



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, 16 April 2009

Time: 3.00 pm

Venue: The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00 am on Wednesday 15 April 2009 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. Exclusion of Press and Public

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

3. Minutes (Pages 5 - 22)

To approve and sign the Minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on 19 March 2009.

4. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the working day before the meeting – in this case 5 pm on Wednesday 15 April 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.

5. Plans List

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

a) Temporary Moorings, Museum Street, York (09/00299/FUL) (Pages 23 - 34)

Retention of mooring of floating coffee bar with waiter service seated area on the river bank [*Guildhall Ward*]

b) First Farm, Main Street, Askham Richard, York, YO23 3PT **(08/01888/FUL)** (Pages 35 - 42)

Conversion and alterations to outbuilding including raising of roof to form residential extension to main dwelling (retrospective) [*Rural West York Ward*] [**Site Visit**]

6. Enforcement Cases Update (Pages 43 - 136)

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

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

Democracy Officers:

Name: Catherine Clarke and Heather Anderson (job share)

Contact Details:

- Telephone – (01904) 551031
- E-mail – catherine.clarke@york.gov.uk 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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Further information about what's being discussed at this meeting

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

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

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

Scrutiny Committees

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

- 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 & CENTRE PLANNING COMMITTEE**SITE VISITS****Wednesday 15th April 2009****The bus for members will leave Memorial gardens at 11:00am**

TIME (Approx)	SITE	ITEM
11:20	First Farm, Main Street, Askham Richard. 08/01888/FUL	5b

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City of York Council

Committee Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	19 MARCH 2009
PRESENT	COUNCILLORS CRISP, GILLIES, LOOKER, REID, SUNDERLAND, MOORE (AS A SUBSTITUTE FOR CLLR SUE GALLOWAY), HOLVEY (AS A SUBSTITUTE FOR CLLR STEVE GALLOWAY), BOWGETT (AS A SUBSTITUTE FOR CLLR HORTON) AND WISEMAN (AS A SUBSTITUTE FOR CLLR GALVIN)
APOLOGIES	COUNCILLORS HORTON, SUE GALLOWAY, STEVE GALLOWAY AND GALVIN

59. INSPECTION OF SITES

The following sites were inspected before the meeting

Site	Attended by	Reason for Visit
Jorvik Racing, 41 Bright Street	Councillors Crisp, Gillies, Looker, Reid and Wiseman.	At the request of Councillor Bowgett.
Yan's Express Cantonese Takeaway, 11 Acomb Court, Front Street	Councillors Crisp, Bowgett, Gillies, Looker, Reid and Wiseman.	At the request of Councillor Stephen Galloway.
55 St Stephens Road	Councillors Crisp, Bowgett, Gillies, Looker, Reid and Wiseman.	As an objection has been received and the recommendation is to approve.
Pavillion, Rowntree Park, Terry Avenue	Councillors Crisp, Bowgett, Gillies, Looker, Reid and Wiseman.	To familiarise Members with the site.
All Saints Church, North Street	Councillors Crisp, Bowgett, Gillies, Looker, Reid and Wiseman.	As objections have been received and the recommendation is to approve
8 Peckitt Street	Councillors Crisp, Gillies, Looker, Reid and Wiseman.	As an objection has been received and the recommendation is to approve.
York Divan Centre, 10 Clifford Street	Councillors Crisp, Gillies, Looker, Reid and Wiseman.	At the request of Councillor Brian Watson

60. ELECTION OF CHAIR

Councillors Horton (Chair) and Sue Galloway (Vice Chair) had both given apologies for the meeting therefore the Committee was asked to elect a Chair for the meeting.

RESOLVED: That Councillor Reid act as Chair for the meeting.

61. 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 Crisp declared a personal and prejudicial interest in Plans Items 4i and j (The Bonding Warehouse, Terry Avenue, FULM & LBC) as she lives close to the application site. She left the room and took no part in the discussion or vote on this item.

Councillor Bowgett declared a personal and prejudicial interest in Agenda Item 4h (Jorvik Racing, 41 Bright Street) under the provisions of the Planning Code of Good Practice. She spoke from the floor as Ward Member after which she left the room and took no part in the discussion or vote on this item.

Councillor Reid declared a personal non prejudicial interest in Plans items 4i and J (The Bonding Warehouse, Terry Avenue, FULM & LBC) as her father in law lives in the City Mills building as a tenant.

62. MINUTES

RESOLVED: That the minutes of the meeting held on 12 February 2009 be approved and signed by the Chair.

63. 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.

64. 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.

**64a Yan's Express Cantonese Takeaway 11 Acomb Court Front Street
York YO24 3BJ (08/01989/FUL)**

Members considered a full application from Mr Y F Cheung for the erection of a two storey flat roof building comprising a shop unit located at ground floor level with two flats at first floor level.

Councillor Reid advised the Committee that she had received a telephone call from the applicant to ask for an update on the application, had taken advice from the Area Team Leader, Planning and Sustainable Development and had passed this information onto the applicant but had not voiced any views on the application.

Officers advised that they had received the Structures and Drainage internal consultee response which made three points. Firstly, they would require existing and proposed surface water details. Secondly, all levels on drawing number RSL/007 topographical survey should relate to ordinance datum (to AOD). Acomb currently lies between 21.00m –27.00m OAD but survey levels between 8.00m – 10.00m AOD. In order that they could compare actual and predicted flood levels with their proposals they would need the level information relating to AOD. Lastly, the applicant has shown permeable surfacing to prove reduction in surface water run-off therefore details of permeable surfacing should be provided.

As a result of the Structures and Drainage consultee response, Officers asked the Committee to consider adding 2 further conditions if the application was approved to prevent the development from commencing until details of existing and proposed surface water drainage and details of the permeable surfacing to the side and rear yards had been submitted and approved by the Local Planning Authority.

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

Additional Condition 8

Development shall not begin until details of the existing and proposed surface water drainage have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

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

Additional Condition 9

Development shall not begin until details of the permeable surfacing to the side and rear yards have been submitted to and approved in writing by the Local Planning Authority. The development should be carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the surface water run-off from the site.

REASON: The proposal, subject to the conditions listed in the report and the additional conditions 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).

