to -

- a. Provide wider sustainability benefits
- b. Be located on previously developed land
- c. Be safe, without increasing flood risk elsewhere

4.27 Policy GP15a of the Draft Local Plan requires that the proposal demonstrates any flood risk will be appropriately managed with the minimum environmental effect and ensure that the site can be developed, serviced and occupied safely. The use of sustainable drainage, to reduce surface water run-off is encouraged. Discharges from the development should not exceed the capacity of existing/proposed receiving sewers and run-off should not exceed levels of pre-development run-off.

4.28 The proposed development is on previously developed land in a built up area, with services and transport links within walking distance. The development would also bring the site back into occupation and update its external appearance. As such it is considered the proposal meets requirements a and b of the exception test. The submitted Flood Risk Assessment (FRA) advises the development would be safe, using materials and insulation techniques that are flood proof/resistant and providing a first floor level where occupants can retreat if flooding were to occur. The development would not lead to a loss in permeable surface area. Surface water run-off would not be significantly affected, given this, and the scale of the development, there would not be a material change to the flood risk elsewhere. As such criteria c of the exception test is also met.

4.29 Overall the exception test is met, as required by PPS25 and in accordance with GP15 of the Local Plan, the development would be safe and would not materially increase flood risk elsewhere.

HIGHWAY SAFETY

4.30 Parking would be on-street as per the houses in the surrounding area. Cycle parking will be provided in the rear yard area. The application does not raise any highway safety issues.

5.0 CONCLUSION

5.1 The proposed development is considered to be acceptable in principle, the design complies with the criteria set in GP1, GP10 and H5, in accordance with GP15 the development would be safe from flooding and would not increase risk elsewhere, the development has considered sustainable construction techniques and there are no highway safety concerns.

5.2 Conditions are required over the design, materials, privacy, provision of cycle storage, a contribution toward open space and drainage. Otherwise the scheme is acceptable.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Proposed plans and elevations 08:76:01 B
Updated sustainability statement ref 08:76 dated 13.2.09.
Flood risk assessment dated 19.1.09.

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 TIME2 Development start within three years

3 VISQ1 Matching materials

4 The proposed windows, their cills and surrounding details shall be to match those existing in all respects, i.e. timber framed windows with sliding type openings.

Reason: To ensure an acceptable and consistent appearance.

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

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

6 Covered and secure cycle storage shall be provided as shown on the approved plans and retained at all times.

Reason: To promote sustainable modes of transport in accordance with policies GP4a and T4 of the City of York Draft Local Plan.

7 S106OS IN Section 106 Open Space - 1,242

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 design, amenity, highway safety and flood risk.

The proposal complies with Policies GP1, GP4A, GP10, GP15, H4A, H5A, L1C and S9 of the City of York Local Plan Deposit Draft.

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09/00118/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	09 March 2009
SLA Number	Not Set

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COMMITTEE REPORT**Committee:** West/Centre Area**Ward:** Micklegate**Date:** 19 March 2009**Parish:** Micklegate Planning Panel**Reference:** 09/00031/FULM**Application at:** The Bonding Warehouse Terry Avenue York YO1 6DH**For:** Use as office (B1 use) with 2no apartments in roof space with new mansard roof to southern building, erection of stair and lift access tower in courtyard and bridge link to Skeldergate (revised scheme)**By:** Mr W Legard**Application Type:** Major Full Application (13 weeks)**Target Date:** 9 April 2009**1.0 PROPOSAL**

1.1 The Bonding Warehouse is one of the few surviving warehouses on the west bank of the River Ouse and as such it marks the earlier industrial and commercial role of former wharfs in this area. From the late medieval period, the south west bank of the Ouse was one of the principal dock areas of York. The building itself was built around 1875 by the Corporation of York, replacing an earlier smaller warehouse which had been built over the line of the former medieval city wall. It pre-dates Skeldergate Bridge by less than 10 years. Both structures are listed grade II and are situated within the Central Historic Core conservation area.

1.2 The warehouse is L-shaped on plan encompassing a yard enclosed by walls, gate-piers and railings which are also mentioned in the list title. There are two sections of different heights (3 storeys and 2 storeys) with separate roof forms. Cast iron columns support the open floor spans and the lower floors have brick vaulted fire-proof construction. The river frontage has been designed as the principal architectural frontage, forming the river wall at its base.

1.3 Planning permission and listed building consent were granted on 13th March 2008 for the conversion of the ground floor of the building to offices and the conversion of the upper floors into residential use (9 flats). As part of these consents, permission was also granted for the construction of a new mansard roof to the southern wing of the building, the erection of a stair and lift tower within the building courtyard to Terry Avenue and a bridge link to Skeldergate to facilitate access and exit in time of flood.

1.4 In view of the current economic climate, this revised application seeks to use the ground, first and second floors of the building for office use with the upper second floor on the northern wing of the building retained for residential use (2 flats). The application submission includes elements of alterations/uses that were granted consent last year but they have been included in this application in the interests of clarification of the overall scheme. Work is ongoing on site to carry out the external

physical improvement and extension works to the building in accordance with the 2008 permissions.

1.5 An associated listed building consent application (09/00150/LBC) is reported elsewhere on this agenda.

1.6 In terms of planning history, the building was converted for use as a restaurant and pub in the early 1980s. External alterations dating from this time include reopening the previously blocked windows of the lower section, adding external platforms and balconies to the river frontage and altering the access off Terry Avenue. Planning permission for the conversion of the building into offices was granted in 1994 (ref:7/009/02218G/FUL) but not implemented. The use of the building as a bar ceased in 2000 following the flooding of the building and it has remained unoccupied since then.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest : City Centre Area 0006

Conservation Area : Central Historic Core 0038

City Boundary : York City Boundary 0001

DC Area Teams : Central Area 0002

Listed Buildings : Grade 2; Skeldergate Bridge, Tollhouse, Walls And Steps

Listed Buildings : Grade 2; Skeldergate Bridge And Tollhouse, Walls And Steps 0934

Listed Buildings : Grade 2; The Bonding Warehouse Skeldegate York YO1 6DH 0926

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYGP15
Protection from flooding

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYHE4
Listed Buildings

CYT4
Cycle parking standards

CYH9
loss of dwellings or housing land

CYE7
B1 office devt in Existing Buildings

CYL1C
Provision of New Open Space in Development

CYHE10
Archaeology

CYH1
Housing Allocations

3.0 CONSULTATIONS

INTERNAL

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

Conservation Architect

3.1 The building has been unoccupied since 2000 having been susceptible to intermittent flooding. As it is not possible to raise the internal ground floor above the anticipated flood level without losing a viable storey height, a recent scheme of tanking has been implemented. Also the roof of the northern section was recently recovered as it had been in a poor state of repair. These have been the first steps in securing a long term future for the building.

3.2 The external appearance of the building would remain largely as detailed in the approved scheme and therefore the following comments relate to the impact of the proposal on the character and appearance of the Conservation Area.

3.3 Justification is sought for the additional floor over Building B (the 2 storey section of building). The proposed new roof would not be higher than the existing ridge height but it would be more bulky. The new stair tower, escape bridge and

alterations to the yard are as previously approved and the previous justification remains. It is queried whether the escape route would be necessary if the apartments were to be removed from the scheme.

3.4 Further information is requested with regards to the alterations to the balconies and revised plans are requested showing the elevations of Block B to be compatible with the upper second floor plan and showing the retention of the "taking in" doors and the hoist.

3.5 Subject to these considerations being resolved, it is considered that the minor adverse effect on the appearance of the conservation area, caused by the Environment Agency's requirement for the new bridge and platform access arrangement, would be compensated by the building being returned to active use

Countryside Officer

3.6 A full bat survey was carried out for the property in August 2007 and whilst no evidence of bats using the building was found at the time of survey, the building does have potential for roosting bats and there was also a lot of bat activity in the surrounding area. A recommendation of the bat survey is that features be incorporated into the building to enhance its value for bats. Suggest a condition to cover this aspect.

Sustainability Officer

(In response to the sustainability statement)

3.7 The Interim Planning Statement (IPS) should be adhered to for all new applications. Listed buildings are not exempt from this just special care should be considered. If the technology needed to generate the 10% target adversely affects the building and contradicts conservation policy, the applicant might be able to install smaller scale, discrete solutions that might not achieve the full 10% but would still contribute something towards the target.

3.8 A more detailed account/evaluation of the variety of renewable energy source(s) considered for this specific site, and details of why the renewable energy technologies were considered unviable for inclusion in this scheme is requested. The applicants are also asked to look at what is achievable and suitable for the site.

3.9 A supplementary statement has been submitted in response to the above comments. The views of the Sustainability Officer in relation to this statement will be reported at the Meeting.

ENVIRONMENTAL PROTECTION UNIT

3.10 No objections. In the past, EPU have dealt with complaints about noise and odour from the boats on the river from residents in properties located close to the River Ouse. Whilst none of the complaints constituted a statutory nuisance under the Environmental Protection Act 1990, a condition is recommended to ensure the future residents of the building do not suffer a loss of amenity due to the river traffic or road traffic noise on Skeldergate bridge. A condition to require details of all plant

and machinery to be installed to ensure a loss of amenity within the residential and business units is prevented, is also recommended.

3.11 It is suggested that as the property lies close to the Air Quality Management Area (AQMA) there be limited parking facilities associated with this development.

HIGHWAY NETWORK MANAGEMENT

3.12 No objections to the principle of this development however it is requested that the scheme be amended in line with the following points:

- (i) The application states that 42 cycle parking spaces are to be provided but only 23 are shown. There is no apparent segregation between residents and employees.
- (ii) Although the application is considered speculative, it is anticipated that the increased employment use would be likely to require a minimum of two disabled parking spaces to comply with the D.D.A. The spaces should be adjacent to the entrance ramps for convenience.
- (iii) No gradients are shown for the entrance ramps. It is recommended that they comply with the preferred minimum dimensions for disabled access; these being a maximum gradient of 1:20.
- (iv) A Travel Plan condition is recommended.
- (v) The positioning of the refuse bins obstructs the cycle parking. Consideration should be given to the bins being stored adjacent to the main entrance.

EXTERNAL

BRITISH WATERWAYS

3.13 No impact on the waterway.

CONSERVATION AREA ADVISORY PANEL

3.14 The panel supported the revised proposals for additional office space on three floors, which would enable the retention of more open space within the building than previous proposals.

ENVIRONMENT AGENCY

3.15 No objection providing that the measures, as detailed in the Flood Risk Assessment, are implemented and secured by means of conditions on the planning permission.