Action Required

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

64b 55 St Stephens Road York YO24 3EH (09/00198/FUL)

Members considered a full application from Mrs Donley for a two storey side and rear extension (resubmission).

Officers advised Members that a previous application on this site had been refused because it was thought to be too large but this application was for a smaller extension. They advised that they had received an objection from a neighbour whose property was located behind the application site on the basis of loss of privacy but it was noted that the property in question was 40 metres away so was not considered to be affected.

Members agreed that the proposed extension was now of an acceptable size and design and did not have any issues to raise.

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

REASON: The proposal, subject to the conditions listed in the report would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, 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".

Action Required

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

64c 8 Peckitt Street York YO1 9SF (09/00102/FUL)

Members considered a full application by the City of York Council for the raising of the retaining wall and railings, and temporary flood barriers in connection with a flood defence scheme at 8 Peckitt Street, 1-3 Friars Terrace and 4 South Esplanade.

Members noted the objection raised by the Guildhall Planning Panel with regard to the proposal to use brickwork rather than matching stone and suggested that a condition be added to specify that the bricks used are sympathetic to the area. Officers advised that condition 6 on the application for listed building consent (Minute 64d refers) already covered this issue.

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

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 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.

Action Required

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

64d 8 Peckitt Street York YO1 9SF (09/00106/LBC)

Members considered an application by the City of York Council for Listed Building Consent for the raising of retaining wall and railings, and temporary flood defence scheme at 8 Peckitt Street, 1-3 Friars Terrace and 4 South Esplanade.

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

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 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.

Action Required

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

64e All Saints Church North Street York (05/00097/CAC)

Members considered an application by the Parochial Church Council for Conservation Area Consent for the demolition of a church hall in the conservation area.

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

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the 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."

Action Required

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

64f All Saints Church North Street York (05/00048/FUL)

Members considered a full application by the Parochial Church Council for the erection of three dwellings to replace the existing church hall, the erection of an extension to the vestry and the installation of lockable gates at two locations in All Saints Lane.

Officers circulated comments from Councillor Merrett in support of the application. He stated that it would remove an eyesore which is affected by graffiti. He also stated that the lane was a problem in terms of drug paraphernalia, urination and vomit and gating this lane would solve this problem. However he raised concerns that the proposed opening hours for the alley were too restrictive for residents and visitors and suggested that times more in line with the bar walls hours would be more appropriate.

Members asked how the gates would be opened and closed. Officers confirmed that residents who required access would have a key but that the gates would be opened and closed at specific times and would be controlled by the Church Authority.

Representations were received from the Church Warden of All Saints Church in support of the application. He advised Members that the design for the gates had been drawn up by a former Council conservation officer

and matched other gates and the third gate was to prevent access. In response to queries from Members he advised that

- The Gates would be opened by the person responsible for opening up church
- When the church is closed for public safety/public order reasons, the gates would not be open.
- Gates may be open late in the evening if there is an event on in the church
- Access to lane is in gift of church

One Member raised the question of whether a Construction Management Scheme had been considered due to the location as they were concerns that problems might arise due to construction traffic to the site and deliveries and buses taking guests to Park Inn Hotel. Officers advised that any problems could be dealt with by highways officers.

Members welcomed the scheme and the opportunity to create a safe environment around the church through the use of lockable gates.

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

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the residential amenity of 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.

Action Required

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

64g Pavilion Rowntree Park Terry Avenue York (09/00072/FUL)

Members considered a full application by the Friends of Rowntree Park for a single storey pitched roof amphibious community and sports pavilion after demolition of existing single storey pavilion.

Officers provided Members will the following update on the question of sustainability: "the City of York Council Interim Planning Statement (IPS)

on Sustainable Design and Construction states that commercial buildings under 500m², as in this case, do not require a BREEAM assessment yet should fulfil the criteria set out in Policy GP4a and expanded in the IPS. The structure would be lightweight with high levels of insulation, minimising energy required for heating. The sustainability information submitted states that it minimises the volume needed for a raft substructure which in turn minimises the ground works required. However if this had been a “standard building” it is considered that the ground works would have been of a similar scale, the proposed building would require substantial ground works for the tank beneath the building. The report also states that the overall form of the building minimises the surface area while allowing for appropriately shaded glazing to the main space to reduce the need for artificial lighting and to give passive gains during winter months. The agent states that external finishes such as the cladding and the sedum roof would be durable and “zero maintenance”. The agent stated that renewable energy options are being considered, the IPS states that at least 5% of the energy used should be from renewables and this could be conditioned.”

Officers asked Members to consider additional conditions to cover landscaping, protection of trees and renewable energy. In respect of a Construction Method Statement which the case officer has recommended as an additional condition, the Area Team Leader advised Members that as the park was in the ownership of the City Council this could be left to Officers within Leisure Services and therefore wouldn't be required as a condition.

Officers circulated comments from Councillor Merrett, Mickelgate Ward Councillor in support of the scheme which he described as “exciting and innovative”. He reported that the Friends of Rowntree Park had worked hard on the pavilion scheme. He stated that the current building was unsatisfactory and flooded regularly which put it out of commission for substantial periods and made it unappealing inside even after the best attempts to clean it.

Photographs of how the building would look in the park, which had been provided by the architects, were circulated to Members.

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

Additional Condition 10

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

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site

Additional Condition 11

Before the commencement of development, including demolition, building operations, 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. The method statement shall include a survey, schedule and plan of all trees on and immediately adjacent to the development site in accordance with BS5837 'Trees in Relations to Construction', including any recommendations for any necessary tree surgery. It will identify those trees to be retained and those to be felled. The corresponding plan shall show the accurate location of the trunk (with reference number) and canopy spread of each tree in a north, east, south, and west direction. The statement shall include details and locations of protective fencing to be shown on a plan; phasing of works; site access during demolition/construction; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; location of site cabin. The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles. Within the exclusion zones there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new service runs, et al.

Reason: To ensure protection of existing trees before, during and after development which make a significant contribution to the amenity of the area and/or development.

Additional Condition 12

Prior to the commencement of development, full details of a renewable energy strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include (i) the building's proposed renewable energy generation, which shall be at least 5 % of total energy generation unless otherwise agreed in writing with the Local Planning Authority (ii) measures to reduce energy demand. The development shall then be carried out in accordance with the approved assessment.