ENGLISH HERITAGE

3.16 The applications should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

POLICE ARCHITECTURAL LIAISON OFFICER

3.17 No comments to make.

MICKLEGATE PLANNING PANEL

3.18 No objections

4.0 APPRAISAL

KEY ISSUES

4.1 The main planning issues with this application are :

Acceptability of the proposed uses
Impact on the listed building and the conservation area
Highways
Living conditions of nearby residents
Flood Risk
Sustainable Design and Construction
Bats
Open Space Contributions

PROPOSED USES

4.2 The application site is allocated for residential development under policy H1.30 of the Local Plan. This estimates that the capacity of the site is 20 dwellings and as such, suggests an indicative affordable housing target of 10. Given that the application proposes only two dwellings ((which is below the affordable housing threshold as set out in policy H2a), Policy H9 (Loss of Dwellings or Housing Land) is relevant. Policy H9 contains a general presumption against the loss of allocated housing land however notes that exceptions can be made in circumstances where an appropriate use is needed to conserve a historic building. Given the circumstances of the site and the fact that the building is located within the defined limits of the city centre, it is considered appropriate to consider a range of potential uses, which enhance the attractiveness and vibrancy of the centre in light of the conservation requirement to find the optimum viable use. The Council's "Planning Statement: Bonding Warehouse, Skeldergate, York" (December 2006), although not formally approved by the Council but prepared as advice to potential developers, indicates that it would be supportive of employment uses.

4.3 The ground, first and second floors of the building are proposed to be used for Class B1 office use with the development providing 2400 square metres of office space. The proposed office use is acceptable when assessed against policy E7 which states that permission will be granted at first floor level or above for B1 (Office) uses in York City Centre and B1 uses at ground floor level will be permitted where it would not harm the vitality and viability of the City Centre.

IMPACT ON THE CONSERVATION AREA AND LISTED BUILDING

4.4 Policy HE4 of the City of York Deposit Draft Local Plan relates specifically to listed buildings and states that consent will only be granted for development involving internal alterations where there is no adverse effect on the character, appearance or setting of the building. Policy HE2 requires that development

proposals within conservation areas must respect adjacent buildings, open spaces, landmarks and settings and that proposals must maintain or enhance existing urban spaces, views and other townscape elements which contribute to the character and appearance of the area.

4.5 Central Government advice in relation to listed building control is contained within Planning Policy Guidance Note 15: "Planning and the Historic Environment" (PPG15). This states that while the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". PPG15 states that generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. It also states that many listed buildings can sustain some degree of sensitive alteration or extension to accommodate continuing or new uses.

4.6 The current proposal is for open plan offices on the ground, first and second floors and for two apartments in the attic. The external appearance of the building would remain largely as detailed in the approved scheme however justification is sought for the alterations to the roof on the two storey section of the building to create an additional floor, on the basis that this is a predominantly office rather than a residential scheme. The work involves the removal of the existing roof and its replacement with a mansard roof structure. This roof would not be higher than the existing ridge height but would be more bulky in appearance than the existing. These alterations were justified in the approved scheme on viability grounds and the need to maximise useable floor space.

4.7 Together with a justification for the alterations to the roof, further details in relation to the balconies and for confirmation of the retention of the "taking in" doors and the hoist, have been requested. Members will be updated at the Meeting.

4.8 The building is an important component of the riverside environment and this scheme would appear to create a viable use for the building. Subject to the receipt of satisfactory additional/amended information, Officers consider that the minor adverse effect on the appearance of the conservation area would be compensated by the return of the building to active use.

HIGHWAYS

4.9 As per the approved scheme, the existing vehicle access would be relocated away from the junction of Terry Avenue with Skeldergate and 9 parking spaces would be provided. Highways have raised concern that the gradient of the entrance ramp does not comply with the preferred minimum dimensions for disabled access. Whilst it is noted that the ramp is as approved in the "residential" scheme, the agent has responded with a supplementary statement confirming that the ramp has been designed so that the recommended distances between landing areas are achieved and that ramps running between these landing areas have gradients of 1:10.5. The agent states that to achieve a gradient of 1:20, the ramp would need to extend for a length of 22.9 metres, excluding landings. This would result in three lengths of ramp doubling back on each other and occupying the area currently allocated for four car

parking spaces, which would impact on the setting of this part of the listed building. Comments from Building Control are awaited.

4.10 Two disabled parking spaces adjacent to the ramped access together with an increased number of cycle spaces and the repositioning of the refuse bins are expected to be detailed on a revised plan. An update on the highway aspects of the application will be reported at the meeting.

LIVING CONDITIONS OF NEARBY RESIDENTS

4.11 The nearest residential properties are within City Mills adjacent to the site and within Lady Anne Court (Middleton, Boleyn and Clifford House) to the west across Skeldergate. It is unlikely that the proposed uses will have any detrimental impact on properties within these developments and no comments have been received from local residents. The proposals are considered to comply with the provisions of policy GP1 in this regard.

BATS

4.12 The Bat Survey submitted with the previous scheme recorded significant bat activity in the vicinity of the site, but there was no evidence that bats were using the building or trees for roosting. Although there is no anticipated adverse impact on bats from the development, the survey recommends that bat access features be incorporated into the building during works because the building is ideally located to support roosting bats. Policy NE6 states that where proposals may have a significant effect on species or habitats, applicants will be expected to undertake an appropriate assessment demonstrating their proposed mitigation measures. Planning permission will only be granted for developments that would not cause demonstrable harm to animal or plant species protected by law, or their habitat. A condition is recommended and it is considered that the application is in accordance with policy NE6.

FLOOD RISK

4.13 The 2007 application for the conversion of the ground floor of the building to offices and the conversion of the upper floors into residential use (9 flats) was accompanied by a Flood Risk Assessment (dated February 2007). The FRA has been updated through a statement confirming that the resilience and resistance measures proposed in the FRA will remain the same with the increase in commercial uses.

4.14 The building is prone to flooding in times of high river levels. This is normally confined to the basement level but during the floods of November 2000, the ground floor flooded to a depth of about 0.5 metres. The building has been unused since. To address this issue, the ground floor has been sealed against water penetration by the construction of an internal concrete lining. These works were granted Listed Building Consent in November 2007. This provides flood protection to a level of 11.00 m AOD in line with the FRA recommendations.

4.15 As per the 2008 approval, it is proposed to retain the bi-fold bridge to enable access and exit to and from the building. This retractable bridge is acceptable to the Environment Agency and in conjunction with the other flood risk measures would satisfy the provisions of policy GP15a "Development and Flood Risk" and PPS25 "Planning and Flood Risk" which requires that any flood risk will be successfully managed with the minimum environmental effect and ensure that the site can be developed, serviced and occupied safely.

SUSTAINABLE DESIGN AND CONSTRUCTION

4.16 A sustainability statement and supplementary statement describing how the proposal fits with the criteria listed in Policy GP4a and the Interim Planning Statement : Sustainable Design and Construction, has been submitted. The statement explores the various options for the provision of on-site renewable energy; wind turbines, solar photovoltaic panels, solar thermal hot water and biomass boiler. The report concludes that the options for providing a proportion of renewable energy generated on site are limited as a result of the character and appearance of the listed building. Comments from the Council's Sustainability Officer in response to the supplementary sustainability statement will be reported at the meeting.

OPEN SPACE

4.17 Policy L1c of the Local Plan considers that all residents should have access to safe, attractive and useable public open space and the local plan strategy aims to promote accessible open space in new residential development. Where residential applications are for less than 10 dwellings, in most cases, a commuted sum payment towards open space provision will be acceptable. The developer has agreed to provide a contribution of £4308 towards local play, amenity and sports pitches. This is in accordance with the Council's "Commuted Sum Payments for Open Space in New Developments - A Guide for Developers" and policy L1c.

5.0 CONCLUSION

5.1 The principle of converting the ground floor of this building to offices and the upper floors into residential use and the physical alterations to construct a new mansard roof, to erect a stair and lift tower and to create a bridge link to Skeldergate, were established in 2008. Indeed work is ongoing on site to carry out the external physical improvement and extension works to the building in accordance with the 2008 permissions.

5.2 Central to this revised application therefore is the principle of creating office space on the first and second floors and reducing the number of residential units to two, together with the effect this would have on the appearance of the listed building and the setting of the Conservation Area.

5.3 The proposed office use would not be considered to harm the vitality and viability of the City Centre and instead would create a viable use for the building, which is an important component of the riverside environment. It would remove dereliction and provide new life in this area. Indeed by virtue of the proposed office use, this

scheme would allow a more open plan use of the space retaining the open character of the former use thereby lessening the impact on the fabric of the listed building.

5.4 In summary, the proposals are considered to have an acceptable impact on the listed building and the Conservation Area given the constraints of the site and are in compliance with the policies of the Local Plan and with guidance contained within PPG15 (Planning and the Historic Environment) and PPS25 (Development and Flood Risk).

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:-

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 development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

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

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £4308.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

4 No development shall take place until full details of what measures for bat mitigation and conservation are proposed have been submitted to and approved by the Council and a Natural England Licence approving these mitigation measures received. A copy of the Natural England licence should be supplied to the Council prior to any work taking place.

The measures should include :

i. An emergent survey shall be carried out at the appropriate time of year as approved by the local planning authority (if the work is to be carried out between April and September) and submitted to the Council no more than one month prior to the commencement of development.

ii. Details of how the work is to be implemented to take account of the possible presence of bats.

iii. Details of what provision is to be made within the development to enhance the features suitable for bat roosting. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards and bat lofts.

The works shall be completed in accordance with the approved details prior to the occupation of the accommodation and shall be retained unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To take account of and enhance habitat for a protected species in accordance with policy NE6 of the Development Control Local Plan and Planning Policy Statement 9 which requires that the replacement/mitigation proposed should provide a net gain in wildlife value.

Informative: If bats are discovered during the course of work, then work should cease and Natural England should be consulted before continuing.

5 Details of all machinery, plant and equipment to be installed in the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum ($L_{Amax}(f)$) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the proposed premises and those of nearby buildings.

6 The building envelope of the property shall be constructed so as to achieve an internal noise level of not more than 30 dB(A) L_{Aeq} 1 hour (23.00 - 07.00 hours) in the bedrooms, 35 dB(A) L_{Aeq} 1 hour (07.00 - 23.00 hours) in all other habitable rooms and 45 dB(A) L_{Amax} in all habitable rooms with windows shut and other means of ventilation provided. The detailed scheme shall be approved by the local

planning authority and fully implemented before the use hereby approved is constructed.

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

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

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

8 VISQ7 Sample panel ext materials to be approv

9 VISQ8 Samples of exterior materials to be app

10 Large scale details (1:20 and 1:5 as appropriate))of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the development and the works shall be carried out in accordance with the approved details.

- i) Glazed entrance area including main door
- ii) Stairtower, retractable bridge and walkway to Skeldergate including alteration and gate to Skeldergate Bridge wall
- iii) Alterations to balconies
- iv) New dormer windows
- v) Rooflights (to be conservation type sub-divided by two glazing bars)
- vi) All new windows and doors (scale 1:5)
- vii) Full sectional details and plans of the new mansard roof in relation to the parapet walls, gutters and the walls of Block A
- viii) Layout and details of the roof covering
- viv) New platform and ramp
- x) Yard ramp and balustrade
- xi) Alterations to the yard wall, piers and gates

Reason: Because of the special interest of the listed building and the character and appearance of the conservation area in accordance with policy HE2 and HE4 of the Local Plan.

11 The replacement entrance pillars shall match the existing in design and detailed execution and the existing coping stones shall be re-used.

Reason: Because of the special interest of the listed building and the character and appearance of the conservation area in accordance with policy HE2 and HE4 of the

Local Plan.

12 A sample panel of the roof material of the new mansard roof including standing seams shall be erected on the site, and shall be approved in writing by the Local Planning Authority prior to the commencement of works to construct the mansard. The mansard shall be 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.

13 Details of all external ductwork and pipework runs including external rainwater disposal and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

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

14 Prior to the development commencing, full details of the landscaping proposals showing levels, hard and soft materials, planting, external lighting and any other fixed artifacts shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the development.

15 The Maple to be removed shall be replaced with a tree in a location to be shown on a plan to be submitted and approved by the local planning authority (LPA). The replacement tree shall be to the following specification: heavy standard; minimum 12-14cm girth; 350-425cm height; min. 5 branches, with a strong, straight main leader. The tree species shall be *Acer platanoides* or other similar species agreed in writing with the LPA. The tree shall be planted within 6 months of completion of the development. If within a period of five years from the completion of the development, the tree dies, is removed or becomes seriously damaged or diseased, it shall be replaced in the next planting season with another of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: To perpetuate the tree cover that adds to the amenity value of the conservation area.

16 Before the commencement of development, including implementation of utilities, site preparation, building operations, any excavations, or the importing of materials, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing, phasing of works, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles,

storage of materials, and location of marketing cabin.

Reason: In the interest of the character and appearance of the conservation area.

17 ARCH2 Watching brief required

18 Prior to the commencement of any part of the development hereby permitted, full details shall be submitted to and approved in writing by the Local Planning Authority of the design, construction and method of operation of the emergency footbridge serving the site.

The bridge shall be fully retracted except when required by a flooding event.

Reason: In the interests of highway safety and the character and appearance of the conservation area and nearby listed buildings.

Informative: The details shall in all respects comply with the City of York Council Document "Technical Approval Procedures for Developers Structures".

19 HWAY10 Vehicular areas surfaced, details reqd

20 HWAY14 Access to be approved, details reqd

21 HWAY19 Car and cycle parking laid out

22 No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

23 Prior to the commencement of the development details of separate cycle parking areas and refuse storage areas for the office and residential elements of the development shall be submitted to and approved in writing by the local planning authority. The building shall not be occupied for each use until the approved cycle parking and refuse area has been provided for each use and the approved areas shall not be used for any purpose other than the parking of cycles or the storage of refuse as approved.

Reason: To promote the use of cycles thereby reducing congestion in the interests of residential amenity and environmental quality.

24 The site shall not be occupied until a Full Travel Plan has been submitted and approved in writing by the Local Planning Authority. The travel plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the Local Planning Authority. Results of

yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with advice contained in PPG13(Transport), and in policy T20 of the City of York deposit Draft Local Plan, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

25 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated February 2008 and additional detail in letter dated 122 February 2009 and the following mitigation measures detailed within the FRA:

Flood proofing measures detailed within the letter dated 12 February 2009

Reason: To reduce the impact of flooding on the proposed development and future occupants.

26 Flood warning notices shall be erected in numbers, positions and with wording all to be approved by the Local Planning Authority. The notices shall be kept legible and clear of obstruction.

Reason: To ensure that owners and occupiers of premises are aware that the land is at risk of flooding in accordance with policy GP15a of the Local Plan.

27 An evacuation procedure from the relevant parts of the development shall be submitted to and approved in writing by the Local Planning Authority and be in place before occupation of those parts of the building. Measures should be introduced to ensure the procedure remains operational for the lifetime of the development.

Reason: To ensure the users of the building remains 'safe' for its entire occupation, in line with PPS 25 and policy GP15a of the Local Plan.

28 The uses hereby permitted shall not be occupied until the footbridge has been constructed and is operational.

Reason; To ensure the users of the building remain "safe" for its entire occupation, in line with PPS25 and policy GP15a of the Local Plan.

7.0 INFORMATIVES: Notes to Applicant

1. In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the special interest of the listed building, the character and appearance of the conservation area, the living conditions of nearby residents, flood risk, protected species, highway safety and the provision of leisure,

open space and education facilities. As such the proposal complies with Policies GP1, GP15a, HE2, HE4, HE10, HE11, T4, H1, E7, ED4, L1c and NE6 of the City of York Local Plan Deposit Draft and the guidance contained in Planning Policy Guidance 15 (Planning and the Historic Environment) and Planning Policy Statement 25 (Development and Flood Risk).

2. An "oversailing licence" would be required for structures over the highway, further details of which can be obtained from Alistair Briggs 551368 (Highway Network Management - Traffic).

3. The Environment Agency is not objecting to this development because of the access route provided by the proposed bridge onto Skeldergate, as well as the various protection measures set out in the Flood Risk Assessment. However, the applicant is advised to ensure that the ground floor commercial area can be insured to be sure that the proposed use is sustainable. As explained in the FRA, the building has been empty since the 2000 flood because of the damage caused in that event.

4. The applicant / developer is advised to contact (Ken Fowler 0113 281 6875) in order to ensure that any necessary consents are obtained and that the works comply with British Waterways "Code of Practice for Works affecting British Waterways".

5. Demolition and Construction

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

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

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

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

ii. The work shall be carried out in such a manner so as to comply with the general

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

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

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

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

vi. There shall be no bonfires on the site.

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

Restriction on construction of bridges over highways - Section 176
Mr M Kitchen 01904 551336

Contact details:

Author: Rachel Tyas Development Control Officer
Tel No: 01904 551319

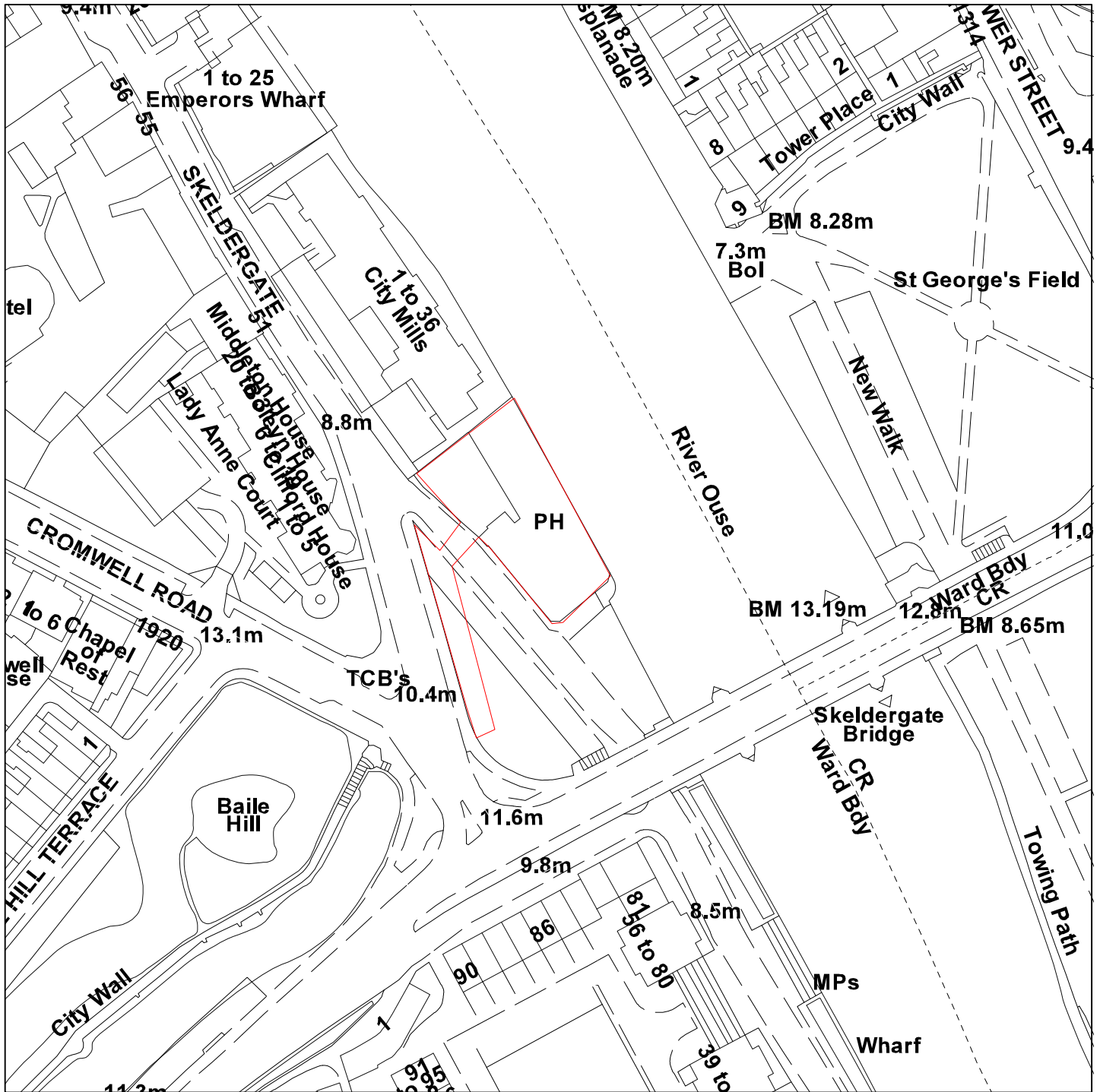
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Bonding Warehouse, Terry Avenue

09/00031/FULM



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	09 March 2009
SLA Number	Not Set

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COMMITTEE REPORT**Committee:** West/Centre Area**Ward:** Micklegate**Date:** 19 March 2009**Parish:** Micklegate Planning Panel**Reference:** 09/00150/LBC**Application at:** The Bonding Warehouse Terry Avenue York YO1 6DH**For:** Use as office (B1 use) with 2no apartments in roof space with new mansard roof to southern building, erection of stair and lift access tower in courtyard and bridge link to Skeldergate (revised scheme)**By:** Mr W Legard**Application Type:** Listed Building Consent**Target Date:** 5 March 2009**1.0 PROPOSAL**

1.1 The Bonding Warehouse is one of the few surviving warehouses on the west bank of the River Ouse and as such it marks the earlier industrial and commercial role of former wharfs in this area. From the late medieval period the south west bank of the Ouse was one of the principal dock areas of York. The building itself was built around 1875 by the Corporation of York, replacing an earlier smaller warehouse which had been built over the line of the former medieval city wall. It pre-dates Skeldergate Bridge by less than 10 years. Both structures are listed grade II and are situated within the Central Historic Core conservation area.