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

REASON: The proposal, subject to the conditions listed in the report and the additional 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".

Action Required

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

64h Jorvik Racing 41 Bright Street York YO26 4XS (09/00118/FUL)

Members considered a full application by Mr G Taylor for the change of use from a betting shop to two houses, with two-storey pitched roof rear extension and external alterations.

Representations were received from Councillor Denise Bowgett. She spoke in objection to the application as Ward Member on behalf of the residents of the Leeman Road area and raised the following issues.

- Area is overdeveloped, properties are generally small and cramped, concern in 5-10 years time majority of terraced houses will be split into 2 and sold as buy to let
- Area already densely populated – parking is a problem
- Flooding – Property is located in floodzone 3 therefore risk of flooding is high
- Use of 106 money – hope if application is approved Members would earmark this money for local projects
- Very little space in yard for bins
- Understand need for affordable housing but also need for family housing. This is the potential loss of family home which it is most suited to.

Officers stated that they believed that the building had been built as a shop with living accommodation above and therefore the policy that restricts loss of family homes would not apply in this instance. On the issue of flooding they confirmed that the current design allows 2 floors to each house in the event of a flood.

Some Members raised concerns that there was not sufficient space for two houses and that rooms would be unacceptably small and cramped. It was moved by Councillor Looker and seconded by Councillor Crisp that the application be refused on these grounds. On being put to the vote, the motion for refusal was not carried.

Officers responded to Members queries on the issue of the size of the dwellings and advised Members that they needed to make a decision on the merits of the proposal in front of them.

Members raised the following points:

- there was a need for starter homes

- each property has an upper floor which is a benefit in the event of a flood
- the area traditionally comprises small terraced properties and therefore this fits in with the norm.
- the building was formerly a shop and has never been a family home.
- The design of the houses has been restricted by the need to include a disabled access downstairs toilet in all new houses.

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 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.

Action Required

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

64i The Bonding Warehouse Terry Avenue York YO1 6DH (09/00031/FULM)

Members considered a full application by Mr W Legard for use as an office (B1 use) with two apartments in the roof space with a new mansard roof to the southern building, the erection of a stair and lift access tower in the courtyard and a bridge link to Skeldergate (revised scheme)

Officers updated Members on the application and recommended that amendments be made to the following conditions

- Condition 2 – inserts drawing number and letter reference – not listed in officer’s report
- Condition 10 - add “fire screens” and “any alterations to windows and doors including any alterations to taking in doors” to Large Scale details.
- Condition 23 should be replaced with the standard Highway Condition 18 with cycle parking details to be agreed.
- Condition 24 – amend wording of Travel Plan condition.
- Condition 28 – to read “the residential uses of the building shall not be occupied until the footbridge has been constructed and is operational. Members indicated that this would also require an amendment to Condition 18.

Officers also recommended that additional conditions be added in relation to the taking in doors and gantry and the entrance courtyard including ramp access to the building and, car parking and bin storage.

Members questioned why the bridge link to Skeldergate (to facilitate access in the event of a flood) was not deemed necessary for office use. Officers explained that office use could be more easily managed in the event of potential flooding as they are occupied during the daytime and have a manager and therefore workers could be evacuated before danger became imminent through an evacuation procedure (condition 27).

Representations were received from the agent on behalf of the applicant in support of this application (and the application for Listed Building Consent (Minute 64j refers)) He stated that the application was to enable a mix of uses with office and residential space. He confirmed that he was happy with the condition with the bridge link relating to residential use and that he understood that the Environment Agency would require an evacuation procedure to be drawn up for office use. He asked Members to approve the application to enable flexible use of the building in future.

Members agreed that the building was overdue for development and that it would provide useful office space on this side of the city.

RESOLVED: That the application be approved subject to the conditions listed in the report and the amended and new conditions listed below.¹

Amended Condition 2

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

Drawing No's; BWL 103, 106 , 108, 201, 202, 204, 205, 206 C, 207, 210, 212, 213, 214, 215, 216, and Roof Plan Revision D received on 7th January 2009

Drawing No's; 2007 1029 02, 03, 04, 05 A, 06 A, 07, 08, 09 received on 7th January 2009

Letter dated 12/2/2009 to supplement February 2007 Flood Risk Assessment

Drawing No's; 2007 1029 / 501 B, 502 B, 503 B, 53 A, 54 A received on 9th March 2009.

Drawing No: BWL 107 A received on 9th March 2009

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.

Amended Condition 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
- ix) New platform and ramp
- x) Yard ramp and balustrade
- xi) Alterations to the yard wall, piers and gates
- xii) fire screens
- xiii) any alterations to windows and doors including alterations to taking in 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.

Amended Condition 18

Prior to the commencement of any part of the residential scheme 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".

Amended Condition 23

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

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

Amended Condition 24

Prior to the occupation of the site, a heads of terms agreement to be included in a future company travel plan, shall be submitted and approved in writing by the LPA. The heads of terms agreement shall include those measures that will be carried out by the occupier to reduce dependence on the private car and encourage sustainable means of travel to and from the site.

*Within 6 months of occupation of the site, a full company travel plan developed and implemented with national guidance and guidance currently published by the City of York Council shall be submitted and approved in writing by the LPA.

*Within 12 months of occupation of the site, a first year staff travel survey shall be submitted and approved in writing by the LPA. Results of the yearly staff 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 PPG 13-Transport, and in Policy T20 of the City of York deposit Draft Local Plan, and to ensure that adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site, together with provision of parking on site for these users.

Amended Condition 28

The residential uses in the building 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.

Additional Condition 29

The taking in doors and gantry shall remain in situ unless otherwise agreed in writing by the Local Planning Authority

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

Additional Condition 30

Notwithstanding the submitted details and prior to the commencement of the development hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority of the entrance courtyard including ramp access to the building, car parking and bin storage. The building shall not be occupied until the approved refuse area has been provided and the approved area shall not be used for any purpose other than the storage of refuse as approved.

Reason: In the interests of residential amenity and environmental quality.

REASON: The proposal, subject to the conditions listed in the report and the amended and additional 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).

Action Required

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

64j The Bonding Warehouse Terry Avenue York YO1 6DH (09/00150/LBC)

Members considered an application by Mr W Legard for Listed Building Consent for use as an office (B1 use) with two apartments in the roof space with a new mansard roof to the southern building, the erection of a stair and lift access tower in the courtyard and a bridge link to Skeldergate (revised scheme)

Officers provided an update and recommended that Condition 7 be amended to require large scale details of fire screens and alterations to windows and doors including any alterations to taking in doors be submitted and approved by the Local Planning Authority.

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

Amended Condition 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
- ix) 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) Fires screens
- xv) Any alterations to windows and doors including alterations to taking in doors.
- xvi) new staircases including any alteration to the surrounding fabric
- xvii) 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.

REASON: The proposal, subject to the conditions listed in the report and the amended condition 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".

Action Required

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

64k York Divan Centre 10 Clifford Street York YO1 9RD (09/00224/FUL)

Members considered a full application by Mr Michael Grey for the change of use from retail to restaurant with extract louvers at roof level.

Officers provided the committee with an update on further consultation responses that had been received. They reported that the Highway Network Management Officer had raised concerns in respect of highway safety due to a secondary door which opens outwards onto Cumberland Street. Officers suggested that a condition could be added to restrict use of this door as an emergency exit only although noted that this issue would also be dealt with through the application for listed building consent (LBC) which had now been received. They reported that City Development and the Planning Panel had raised no objections and that comments had been received from a neighbour who welcomed the building being brought back into use and was happy for it to be opened as a restaurant but would have concerns if it was to become a drinking establishment. The Conservation Officer had also responded that he didn't have any problems bringing the old building back into use and that the issue of the doorways would be dealt with through the LBC application.

Representations were received from a local resident. He reported that he had no problems with the building being used as a restaurant as he would expect the clientele to be well behaved but he had concern with granting A4 use due to worries over noise and disorder. He circulated a map showing the cumulative impact area for violent crime occurring between

September 2005 and August 2006 and pointed out that the building is located in one of the hotspots for violent crime and for this reason asked Members to reject A4 use. He also circulated an extract from guidance issued under Section 182 of the Licensing Act 2003 (revised 2007) and referred to the reference to "Need" for licensed premises in 13.23. He also asked for waste bins to be kept inside rather than on the pavement if the application was granted.

Members raised the issue of the doorway onto Cumberland Street and Officers confirmed that this door would only be needed as an emergency exit and for emptying bins once a day.

Members welcomed the development of the building which is located on a prominent corner and were of the opinion that a restaurant fitted the area and adds to a successful mix of premises in the area. In respect of the registered speaker's concerns about rowdiness, they did not think this would be an issue if the building was used as a restaurant and closed at midnight.

RESOLVED: That the application be approved subject to the conditions listed in the report and the additional conditions listed below:¹

Additional Condition 8

The Cumberland Street entrance door shall be used as an emergency exit and for waste collection only. The door shall remain closed at all other times.

Reason: In the interests of highway safety.

Additional Condition 9

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

Cumberland Street entrance door and its surrounds.

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

REASON: The proposal, subject to the conditions listed in the report and the additional 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.

Action Required

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

64I Oakview Farm, Low Moor Lane, Hessay (09/00069/FUL)

Members considered a full application from Mr M A Lord for the retention of the existing equestrian dwelling, garden and garage as a permanent residence (resubmission).

Officers stated that the Environment Agency had not raised any objections to the application and as a consequence there was no requirement for Condition 3 which required a flood risk assessment to be carried out therefore they recommended that this condition be removed. However Officers advised Members that it was considered appropriate to add an extra condition restricting the occupancy of the dwelling to either the applicant, another person mainly employed with the associated business or an agricultural worker or forestry worker.

Members were of the opinion that the horse training business had proved to be a viable agricultural business and should be encouraged.

RESOLVED: That the application be approved subject to the conditions listed in the report, the removal of Condition 3 (shown in the report) and the addition of a new condition 3 listed below. ¹

Additional Condition 3

The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed with the associated horse training business on the site, or thereafter to a person solely or mainly employed or last employed in the locality in agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990, or in forestry, including any dependants of such a person residing with him, or a widower of such a person.

Reason: The development hereby approved would be unacceptable unless justified by the needs of the horse training business at the site or agriculture.

REASON: The proposal, subject to the conditions listed in the report and the new condition 3 listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to York's Green Belt. As such this proposal complies with PPS1, PPG2, policies Y1, YH8, YH9, and E1 of The Regional Spatial strategy for Yorkshire and the Humber, and policies SP2, GP1, GP4a, GP14, GP15, GB1 of the City of York Local Plan Deposit Draft.

Action Required

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

Councillor A Reid, Chair

[The meeting started at 3.00 pm and finished at 4.45 pm].

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 16 April 2009 **Parish:** Guildhall Planning Panel

Reference: 09/00299/FUL
Application at: Temporary Moorings Museum Street York
For: `Retention of mooring of floating coffee bar with waiter service seated area on the river bank
By: Mr Andrew Gill
Application Type: Full Application
Target Date: 16 April 2009

1.0 PROPOSAL

1.1 This application seeks planning permission for the retention of a mooring of a floating coffee bar and the associated use of the adjacent river bank as a waiter serviced seating area. The West and Centre Planning Sub-Committee approved the use for a temporary trial period of two years on 19 April 2007 (07/00266/FUL) restricted to the months of April- September (inclusive). The applicant then sought planning permission to operate throughout the year, and the West and Centre Sub-Committee granted planning permission (08/00392/FUL) on 16 May 2008 that allowed the use over the extended period for the duration of the temporary consent. These permissions expire on 19 April 2009 and the applicant seeks full planning permission for the mooring of the floating cafe and associated riverbank use throughout the year.