1.2 The warehouse is L-shaped on plan encompassing a yard enclosed by walls, gate-piers and railings which are also mentioned in the list title. There are two sections of different heights (3 storeys and 2 storeys) with separate roof forms. Cast iron columns support the open floor spans and the lower floors have brick vaulted fire-proof construction. The river frontage has been designed as the principal architectural frontage, forming the river wall at its base.

1.3 Listed Building Consent is sought for alterations in connection with the proposed conversion of the Bonding Warehouse to office and residential use (2 flats). The associated planning application (09/00031/FULM) is reported elsewhere on this agenda.

1.4 Planning permission and listed building consent were granted on 13th March 2008 for the conversion of the ground floor of the building to offices and the conversion of the upper floors into residential use (9 flats). As part of these consents, permission was granted for the construction of a new mansard roof to the southern wing of the building, the erection of a stair and lift tower within the building courtyard to Terry Avenue and a bridge link to Skeldergate to facilitate access and exit in time of flood.

1.5 This revised listed building application includes elements that were granted consent last year but have been included in this submission in the interests of

clarification of the overall scheme. Work is ongoing on site to carry out the external physical improvement and extension works to the building in accordance with the 2008 permissions.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Central Historic Core 0038

2.2 Policies:

CYHE4
Listed Buildings

3.0 CONSULTATIONS

INTERNAL

DESIGN CONSERVATION AND SUSTAINABLE DEVELOPMENT

Conservation Architect

3.1 In recent years structural strengthening has been carried out to the building using supplementary steel columns to improve load-bearing capacity as a warehouse, and there are extensive concrete works to consolidate the basement. Refurbishment in the 1980s led to its reuse as a restaurant and bar. Alterations dating from this time include reopening the previously blocked windows of the lower section, adding external platforms and balconies to the river frontage, and altering the access off Terry Avenue. Internally two additional staircases were added and there was minor subdivision to provide storage and other areas of ancillary use.

3.2 The building has been unoccupied since the late 1990's having been susceptible to intermittent flooding. As it is not possible to raise the internal ground floor above the anticipated flood level without losing a viable storey height, a recent scheme of tanking has been implemented. Also the roof of the northern section was recently recovered as it had been in a poor state of repair. These have been the first steps in securing a long term future for the building.

3.3 The principle of retaining more open plan accommodation within the building is welcomed, as it would retain the open character of the former use. Creating the accommodation within the attic would cause loss of the double height spaces characteristic of the existing lofty second floor of building A but this would be compensated by more open floors below. As detailed in the related planning

application report (09/00031/FULM), justification for the alterations to the roof over the 2 storey section of the building is requested.

3.4 The proposed internal layout would not allow for safe means of escape and lacks elegance in design. Officers are aware that building control would be prepared to relax the maximum distances for escape to a protected shaft to avoid altering the building further. The office floor plans should be reconsidered to achieve the necessary protection. Accommodation staircases allowing for flexibility of unit size should be incorporated in such a way as to have minimum impact on the structure as well as the character of the interior.

3.5 The existing built-in staircase against the river elevation is shown on the ground floor plan and has been omitted from the upper storeys. This staircase should be in active use in the new layout. With respects to the alterations to the balconies, this could be dealt with by means of condition if their design is to remain open and not significantly different to the existing. Details showing the retention of the "taking in" doors and the hoist are required together with plans showing how the trusses of Block A would be adapted to allow for circulation within the apartment. The layout of the apartments should be reconsidered to avoid doubling up of staircases.

3.6 Subject to these considerations being resolved, it is considered that the building could sustain the alterations without loss of its special architectural and historic interest. Any further comments to the anticipated revised plans will be reported at the Meeting.

EXTERNAL

CONSERVATION AREA ADVISORY PANEL

3.7 The panel supported the revised proposals for additional office space on three floors. which would enable the retention of more open space within the building than previous proposals.

ENGLISH HERITAGE

3.8 The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

MICKLEGATE PLANNING PANEL

3.9 No objections

4.0 APPRAISAL

4.1 Key Issues

- impact on the special architectural and historic character of the listed building.

4.2 Policy HE4 of the City of York Deposit Draft Local Plan relates specifically to listed buildings and states that consent will only be granted for development involving internal alterations where there is no adverse effect on the character, appearance or setting of the building.

4.3 Central Government advice in relation to listed building control is contained within Planning Policy Guidance Note 15: "Planning and the Historic Environment" (PPG15). This states that while the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". PPG15 states that generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. It also states that many listed buildings can sustain some degree of sensitive alteration or extension to accommodate continuing or new uses.

4.4 This report deals only with the internal alterations to the building. All other alterations are considered in the report on the planning application 09/00031/FULM elsewhere on this agenda. Furthermore it is noted that listed building consent was granted last year for the residential conversion and ground floor office scheme. These works are underway.

4.5 The proposal for open plan office accommodation on the ground, first and second floors is welcomed as it would retain the open character of the former use thereby lessening the impact on the fabric of the listed building. There are outstanding concerns relating to the proposed internal layout both in terms of design and means of escape. The applicant has been asked to reconsider the layout to ensure the necessary protection and to ensure that accommodation staircases are incorporated so as to have minimal impact on the structure as well as the character of the interior. As requested by the Conservation Architect, the applicant has agreed to incorporate the existing built in staircase to all floors, which is an improvement on the approved scheme.

4.6 With reference to the attic space, the submitted plans for the layout of the apartments detail a doubling up of staircases. The applicant has been asked to provide details showing how the trusses would be adapted to allow for improved circulation within the residential units.

5.0 CONCLUSION

5.1 The building is an important component of the riverside environment and this scheme would appear to create a viable use for the building. It would remove dereliction and provide new life in this area. Subject to the considerations detailed in the report being resolved, it is considered that the building is able to sustain the alterations without loss of its special architectural and historic interest. Indeed by virtue of the proposal for open plan office accommodation on the ground, first and second floors, this scheme would better retain the open character of the former use thereby lessening the impact on the fabric of the listed building. Alterations to the building appear to have been kept to a minimum compatible with practicality and viability and the scheme would appear to respect the special interest of the building.

The proposal is considered to accord with the provisions of policy HE4 and PPG15 "Planning and the Historic Environment"

6.0 RECOMMENDATION: Approve

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

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

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

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

3 All exposed brickwork shall remain exposed unless otherwise approved in writing by the local planning authority.

Reason: In order to retain the special interest of the listed building.

4 Details of all new equipment, service runs, cabling and vents shall be submitted to and approved in writing by the local planning authority prior to their installation.

Reason: In order to retain the special interest of the listed building.

5 A Level 1 photographic record of the interior shall be carried out prior to the commencement of any development at the site and cross referenced to plans. Particular attention is drawn to ;

- i/ Cast iron pivot jib
- ii/ Metal chute

Two hard copies of the document and one CD copy shall be sent to the local planning authority for records purposes.

Reason: To retain a record of those items that are to be removed in order to retain details of the special interest of the building.

6 A schedule of internal finishes and fittings and external doors including "taking in" doors and flood gates shall be submitted to and approved in writing by the local planning authority prior to the commencement of the relevant part of the

development and shall be implemented in accordance with the approved details. The schedule shall include specific details at reveals and other special locations such as around columns.

Reason: In order to protect the special interest of the listed building.

7 Large scale details (1:20 and 1:5 as appropriate) of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the development and the works shall be carried out in accordance with the approved details.

- i) Glazed entrance area including main door
- ii) Stairtower, retractable bridge and walkway to Skeldergate including alteration and gate to Skeldergate Bridge wall
- iii) Alterations to balconies
- iv) New dormer windows
- v) Rooflights (to be conservation type sub-divided by two glazing bars)
- vi) All new windows and doors (scale 1:5)
- vii) Full sectional details and plans of the new mansard roof in relation to the parapet walls, gutters and the walls of Block A
- viii) Layout and details of the roof covering
- viv) New platform and ramp
- x) Yard ramp and balustrade
- xi) Alterations to the yard wall, piers and gates
- xii) Pressure equalization measures for lower windows
- xiii) New partitions and/or linings
- xiv) new staircases including any alteration to the surrounding fabric
- xv) any alterations to doors

Reason: Because of the special interest of the listed building and the character and appearance of the conservation area in accordance with policy HE2 and HE4 of the Local Plan.

8 A sample panel of the roof material of the new mansard roof including standing seams shall be erected on the site, and shall be approved in writing by the Local Planning Authority prior to the commencement of works to construct the mansard. The mansard shall be completed in accordance with the approved sample.

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

9 Details of all external ductwork and pipework runs including external rainwater disposal and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

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

10 Prior to the development commencing, full details of the landscaping

proposals showing levels, hard and soft materials, planting, external lighting and any other fixed artifacts shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the development.

11 VISQ8 Samples of exterior materials to be app

12 VISQ7 Sample panel ext materials to be approv

13 Details of any fire and acoustic separation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

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

14 New partitions shall be scribed around existing details.

Reason: In the interests of the character of the listed building.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the special interest of the listed building. As such the proposal complies with Policy HE4 of the City of York Local Plan Deposit Draft and the guidance contained in PPG15 "Planning and the Historic Environment".

Contact details:

Author: Rachel Tyas Development Control Officer
Tel No: 01904 551319

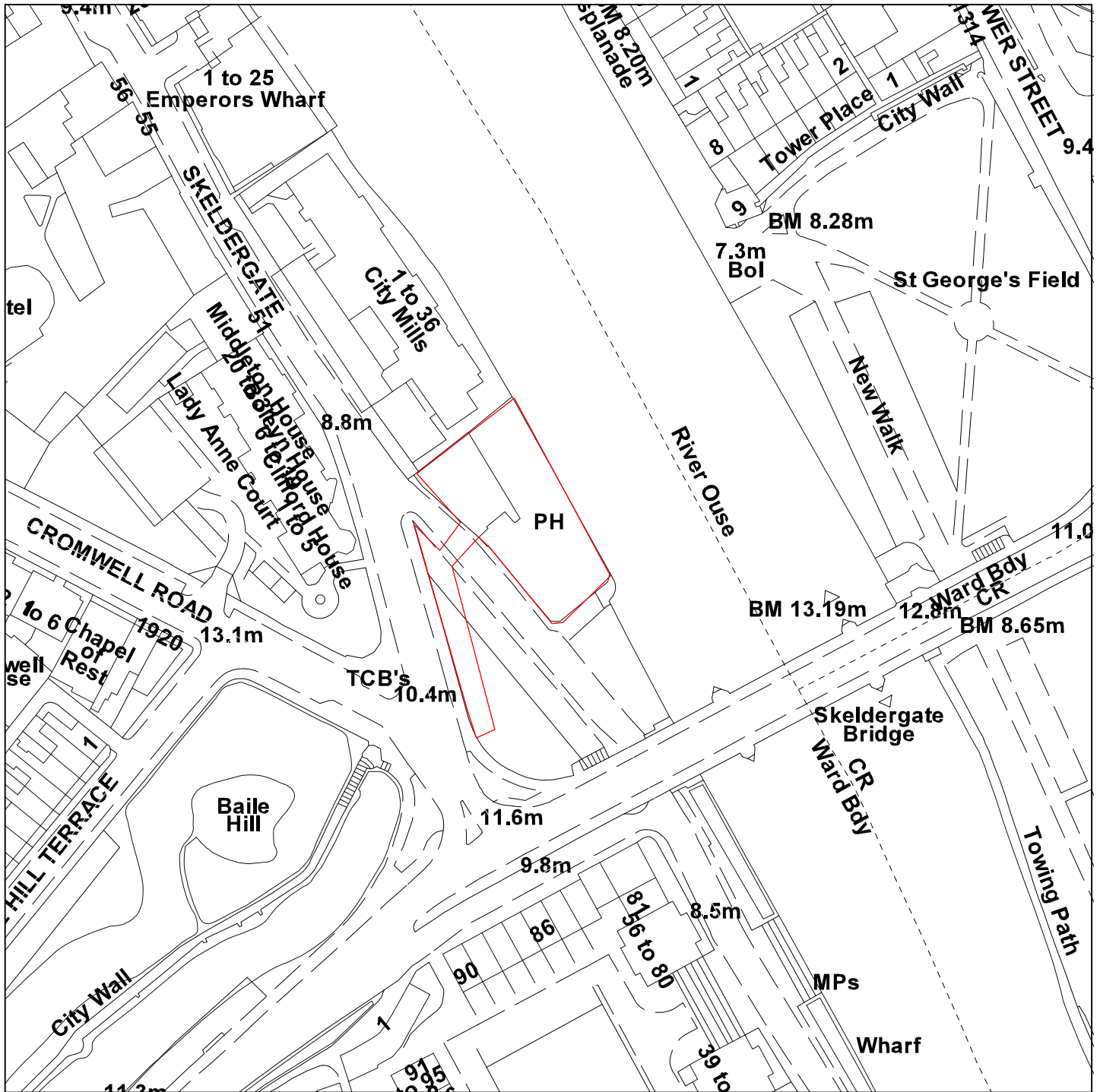
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Bonding Warehouse, Terry Avenue

09/00150/LBC



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	09 March 2009
SLA Number	Not Set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 19 March 2009 **Parish:** Guildhall Planning Panel

Reference: 09/00224/FUL
Application at: York Divan Centre 10 Clifford Street York YO1 9RD
For: Change of use from retail to restaurant with extract louvres at roof level
By: Mr Michael Grey
Application Type: Full Application
Target Date: 14 April 2009

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to 10 Clifford Street, which is located on the corner of Cumberland Street and Clifford Street. The building is grade II listed and in the Central Historic Core Conservation Area. The site was last used as a retail premises - York Divan Centre, but has been vacant for over a year.

PROPOSALS

1.2 Planning permission is sought for a change of use to restaurant, with storage in the basement, dining at ground and first floor levels, and kitchen/staff room at second floor level.

1.3 Externally changes are proposed to the shopfront and extraction flues would be installed in the roof, which are to be used in connection with the air-conditioning and kitchen extraction. Internal alterations are also proposed, which are also covered in a companion application for listed building consent (09/00228/LBC). The LBC application is waiting to be validated.

PLANNING HISTORY

1.4 An application to convert the upper floors of the premises to flats (07/02099/FUL) was refused in November 2007, on the grounds of inadequate amenity for future occupants, due to noise levels. The proposal, which involved installation of partition walls was considered to be acceptable in terms of impact on the listed building. An application for listed building consent for the works, 07/02100/LBC, was approved.

REASON FOR COMMITTEE

1.5 The application is brought to committee at the request of Councillor Watson on the grounds of impact on residential amenity.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest : City Centre Area 0006

Conservation Area : Central Historic Core 0038

City Boundary : York City Boundary 0001

DC Area Teams : Central Area 0002

Listed Buildings Multiple (Spatial)

2.2 Policies:

CYS5

Non-retail uses in shopping streets

CYS6

Control of food and drink (A3) uses

CYS7

Evening entertainment including A3/D2

CYHE3

Conservation Areas

CYHE4

Listed Buildings

CYGP15

Protection from flooding

CYSP7B

York City Centre and Central Shopping Area

3.0 CONSULTATIONS

CITY DEVELOPMENT

3.1 No response to date.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.2 No response to date.

ENVIRONMENTAL PROTECTION UNIT

3.3 No response to date.

HIGHWAY NETWORK MANAGEMENT

3.4 No response to date.

PLANNING PANEL

3.5 No response to date.

BRITISH WATERWAYS

3.6 No objection. Ask that the applicant be informed that the developers contact British Waterways to ensure any necessary consents are obtained from them and that the works comply with British Waterways code of practice.

PUBLICITY

3.7 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments will be 18.3.09. No representations have been made to date.

4.0 APPRAISAL

4.1 KEY ISSUES

Principle of the change of use
Impact on amenity
Special historic interest of the listed building
Character and appearance of the conservation area
Highway safety
Flood risk

PRINCIPLE OF THE CHANGE OF USE

4.2 The application site is within the central shopping area, as defined in the Local Plan. Policy SP7b of the Local Plan states that the central shopping area will be the main focus for commercial, leisure and tourism, and retail development. The policy seeks to continue to enhance the attractiveness and vibrancy of the centre, and promote accessibility by non-car modes of transport.

4.3 Clifford Street is not a primary shopping street. Policy S5 of the Local Plan states that in non-primary shopping streets, planning permission will be granted for Class A (shops, financial & professional, restaurants, drinking establishments and takeaways) uses at ground floor level where this would not harm the vitality of individual streets or the vitality and viability of the City Centre as a whole. The policy

acknowledges Central Government advice in Planning Policy Statement 6 that a more flexible approach in streets outside the Primary Shopping Area is appropriate. In particular, it accepts that different uses, during the day and in the evening, can complement and reinforce each other.

4.4 The application seeks permission for a restaurant with a bar downstairs for guests waiting to be seated. The site is at the edge of the shopping area, where planning policy established in PPS6, SP7 and S5 advises such uses are appropriate. The building is prominent, grade II listed and presently vacant. Bringing the building back into occupation would enhance the appearance, and vitality and viability of the city centre, also in accordance with the aforementioned policies.

IMPACT ON AMENITY

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

4.6 Policy S7 states that proposals for new leisure uses (including restaurants) that complement York City Centre will be permitted provided that there is no adverse cumulative effect on the vitality and viability of the Centre, and there is no adverse effect on residential amenity. It also asks that public order be addressed and that there are no additional pubs, clubs and takeaways on certain streets, including Low Ousegate which is nearby the application site.

4.7 Due to the location, scale and type of proposed development there would be no material adverse impact from traffic, noise, smell or litter.

4.8 Permission is sought to operate until 24:00 hours. On Clifford Street, and the streets which run down to the River Ouse there is a nightclub, taxi ranks and a number of bars/pubs, all of which operate beyond 24:00 hours. These premises, along with persons frequenting the facilities in the area and traffic on Clifford Street create noise disturbance. Allowing the premises to operate until 24:00 hours would not have a material impact on existing noise levels.

4.9 It is proposed to vent air-conditioning and kitchen extraction through the roof of the building. It can be secured by condition that smells are treated adequately and noise levels are acceptable, although due to the location of the extraction/ventilation it is unlikely nearby premises would be adversely affected.

4.10 Waste from the restaurant would be stored internally, there is a bin store proposed to the side of the second entrance and glass/bottles will be stored in the basement.

4.11 The proposed restaurant use accords with policies S6 and S7 in that it is unlikely that the use would raise security concerns. The required premises licence would also take steps in respect of such.

4.12 In accordance with policies S6 and S7 the proposed use would contribute positively to the vitality and viability of the city centre (see para. 4.4).

SPECIAL HISTORIC INTEREST OF THE LISTED BUILDING

4.13 The building is grade II listed. Policy HE4 of the Local Plan states that listed building consent will only be granted when there is no adverse effect on the character, appearance or setting of the building.

4.14 PPG15 Planning and the Historic Environment advises that applications for listed building consent must be able to justify their proposals. They will need to show why works which would affect the character of a listed building would be desirable or necessary. PPG15 also acknowledges that it is the role of the planning system to strike a balance between promoting sustainable economic growth, making provision for development to meet the economic and social needs of the community and ... preserving the built and natural heritage. It advises that generally the best way of securing the up-keep of the building is by keeping it in active use.

4.15 The alterations required to convert the building are as follows -

- Install a dumb waiter from top floor kitchen down to the basement.
- Remove the lift shaft currently located behind (the redundant) Cumberland St entrance.
- Locate services (bin storage at ground floor level, service void accommodating air-conditioning on the floors above) in a partitioned area to the left hand side of the Cumberland Street entrance.

Ground floor

- Re-use the side entrance, which will provide a means of escape from the upper floors. Partition walls around proposed toilet.
- Remove the suspended ceiling

First floor

- Partition walls installed around the proposed toilets and lobby area outside the stairwell.
- Remove walls around corner office.

Second Floor

- Install/remove partition walls around the lobby, changing area, toilets and corner office.

Roof

- Kitchen extract and air conditioning plant housed in roofspace, extract through roof.

Shopfront

- Re-expose pilasters at each side of corner entrance and frieze course below the cornice.

4.16 In accordance with PPG15 the works proposed are justified as they are necessary to provide a restaurant which meets modern requirements in terms of customer comfort, fire safety, building regulations and inclusive access. They also allow each floor of the listed building to be in active use, which is a prudent use of the building, and will aid in its continued up-keep and good health.

4.17 Most of the original features inside the building have been lost. Two which remain, the internal stair and the roof trusses will be retained. The internal alterations involve works to partition walls which would be reversible and can be controlled so they would not damage any cornices or similar detail which may remain - this will be a requirement of the companion listed building consent application. The listed building consent granted in 2007 for the proposed conversion of the building to flats included the installation of partition walls to the upper floors and was supported by conservation officers.

4.18 The dumb waiter and service voids would go through the floors (first to roof) although these (x3) are only around 500mm in diameter each, and would not cause undue harm the historic/architectural interest of the building.

4.19 The external shopfront detail would be altered by restoring two pilasters, the frieze (vertical stone band) below the cornice and reducing the depth of the fascia panel. These alterations would remove unsympathetic alterations and enhance the appearance of the listed building, as its (originally intended) vertical emphasis would be restored and the depth of the fascia better related to the proportions of the building. Some lighting is also annotated on the proposed plans. This appears prominent and cluttered, and would detract from the appearance of the building. This will be dealt with in applications for listed building and advertisement consent.