1.2 The proposed details are as previously approved. The floating cafe moors at the Council moorings on the River Ouse and operates from 0800-2000 hours provided the river conditions are acceptable. The area on the embankment (50 squ. m) is cordoned off with a demountable post and rail fence and accommodates 10 tables and chairs that are removed from the site at night. Similarly, the vessel is moored outside the city centre on a private mooring when the cafe is not operating. There is no loss of mooring as boats can moor alongside the cafe boat and 1.5m platforms to either end of the boat allow safe access to the riverbank. In the event of the moorings nearing capacity, private boaters have priority and the cafe temporarily ceases to trade. The applicant indicates that 2 full time staff and 4 part- time staff are employed, recycling litterbins are provided and removed daily, there is no delivery of supplies, and there are no permanent structures, fixtures or fittings to the riverbank.

1.3 The site lies in the Central Historic Core Conservation Area adjacent to the Museum Gardens which is a Grade II Garden of Special Historic Interest.

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

York North West Boundary : York North West Boundary CONF

2.2 Policies:

CYL4

Development adjacent to rivers

CYHE2

Development in historic locations

CYHE12

Historic parks and gardens

CYGP4A

Sustainability

CYGP15

Protection from flooding

CYV1

Criteria for visitor related devt

CYGP1

Design

CYGP23

Temporary planning permission

CYHE4

Listed Buildings

CYS6

Control of food and drink (A3) uses

3.0 CONSULTATIONS

3.1 INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT- No objections

DESIGN CONSERVATION AND SUSTAINABLE DEVELOPMENT- No objections subject to previous conditions reapplied to any permission.

PUBLIC RIGHTS OF WAY- No comments at the time of writing.

LEISURE SERVICES - Support the application

ENVIRONMENTAL PROTECTION UNIT- No objections to the application

3.3 EXTERNAL CONSULTATIONS

GUILDHALL PLANNING PANEL- No objections.

BRITISH WATERWAYS- No objections provided applicant adheres to conditions of the previous planning consents.

ENVIRONMENT AGENCY- No objections the development proceeds in accordance with the submitted flood risk assessment.

BOATING ASSOCIATION- Object as the cafe would take up part of the limited public mooring space in the centre of York, and that it has evidently not been possible for craft to moor alongside the floating cafe as required by the condition of the temporary planning consent.

INLAND WATERWAYS ASSOCIATION- No comments at the time of writing.

The application was advertised by site and press notices. The expiry period for comments was 8 April 2009

1 letter of support has been received from as a result of the above consultations, commenting that the City should promote the use of the river as a tourist facility

4.0 APPRAISAL

4.1 KEY ISSUES

1. Land use impact of permanent use of riverbank and mooring for cafe use
2. Visual impact of permanent use of riverbank and mooring for cafe use

4.2 RELEVANT SITE HISTORY

06/00282/FUL Proposed mooring of floating temporary coffee bar and waiter serviced seated area on riverbank REFUSED 31.3.2006

07/ 00266/FUL Proposed mooring of floating coffee bar with waiter serviced seated area on the riverbank (April- September, inclusive) PER 20.4.2008

08/00392/FUL Mooring of floating coffee bar with waiter service seated area on the river bank (Resubmission of 07/00266/FUL) to allow use throughout the year PER 16 May 2008

4.3 RELEVANT PLANNING POLICY

Planning Policy Statement 1 " Delivering 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.

Planning Policy Guidance Note No. 15 " Planning and the Historic Environment " seeks to ensure that the special characteristics of listed buildings and conservation areas are not adversely affected by inappropriate developments.

Planning Policy Statement 25 " Development and Flood Risk " contains the aim of ensuring that Local Planning Authorities consider the issue of flooding on the wider scale and the need to work with the natural processes in planning future development.

POLICY HE2 of the City of York Deposit Development Control Local Plan (Fourth Set of Changes), approved on 13 April 2005 states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

POLICY HE4 of the Local Plan relates specifically to listed buildings and states that consent for development in the immediate vicinity of listed buildings, demolition, internal and external alteration, and changes of use will only be granted where there is no adverse effect on the character, appearance or setting of the building.

POLICY HE12 of the Local Plan advises that any proposals that would affect the character, setting, appearance , amenity or enjoyment of historic parks and gardens would not be supported.

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

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

POLICY GP15a of the Local Plan seeks to ensure that flood protection is considered in new developments.

POLICY L4 of the Local Plan states that planning permission will be supported for development adjacent to rivers where:

- a) there would be no loss to established and thriving recreational interests and uses;
- b) the development would complement existing recreational uses and the character of the area;
- c) the navigational capacity of the river would not be decreased, and
- d) existing walkways and cycleways along the river banks are retained.

POLICY V1 of the Local Plan advises that any new visitor related developments can bring economic and employment benefits to the City but that these benefits have to be weighed against any adverse environmental and amenity impact that may arise.

POLICY GP23 (e) of the Local Plan supports the granting of temporary planning permission for a limited period provided that a trial period is necessary for the development, to allow an assessment of its character or effects.

POLICY S6 of the City of York Development Control Local Plan relates to the control of food and drink uses. The policy permits the development and extension of premises within York City Centre subject to there being no adverse impact on amenity of surrounding occupiers and the opening hours being restricted, where necessary, to protect the amenity of surrounding occupiers

4.4 ASSESSMENT

LAND USE

4.5 The ability for local planning authorities to grant temporary permission is contained in Circular 11/95 and contained in the City of York Development Control Local Plan as Policy GP23. It states that where an application is made for a use that may be potentially detrimental to existing uses nearby, but there is insufficient evidence to enable the authority to be sure of its character or effect, it might be appropriate to grant a temporary permission in order to give the development a trial run, provided that such a permission would be reasonable having regard to the capital expenditure necessary to carry out the development. It states that a trial period should be set that is sufficiently long for it to be clear by the end of the first permission whether permanent permission or a refusal is the correct outcome. The proposals will then be assessed on the basis of current national and local planning policies and proposals. It is considered that two years is sufficient time to experience the cafe operation, and that any further application for planning permission for the continued use should be considered on a permanent basis and assessed against current planning policies and circumstances.