4.20 The roof alterations are minor and would not have a material visual impact.

4.21 The internal alterations will be covered in further depth in the application for listed building consent, which is awaiting validation. Although comment from conservation officers is yet to be received (committee to be updated), it is considered the change of use can be accommodated in the building without causing harm to fabric of historic or architectural importance.

CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

4.22 The site is within a designated conservation area (Central Historic Core). Within such areas, the Council has a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area. Policy HE3 of the Local Plan states that within Conservation Areas, proposals will only be permitted where there is no adverse effect on the character or appearance of the area.

4.23 The extraction/ventilation proposal involves alterations/additions to the building at high level on the gable and to the roof. These changes due to their scale, design and location would not have a material impact on the conservation area.

4.24 The proposed alterations to the shopfront and its surrounds are explained in 4.49. In accordance with policy HE3, the proposals would enhance the appearance of the conservation area.

HIGHWAY SAFETY

4.25 It is expected that delivery vehicles would service the building from Cumberland Street. There is a service hatch into the proposed basement storage area at this side of the site. Due to the scale of the development deliveries would not unduly harm highway or pedestrian safety.

4.26 There is no space associated with the site for cycle or vehicle parking. Due to the city centre location, adequate facilities are available within walking distance.

FLOOD RISK

4.27 The application site falls within an area where the risk of flooding is low to medium (flood zone 2). Both restaurants and shops are classified in PPS25: Development and Flood Risk as less vulnerable uses, which are appropriate in flood zone 2. In accordance with policy GP15 of the Local Plan the proposal should be safe from flooding and not create additional flood risk.

4.28 The development is likely to be safe as the ground floor level is at 13.14 AOD, which is above the predicted flood level which is (taking into account climate change) 12.5 AOD.

4.29 As renovation of the premises is proposed, flood resilient measures can be built into the proposed use, for example using flood resilient floors and walls and fitting electrical appliances significantly above ground level.

4.30 Surface water run-off would be as existing as the application relates to the conversion of a building only. As such there would be no material impact on flood risk elsewhere.

5.0 CONCLUSION

5.1 The development is acceptable in principle, it would maintain levels of amenity and enhance the appearance of the conservation area. It is considered that the proposals are sympathetic to the listed building and will be scrutinised in more detail in the companion listed building application. There would be no adverse impact regarding highway safety and flood risk. Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 PLANS1 Approved plans

2 TIME2 Development start within three years

3 Use of the bar area shown on the approved plans shall be ancillary to the restaurant use.

Reason: As the application has been considered on the basis that the proposal is for a restaurant, with an ancillary bar area.

4 The use hereby permitted shall only be open to customers within the following hours:

09:00 to 24:00 each day of the week.

Reason: To protect the amenity of nearby occupants.

5 Any extraction system fitted in association with the use hereby approved must be adequate for the treatment and extraction of fumes so that there is no adverse impact on the amenities of nearby occupants by reason of fumes, odour or noise.

Details of the extraction plant or machinery and any filtration system required shall be submitted to the Local Planning Authority for approval. The extraction system shall be installed in accordance with the approved plans, appropriately maintained thereafter and fully removed once its use has ceased.

Reason: In the interests of residential amenity in accordance with policy S6 of the City of York Draft Local Plan.

6 Waste materials shall be stored in the areas annotated on the approved drawings or elsewhere within the building and not outside the building.

Reason: In the interests of the appearance of the conservation area.

7 Details of flood protection measures to be applied to the building shall be submitted to, and approved in writing by, the Local Planning Authority before the development commences and the development carried out in accordance with the approved details.

Reason: In the interests of protecting the building from flood risk.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

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

character and appearance of the conservation area, amenity, the vitality and viability of the city centre, highway safety and flood risk.

As such the proposal complies with Policies HE3, HE4, SP7, S5, S6, S7 and GP15 of the City of York Local Plan Deposit Draft.

LISTED BUILDING CONSENT

You are reminded that listed building consent is also required for the proposed alterations to the building. No works should commence until listed building consent has been granted.

ADVERTISEMENT CONSENT

Advertisement consent is likely to be required for the proposed fascia signage.

You are advised that notwithstanding the approved plans no lighting shall be fixed to the exterior of the building without listed building and advertisement consent from the Local Planning Authority.

Reason: As the lighting indicated on the approved plans would detract from the appearance of the listed building and the conservation area.

BRITISH WATERWAYS

The applicant is advised to contact British Waterways (Ken Fowler tel. 0113 281 6875) in order to ensure the necessary consents are obtained and that the

Contact details:

Author: Jonathan Kenyon Development Control Officer

Tel No: 01904 551323

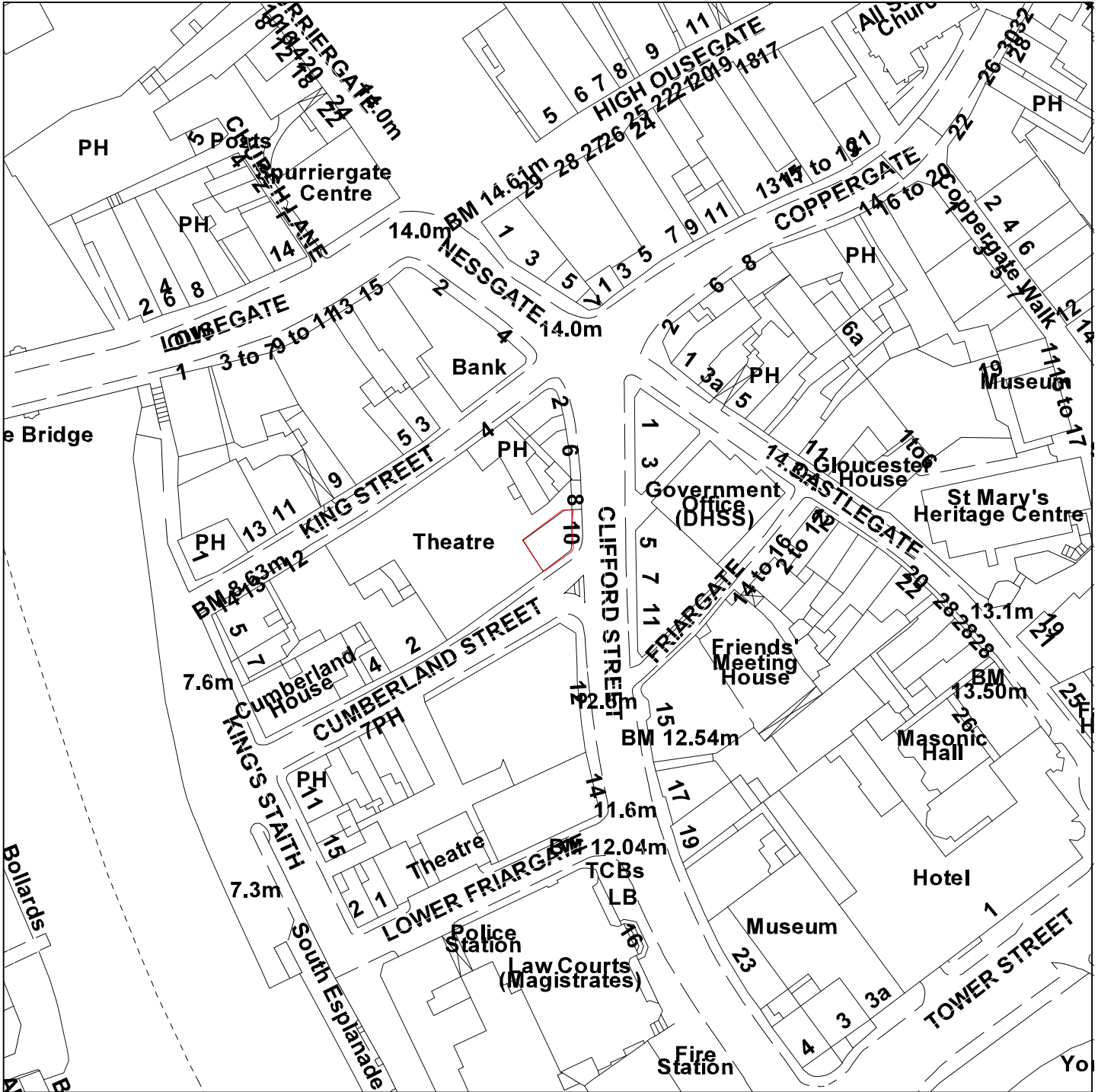
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10 Clifford Street

09/00224/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	09 March 2009
SLA Number	Not Set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Rural West York
Date: 15 March 2009 **Parish:** Hessay Parish Council

Reference: 09/00069/FUL
Application at: Oakview Farm Low Moor Lane Hessay York YO26 8JT
For: Retention of existing equestrian dwelling, garden and garage as permanent residence (resubmission)
By: Mr M.A. Lord
Application Type: Full Application
Target Date: 17 March 2009

1.0 PROPOSAL

1.1 Planning permission is sought for the retention of an existing dwelling, which was granted temporary planning permission in 2005. Permission is also sought for a small extension to the dwelling, a double detached garage and associated garden area in connection with the dwelling. The dwelling comprises of a lounge/dining room, kitchen, a bathroom and two double bedrooms. It is finished in a white render incorporating UPVC double glazed windows and patio doors. The property is drained to a septic tank and the existing dike. Access to the proposed development is shown via an existing minor road.

1.2 This scheme seeks the permanent retention of the aforementioned buildings, following the expiration of the temporary consent.

SITE

1.3 The application site is located approximately 1km to the south west of the centre of Hessay, along a single lane track called Low Moor Lane. The site abuts the clay pigeon shooting centre, which lies to the north of Wetherby Road. The site occupies an area of approximately 4.00 hectares.

1.4 The site is bounded by native hedging and mature trees. The site includes a Dutch barn, outside horse walker stables and lean-to, in conjunction with the elements above which the applicants is seeking permission for.

HISTORY

- 7/127/08878A/FUL – Erection of hay barn – Approved – 14/02/97
- 97/01616/FUL – Change of use of existing agriculture, breeding and breaking of horses – Approved – 18/02/98
- 97/01617/OUT – Outline application for erection of dwelling – Refused – 10/12/97

- 98/01770/FUL – stationing of caravan/mobile home – Refused – 03/11/98
- 00/01100/FUL – Temporary siting of mobile home – Refused – 03/08/00
- 04/00621/FUL – Siting of temporary mobile home in connection with agricultural equestrian unit – Permitted 27/01/05
- 08/02238/FUL – Permanent retention of temporary dwelling – Withdrawn – 08/01/09

1.5 The previous application was approved, against officer recommendation, in 2005 (04/00621/FUL). 3 conditions were attached to the approval. The conditions limited the duration of the dwelling to 3 years, required the prior approval of the colour of the building and restricted the use of the temporary dwelling to a person currently or last employed in agriculture.