4.6 Riverbank use- The Guildhall Planning Panel and the Conservation Area Advisory Panel raised concerns that the riverbank use as a cafe would result in creeping colonisation of the water's edge in their responses to the two previous

applications for planning permission. The experience of the operation on a trial basis has allayed these concerns and lifted this previous objection. The Planning Panel now appears satisfied that this has not been a problem since the operation of the cafe use on the riverbank. The use is sporadic and has not resulted in any associated/ additional uses on the riverbank. It was also suggested that the cafe use be time-restricted as the area forms part of the esplanade area where there is an intention of the Local Development Framework City Centre Action Plan to tidy up the esplanade area. The Local Plan Development Framework is not at a stage that would include any proposals that would preclude the use of the riverbank as a cafe area and there are no other adopted Council plans that would restrict this proposed use. It is therefore considered that it would be unreasonable to resist the proposed use on the grounds of prematurity. The Leisure Services Department who operate the Council moorings would retain control over the mooring as the cafe proprietor would still require a licence to trade from the upper riverbank where they place their tables and chairs. They would raise no objections to a permanent permission for the floating cafe. They have received a few complaints and a few compliments about the cafe - at best no more than 2 or 3 of each but maintain the view that the operation should be supported as it has brought life and vitality to the area as per member wishes expressed through the Scrutiny Report "Making more use of York's Rivers and riverbanks" June 2003.

4.7 The proposal would also be supported by Policies L4 and V1 of the Local Plan that seek to promote development adjacent to rivers and visitor related development provided there is no conflict to other users or material considerations.

4.8 It is noted that the Boating Association has expressed concerns that the cafe use takes up part of the limited public mooring space and advises that it has not been possible for craft to moor alongside the floating cafe as required by the conditions imposed by the previous planning consents. This body represents the interests of a particular type of craft user and does not represent all water craft users. The Council's Lifelong Leisure and Learning Department advises that the Inland Waterways Board also represents users of the river, and contributes to the wider forum that promotes the use of the river. Members will be advised of any comments that are received from the Inland Waterways Board.

4.9 It would appear that there would be no further impingement on the adjacent footpath provided the relevant planning conditions on the previous application that control the riverbank use are re-applied to any new planning permission.

VISUAL IMPACT

4.10 The mooring and the use of the riverbank as a seating area are adjacent to the Museum Gardens, a registered park and garden that is situated within the Central Historic Core Conservation Area. Temporary planning permission was granted with conditions that aimed to ensure that the extent of seating was limited and that all associated paraphernalia associated with the use was removed outside operating hours to preserve the setting of the gardens and the overall appearance of the conservation area. The boat is of "traditional" appearance and the seating is

designed to suit the semi-rural character of this location. This application would retain these acceptable features.

4.11 The Local Planning Authority is unaware of any changes in the area or problems from the use during the trial period that affect the amenity of the conservation area and the Museum Gardens e.g. litter, vandalism. The character of the area varies from tranquil to busy depending on surrounding activities and as the use tends to operate at busy times to catch passing trade, there is no harmful change to the character and amenity of the area. As a result of the seasonal nature of the riverbank cafe use, it tends to be seen against a backdrop of other activities on the riverbank and the river. The use of the riverbank/temporary mooring is infrequent during winter months when there is less tree screening. The experience of the previous year's business demonstrates that the character of the conservation area in this area would be preserved and any increased prominence is not materially harmful to the locality or the character or amenity of the conservation area. There would be no further conflict with local planning policy HE2, HE4, HE12 and related national planning policy.

5.0 CONCLUSION

5.1 The mooring and the use of the riverbank for the floating cafe has operated for nearly two years without causing significant harm to surrounding land uses, neighbouring amenity, highway safety, and the visual amenity and character of the area. Under the terms of Circular 11/95, it would be unreasonable of the Local Planning Authority to restrict the applicants to a further temporary planning permission if minded to approve the continued use unless there are new issues that would require a similar test. It is considered that no new issues have arisen since the granting of the previous permissions and that no additional significant harm would arise that would warrant refusal of the application. It is therefore recommended that planning permission be granted subject to the the planning conditions of the previous consents applied to the permission.

5.2 It is therefore concluded that the proposal would not conflict with Policies HE2, HE4, HE12, L4, V1, GP4a, S6, GP15a, GP1, and GP23 of the City of York Local Plan Development Control Local Plan- Incorporating the Proposed 4th Set of Changes (2005); and national planning guidance contained in Planning Policy Statement 6 " Planning for Town Centres, "Planning Policy Guidance Note No. 15 " Planning and the Historic Environment " and Planning Policy Statement 1: "Planning for Sustainable Development. "

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing No. AG01, dated 18.2.2009 and details submitted on 18 February 2009 and validated on 19 February 2009,

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 The use hereby permitted shall be confined to the following hours:

Monday- Sunday (Including Bank Holidays) 0800-2000 hours

Reason: To minimise the impact that noise could potentially have on the nearby residents.

4 The external seating area shall not encroach upon the public highway and all furniture associated with the aforementioned area shall be fully removed when the premises are closed.

Reason: In the interests of the users of the public highway and the visual amenity of the area

5 No equipment other than the approved tables, chairs and barriers shall be installed within the seating area without the prior consent of the Local Planning Authority.

Reason: To ensure that the appearance of the development is suitable and that it contributes to the character and appearance of this part of the Central Historic Core Conservation Area in accordance with policy HE3 of the local plan and policy E4 of the structure plan.

6 There shall be no public address system or amplified music associated with the cafe boat and the seating area hereby approved.

Reason: In the interests of amenity

7 There shall be no primary cooking of unprepared food within the designated seating area hereby approved.

Reason: It is considered that this use would be inappropriate and would detract from the character and appearance of this part of the Central Historic Core Conservation Area and conflict with policy HE3 of the local plan and policy E4 of the structure plan.

8 The development shall proceed and operate at all times in accordance with the submitted flood risk statement.

Reason; To minimise the risk of flooding

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

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

- the impact of the use on the visual amenity and character of the conservation area and the adjacent listed garden
- the continued use of the riverbank as a cafe

As such, the proposal complies with Policies HE2, HE3, HE4, HE12, L4, V1, GP15a, GP23, and GP1 of the City of York Development Control Local Plan- Incorporating the Proposed 4th Set of Changes; and national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development, " Planning Policy Statement. 15 " Planning and the Historic Environment., " and " Planning Policy Guidance Note No. 25 " Development and Flood Risk. "

2. PAVEMENT CAFE LICENCE

You are advised to contact the City of York's Highway Network Management as a pavement cafe licence may be required under the Highways Act.