REASON FOR THE APPLICATION BEING PRESENTED TO PLANNING COMMITTEE

1.6 The application is being presented to planning committee at the discretion of officers.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding : Air Field safeguarding 0175

City Boundary : York City Boundary 0001

DC Area Teams : West Area 0004

2.2 Policies:

CYSP2
The York Green Belt

CYGP1
Design

CYGP4a
Sustainability

CYGP14
Agricultural Land

CYGP15
Protection from flooding

CYGB1
Development in the Green Belt

CYGB3
Extension to existing dwellings

3.0 CONSULTATIONS

INTERNAL

HIGHWAY NETWORK MANAGEMENT (HNM)

3.1 The Council's highway network management officer did not object to this proposal.

ENVIRONMENTAL PROTECTION UNIT

3.2 The Environmental Protection unit raised no objections to this proposal.

YORK CONSULTANCY - DRAINAGE ENGINEER

3.3 A Flood Risk Assessment (FRA) should be submitted for approval to the Marston Moor IDB and to the EA. In terms of surface water drainage the drainage engineer has no objections.

EXTERNAL

HESSAY PARISH COUNCIL

3.4 The parish Council did not raise any objections to the application.

MARSTON MOOR INTERNAL DRAINAGE BOARD (IDB)

3.5 The IDB noted that they would normally request that the surface water from any new development should be controlled to the equivalent discharge from a greenfield site. However as the IDB have no recorded issues arising from the uncontrolled discharge from the site to Low Moor drain, as a consequence they accept the existing system.

3.6 The IDB suggested a condition to carry out a feasibility study for the use of a sustainable urban drainage system (SUDS). If the results indicated such a scheme were appropriate, such a scheme should be implemented.

NEIGHBOURS

3.7 A site notice was posted adjacent the site. No objections have been received from any neighbours or interested parties.

4.0 APPRAISAL

4.1 The main considerations are:

- Principle of development;
- Impact upon the Green Belt;
- Sustainability; and
- Flood risk/ drainage.

POLICY

4.2 Planning Policy Statement 'Planning for Sustainable Development' (PPS1) 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.

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

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

4.5 PPS7 further states that development should be given to the re-use of previously developed (brownfield) sites in preference to the development of green field sites. Planning Authorities should ensure that the quality and character of the wider countryside is protected and where possible enhanced. Agricultural land (Grades 1, 2, and 3a) should be taken into account; Local Planning Authorities should seek to use areas of poorer quality land (3b, 4 and 5) in preference to higher quality. Paragraph 27 sets out the LPAs should recognise the roles and support development proposals that will enable farming and farmers to:

- Become more competitive, sustainable and environmentally friendly;
- Adapt to new and changing markets;
- Comply with changing legislation and associated guidance;
- Diversify into new agricultural opportunities; or
- Broaden their operations to 'add value' to their primary produce.

4.6 Planning Policy Statement 'Development and Flood Risk' (PPS25) explains how flood risk should be considered at all stages of the planning and development process in order to reduce future damage to property and loss of life. It sets out the importance the Government attaches to the management and reduction of flood risk in the land-use planning process, to acting on a precautionary basis and to taking account of climate change. The planning

system should ensure that new development is safe and not exposed unnecessarily to flooding by considering flood risk on a catchment-wide basis. It should seek where possible to reduce and certainly not to increase flood risk. It should help ensure that flood plains are used for their natural purposes, continue to function effectively and are protected from inappropriate development. The guidance also outlines how flood risk issues should be addressed in regional planning guidance, development plans and in the consideration of planning applications.

4.7 The Yorkshire and Humber Plan, Regional Spatial Strategy to 2026 was published in May 2008. It defines York as a main urban area which should, in accordance with policies YH4, YH5, YH7, Y1, E1 and H2 be the focus for economic and housing development in the sub-region. York is highlighted in the guidance as being of regional significance and development should be accommodated to build on the success of its economy in a sustainable way which respects its historic character.

4.8 Policy Y1 (York Area sub area policy). This policy lists 7 key areas for the development of York. The 7 key areas are: (1) Roles and functions of places; (2) Economy; (3) Environment; (4) Transport; (5) Strategic patterns of development; (6) Regionally significant investment priorities; and (7) Joined up working. Of particular relevance to this application are the following points:-

- (Environment) Protect and enhance the particular biodiversity, landscape character and environmental quality of the York sub-area;
- (Strategic patterns of development) Focus most development on the sub-regional City of York, whilst safeguarding its historic character and environmental capacity;
- (joined up thinking) Promote partnership approaches to economic diversification, regeneration, housing distribution, development and flood risk management through the York sub area.

4.9 Policies YH9 and Y1 of the Yorkshire and Humber Regional Spatial Strategy (May 2008) sets out the extent of the City of York Green Belt.

4.10 Other relevant policies include:-

- E7 – Rural economy
- ENV10 – Landscape.

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

unnecessary or inappropriate development runs through both sets of guidance, combined with the objective of redirecting this development towards existing settlements.

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

4.13 Policy GP4a 'Sustainability' of the City of York Local Plan Deposit Draft requires proposals for all development should have regard to the principles of sustainable development. All residential developments will be required to be accompanied by a sustainability statement. The document should describe how the proposal fits with the criteria specified in policy GP4a and will be judged on its suitability in these terms.

4.14 Policy GP14 'Agricultural Land' of the City of York Local Plan Deposit Draft states that planning permission will only be granted for development that would result in the loss of the best and most versatile agricultural land (defined as grades 1, 2, and 3a) if an applicant can clearly demonstrate that very special circumstances exist which determine that the proposal can not be located elsewhere.

4.15 Policy GB1 'Development within the Green Belt' states that planning permission for development will only be granted where: a) the scale, location and design of such development would not detract from the open character of the Green Belt; and b) it would not conflict with the purposes of including land within the Green Belt; and c) it would not prejudice the setting and special character of the City of York; AND it is for an approved use - (i) agriculture and forestry; or (ii) limited extension, alteration or replacement of existing dwellings; or (iii) limited infilling in existing settlements; or (iv) limited affordable housing for proven local needs; or (v) limited infilling or redevelopment of existing major developed sites; or (vi) reuse of existing buildings. All other forms of development within the Green Belt are considered inappropriate. Very special circumstances will be required to justify instances where this presumption against development should not apply.

4.16 Policy GP15a 'Development and Flood Risk' states that the use of sustainable drainage systems to mimic natural drainage will be encouraged in all new developments, in order to reduce surface water run-off. The policy also seeks to control the capacity of existing and proposed receiving sewers and watercourses and long term run-off from development sites and requires

that new development should always be less than the level of pre-development rainfall run-off.

4.17 Interim Planning Statement: Sustainable Design and Construction (approved by Planning Committee on 22nd November 2007).

PRINCIPLE OF DEVELOPMENT

4.18 Policy YH9 and Y1 replace Policy E8 of the North Yorkshire Structure Plan. The Regional Spatial Strategy was adopted in May 2008. Policy Y1 'York' states that the outer boundary of the York Green Belt is 6 miles from York city centre.

4.19 In order to establish a permanent Green Belt boundary the Council carried out a Green Belt review between 2000 and 2002. This review assessed the requirement for land as well as appraising sites to establish the extent to which they fulfilled Green Belt requirements. Work carried out for the Green Belt review was incorporated into the third set of changes which were subject to extensive consultation in February 2003 although these changes were never formally approved for Development Control Purposes.

4.20 PPG2: Green Belts (1995) confirms that most important attribute of Green Belts is their openness (paragraph 1.4). It also identifies the five purposes for including land in a Green Belt are – checking unrestricted sprawl; prevention of coalescence of settlement; safeguarding the countryside from encroachment; preserving the setting and special character of historic towns; and assisting in urban regeneration (paragraph 1.5).

4.21 These purposes tie in with the Deposit Draft City of York Local Plan's strategic objectives, in particular strategic policy SP3 which aims to safeguard the setting and historic character of the city. It identifies that one of the most critical element to this is the series of green wedges which run into the heart of York from the surrounding areas of open countryside. They also tie in with policy GB1 'Development in the Green Belt' of the latest Draft Local Plan, which highlights in part permission will only be granted for development where it would not conflict with the purposes of including land within the Green Belt and where it would not prejudice the setting of the city.

4.22 PPG2 identifies that the use of land within the Green Belt has a positive role in a number of objectives, namely to provide opportunities for access to the open countryside for the urban population; provide opportunities for outdoor sport and outdoor recreation near urban areas; to retain attractive landscapes, and enhance landscapes, near to where people live; to improve damaged and derelict land around towns; to secure nature conservation interest; and retain land agricultural, forestry and related uses (paragraph 1.6). This advice on the use of land in the Green Belt is also reflected in the draft Local Plan and the draft Regional Spatial Strategy.

4.23 An essential feature of Green Belts is their permanence (PPG2 paragraph 2.1) and that Green Belts are established through development

plans (paragraph 2.4). Where detailed boundaries have yet to be established it is important that the boundary is defined so that it will endure (paragraph 2.8).

4.24 Section 3 'Control Over Development' of PPG2 confirms there is a general presumption against inappropriate development within the Green Belt, and that inappropriate development is by definition harmful to the Green Belt. It goes on to state that such development should not be approved, except in very special circumstances. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (paragraph 3.1-3.2).

4.25 In terms of operational development, the construction of new buildings within the Green Belt is inappropriate unless it is for one of a number of specific purposes (paragraph 3.4). These purposes are agricultural and forestry; essential facilities for outdoor sport and recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it; limited extension, alteration or replacement of existing dwellings; limited infilling in existing villages; and limited infilling or redevelopment of major existing sites identified in adopted local plans. This advice is reiterated in Local Plan Policy GB1.

4.26 An application was submitted in 1997 for the erection of a permanent dwelling at the site along with the change of use of the land for the use as breeding and breaking of horses. Permission was granted by Harrogate District Council for the change of use of the land, however the erection of the dwelling was refused. The applicant appealed against the Council's decision to refuse permission for a dwelling and against a condition restricting the number of horses to be kept on the site to 7. The appeal against the dwelling was subsequently dismissed and the condition was varied to read 'no more than nine horses in training for racing shall be kept on the site unless otherwise agreed in writing by the local planning authority'¹. During 1998 permission was sought for the stationing of a caravan on the site to be used as a dwelling in connection with the equestrian use. Permission was also refused on the grounds that the dwelling on this site was inappropriate development within the Green Belt and that insufficient justification had been submitted to prove the very special circumstances required.

4.27 The Inspectors decision also stated that the erection of a dwelling was inappropriate development within the Green Belt as horse related developments do not fall within the planning definition of agriculture. He stated that the theft of equipment was not a justification to have an on-site dwelling and that the limited number of horses kept on the site would not justify the dwelling on the grounds of animal welfare and stated that it may be necessary to have occasional night time attendance during foaling. The

¹ A copy of the inspectors report is attached.