3. EXTRACTION DETAILS

The floating coffee bar shall have adequate facilities for the treatment and extraction of fumes so that there is no adverse impact on the amenity of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required can be submitted to the Council's Environmental Protection Unit for approval.

Contact details:

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

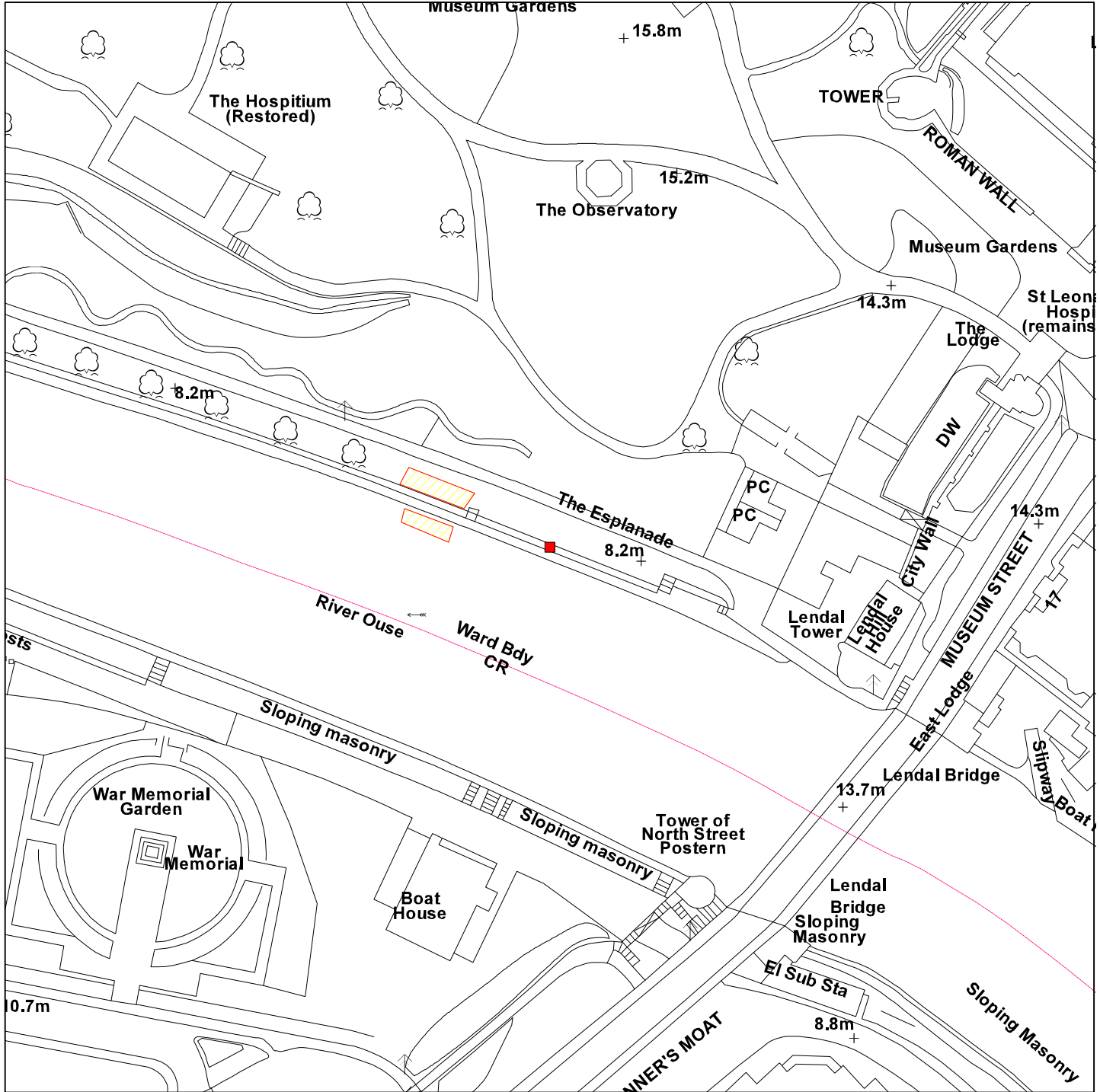
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Temporary Moorings, Museum Street, York

09/00299/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	02 April 2009
SLA Number	Not set

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COMMITTEE REPORT**Committee:** West/Centre Area**Ward:** Rural West York**Date:** 16 April 2009**Parish:** Askham Richard Parish
Council**Reference:** 08/01888/FUL**Application at:** First Farm Main Street Askham Richard York YO23 3PT**For:** Conversion and alterations to outbuilding including raising of roof to form residential extension to main dwelling (retrospective)**By:** Mr Richard Hnat**Application Type:** Full Application**Target Date:** 13 April 2009**1.0 PROPOSAL**

1.1 The application seeks retrospective planning permission for the conversion and alterations to an outbuilding, including the raising of the ridge height and inserting openings to the side elevation and roof, to provide residential accommodation.

1.2 this application is the seventh in a series of application at the site:

04/01426/FUL - Conversion of outbuilding for form a separate cottage - This scheme originally included sash windows to the first floor south elevation overlooking Metcalfe Cottage. The scheme was to be recommended for refusal. The agent amended the scheme to include rooflights to the south elevation to remove the loss of amenity of neighbours. Approved

04/03288/FUL - Installation of three second floor windows to South elevation - This application reverted to the previous scheme inserting the windows to the South elevation - Refused on loss of privacy grounds

04/04217/FUL - Installation of three bedroom windows to the South elevation with the bottom 2/3 obscure glazed - Refused on loss of privacy grounds

06/00626/FUL - Conversion of existing outbuilding to form 1 dwelling. This scheme was submitted to incorporate two windows to the first floor south elevation, as opposed to the tree previously refused. The application was recommended to refusal at committee but following a site visit Members overturned the recommendation, considering that the level of overlooking would be acceptable. Furthermore, they proposed that three windows to the South elevation would be acceptable. Members gave Officers delegated powers to approve a resubmission - Approved

06/01771/FUL - Conversion of outbuilding to 1 dwelling - This application included the three windows to the first floor South elevation - Approved