Inspector suggested that the applicant should look at moving closer to the site, preferable within Hessay, in order to reduce travelling times. With regard to the issue of noise from the gun club the Inspector felt that measures that had been taken to alleviate existing problems would mean that it would be less likely to occur to a significant extent at the application site. In conclusion he stated that there was insufficient justification of need for the proposed dwelling.

4.28 Since the Inspectors decision the level of use at the site has intensified. The applicant states that they have limited the number of horses in training to 9 but also have 15 other horses, either brood mares, foals and yearlings. They also have 70 Suffolk Cross ewes on site. When assessing the justification for temporary agricultural dwellings PPS7 states that 'if a new dwelling is essential to support a new farming activity, whether on a newly created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, wooden structure which can be easily dismantled , or other temporary accommodation.' It goes on to state that it should satisfy the following criteria:

4.29 (i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm building is often a good indication of intentions) '

4.30 The applicant has been located at Oak View farm since 1994 and has a long history of training and breaking horses. New buildings have been erected at the site and financial investment is clear. It is considered that this criteria is met.

4.31 (ii) functional need. A functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night:
(a) in case animals or agricultural processes require essential care at short notice;
(b) to deal quickly with emergencies that could otherwise cause serious loss of crop produce'

4.32 The applicant states that a dwelling on the site would allow for the essential ongoing supervision, management and welfare cover of all livestock on the unit including pregnant and foaling mares and lambing sheep. The British Horse Society consider that where horses are stabled/or kept in grazing paddocks overnight supervision should be available in case of illness, casting in their box which requires assistance in getting the animal free, fire, theft of horses and to add a deterrent from intruders.

4.33 Previously, when officers assessed this information, it was considered that the Brood mares which foal between April and July and ewes lambing in the winter months do not justify the need for a permanent on site presence. This opinion was supported by the previous appeal case where the Inspector stated that it may be necessary to have occasional night time assistance

during foaling, but for the number of horses involved in the enterprise, it could be accommodated without the need for an on-site dwelling.

4.34 Previously an agricultural assessment was undertaken, on behalf of the Council, by Mouchel. Whilst there is a disparity between the number of horses permitted to be trained by the applicant and the number of horses which are presently on site, the consultant established that there was a functional need for labour requirement on the site. In conjunction with the ewes being bred on site and the significant investment which has been made in terms of the size of the holding. In light of the continued use of the premises for a farm and horse training facility and that there has been a dwelling present on the site for over 3 years and also the fact that the business has grown further since previously considered by committee, it is believed that the functional need is now met.

4.35 (iii) clear evidence that the proposed enterprise has been planned on a sound financial basis'

4.36 The applicant has previously provided audited accounts which show that the business had a profitable turnover. These accounts were checked and the Council considered that this requirement was been met. Furthermore the applicant states that the business has grown further since this time. This view is supported by the applicant's agent who has provided some supporting information.

4.37 (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by workers concerned'

4.38 The applicant states that there are no other (temporary/permanent dwellings available on the holding and no other dwellings are available in the locality that satisfies the functional needs of the business. The Council agree that there are no suitable building on the site which could be used as a dwelling. The applicant has not provided any information regarding residential properties for sale within the village of Hessay. Previously the Inspector concluded that the applicant had not systematically investigated the possibility of dwellings closer to the site and outlined a number of properties available within Hessay. He went on to state that the applicant 'has established the business on this site without a dwelling, and without any indication from the Council that a dwelling in this location would receive approval.' However, a brief assessment was undertaken by the Officer, it was noted that were no houses for sale within Hessay at that particular time.

4.39 (v) other normal planning requirements e.g. on siting and access, are satisfied. The siting and access are acceptable.

4.40 The information submitted with the application was previously forwarded to Mouchel Parkman, an agricultural consultant, for comments. They stated that the business had 16 horses in training and 6 Brood Mares. Based on the information they provided, the consultant concluded that there

was a financial and functional justification for the provision of a temporary dwelling on the site. This was based on an increased number of horses in training to that which is allowed by previous condition. The applicant states that he has 9 horses in training and an additional 5 being pre-schooled. Whilst it could be argued that the additional 5 young horses contravene the original condition imposed by the Inspector, it is noted that no nuisance has been caused by this increase in training horses, nor is there any proof of impact upon the Green Belt, etc. As a consequence, of the above and considering all other matters, it is considered that this business is acceptable use within the Green Belt and as such is recommended for approval.

IMPACT ON THE OPENNESS OF THE GREEN BELT

4.41 The proposed buildings by virtue of their size and massing are not readily visible from a significant distance. The site is reasonably well screened by a mature hedge and trees. There are many examples within the Green Belt of lone agricultural holdings in fields and whilst not a prevailing characteristic of the Green Belt it is considered that this holding, would not have a detrimental impact upon the openness of the Green Belt.

4.42 The dwelling itself, whilst described as temporary, is far more than the usual temporary structure one would imagine. Whilst it would be possible to dismantle the unit and remove it from site, the structure is of a substantial construction and its appearance is acceptable within the Green Belt.

4.43 It is noted that there has been a small extension to the original dwelling. This extension forms a porch area and utility area. The extension is approximately 4.10 x 3.50 m in plan. The height does not exceed the height of the original dwelling. The applicant has also erected a double garage. This garage has a mono-pitch roof and is sited close to site boundary with Moor Lane. These extensions are considered to be relatively minor, when compared to the existing dwelling and farm buildings. The applicants states that they have also been erected for over 4 years.

4.44 As a consequence of the above, it is considered that the dwelling and garage are acceptable and satisfy relevant national, regional and local plan policy.

SUSTAINABILITY

4.45 No sustainability statement has been submitted to satisfy policy GP4a. However the development has been there since 2005 and it is considered unreasonable to ask the applicants to retro-fit the dwelling to current standards. The site is, at present, of a very small scale and options for incorporating sustainability elements into the site are minimal.

FLOOD RISK/DRAINAGE

4.46 These matters are considered to be acceptable, subject to the imposition of relevant conditions.

5.0 CONCLUSION

5.1 The retention of the buildings are recommended for approval, subject to adequate conditions, as the scheme satisfies policies SP2, SP3, GP1, GP4a, GP14, GP15a and GB1 of the City of York Development Control Draft Local Plan and National Planning Guidance PPS1, PPG2 and PPS7 and the Council's Interim Planning Statement: Sustainable Design and Construction.

6.0 RECOMMENDATION: Approve

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

Drawing no. 4378-01 date stamped 19/01/09

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

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

3 Within 3 months of the date of this approval, a written Flood Risk Assessment shall be submitted in writing to the Local Planning Authority. Once details have been agreed in writing with the Local Planning Authority any remedial works required shall then be carried within 6 months of the date of this approval, in strict accordance with the approved details and shall thereafter remain.

Reason: The Flood Risk Assessment should prove to the satisfaction of the Local Planning Authority, the Marston Moor Internal Drainage Board and the Environment Agency that the development will not suffer from flooding or fail the requirements PPG25.

Oakview Farm, Low Moor Lane, Hessay

09/00069/FUL



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	09 March 2009
SLA Number	Not Set

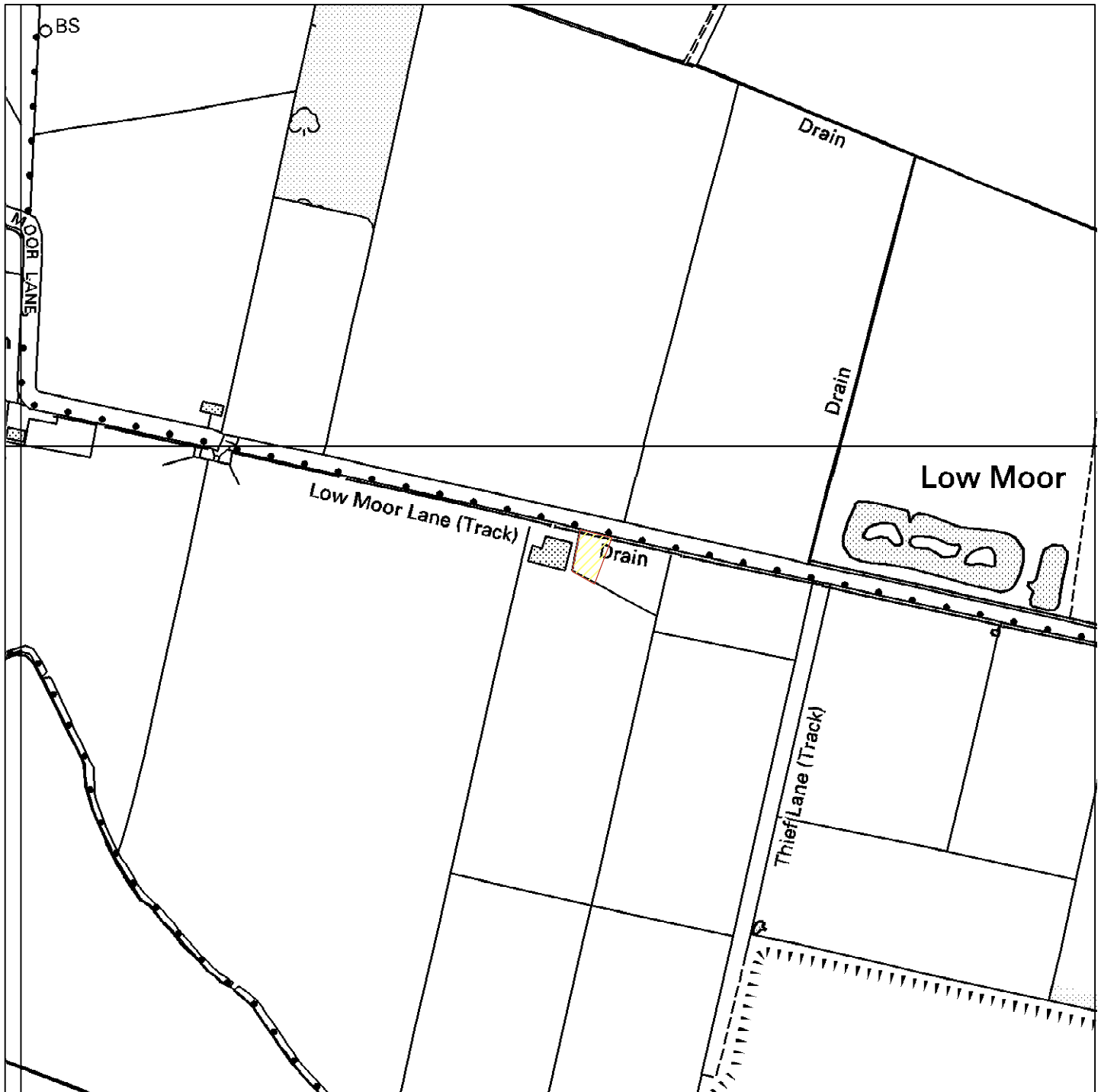
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