07/02580/FUL - Conversion of outbuilding to form residential extension. This application sought permission to convert the outbuilding to additional accommodation in connection with the main farm house, as opposed to a separate dwelling. Permission was approved with the installation of two windows to the South elevation

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding : Air Field safeguarding 0175

Conservation Area : Askham Richard 0017

City Boundary : York City Boundary 0001

DC Area Teams : West Area 0004

2.2 Policies:

CYGP1
Design

CYHE2
Development in historic locations

CYHE3
Conservation Areas

3.0 CONSULTATIONS

3.1 Internal

Design Conservation and Sustainable Development - The increase in the roof height of a section of the rear outbuilding to First Farm has altered the architectural character and appearance of the building that is open to public view within Askham Richard Conservation Area. However, the partial increase in the roof height of the rear outbuilding to First Farm does not generally detract from the composition of existing buildings within the context of First Farm or the character and appearance of the conservation area. The alterations to the pattern of fenestration and door openings to the south elevation of the rear outbuilding do not appear to have a negative visual impact on the character and appearance of the conservation area.

3.2 External

Neighbours - Letters received from Metcalfe Cottage and The White House objecting on the following grounds:

- Normally outbuildings do not dominate the house
- More imposing than previously

- Conversion has not made the most of the original features
- New roofline is visible towering over the neighbouring property creating overshadowing

Askham Richard Parish Council - Object on the grounds that a previous application at this property was refused on the grounds of excessive height and the presence of a dormer window (No previous application sought to increase the ridge height or erect a dormer window)

Council for British Archaeology - The increase in height is not acceptable and creates an ancillary building which is not subservient to the main building. The stepped effect of the different ridge heights detracts from the vernacular of the building. Do not object to the conversion in principle.

4.0 APPRAISAL

4.1 Key Issues

- Impact upon Conservation Area
- Impact upon neighbouring residents

4.2 The relevant City of York Council Draft Deposit Local Plan Policies are GP1, HE2 and HE3. 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.

Policy HE2 'Development in Historic Locations' states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, scheduled monuments or nationally important archaeological remains, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character and appearance of the area.

Policy HE3 states that within conservation areas, proposal for the following type of development will only be permitted where there is no adverse effect on the character and appearance of the area: demolition of a building (wether listed or not); external alterations; changes of use which are likely to generate environmental or traffic problems.

4.3 The scheme seeks permission for the conversion and alterations to the outbuildings, including raising of the roof height, to form a residential extension. Planning permission has previously been granted for the conversion of this

outbuilding and the works undertaken. On completion of the works it was noted that the ridge height, of the rear section, had been raised by 0.5m and alterations made to the approved window openings. As such the principle of the conversion will not be discussed as this had already been agreed.

4.4 The original ridge height of the outbuilding connected to the farmhouse has been retained in part for a 5.0 metre section. The ridge level then rises by 0.5 metres for the next 10.5 metre section of the roof of the outbuilding. The ridge level then lowers by 1.0 metre to the single storey section of the outbuilding attached to the east. Due to the retained 5.0 metre section of the original ridge height, immediately behind the farmhouse, the increase in the roof height of the remainder of the outbuilding is not immediately visible when viewed directly from the west. The increase in the ridge height of the outbuilding becomes apparent when viewed from the north west and the south west. It is possible to gain glimpses of the increase in the ridge level of the outbuilding from the public highway to the south west. It is considered that the increase in the level of the ridge appears to form part of the composition of different roof planes and does not appear to detract from the character and appearance of the conservation area from this viewpoint.

4.5 The partial increase in the ridge level of the rear outbuilding is clearly visible when viewed from the north west from the village green and the public highway. The neighbouring property of Whitehouse is situated to the north of First Farm and its double garage is situated adjacent to the outbuildings in question. The prominence of the increase in roof height of the outbuilding is reduced within this context, as it appears to form part of this group of buildings when viewed from the north west. Although the silhouette of the roof of the outbuilding to First Farm has changed, the variation in the ridge line of the rear outbuilding does not appear to detract from the general composition of buildings when viewed from the north west. Furthermore, it is considered that due to distance between the raised ridge height and neighbouring dwellings there would not be any unacceptable levels of overshadowing.

4.6 Three rooflights have been introduced to the south elevation of the roof plane of the outbuildings. These are visible from Main Street but do not appear to have a negative visual impact on the character of the conservation area or allow any views into the neighbours garden. Two windows have been inserted to the first floor elevation of the outbuildings, which accords with the approval granted. An additional window has been inserted to the ground floor but it is considered that this does not detract from the character of the building or the conservation area and does not result in an additional loss of privacy to neighbours.

5.0 CONCLUSION

5.1 Whilst the principle of the conversion had previously been established the raising of the roof height had not. However, it is considered that the variation in the ridge heights within the outbuildings adds character to the property and does not create a negative impact upon the character of the conservation area. In addition the rise would not lead to any unacceptable loss of light or any overdominance of the neighbouring residents. The alterations to the openings are minor and incorporate elements of previously approved schemes which are considered acceptable. As such Officers recommend approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Proposed Plans and Elevations Rev A received April 2nd 2009

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.

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

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

3 A desk study identifying any previous or present potentially contaminative land uses at the site, as well as the geological and hydro-geological setting and other environmental and pollution aspects, shall be submitted to and approved by the Local Planning Authority.

Reason: For the protection of human health and the wider environment.

4 Prior to the development coming into use, details of Bat boxes/access holes, including their location shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests on wildlife conservation.

5 The cobbled wall to the northern boundary shall be retained unless otherwise agreed in writing with the Local Planning Authority

Reason: In the interests of conservation

6 Details showing the location, height and appearance of all new boundary treatments shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no doors, windows or other opening additional to those shown on the approved plans shall at any time be inserted into the northern elevations (including the roof) of First Farm.

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

8 All windows within the northern facing elevation of First Farm, shall be obscurely glazed and thereafter retained as such unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of neighbouring amenity.

9 All rooflights shall be of a conservation type and retained as such unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity.

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 neighbours residential amenity or the character of the conservation area. As such the proposal complies with Policies GP1, HE2 and HE3 of the City of York Development Control Local Plan.

Contact details:

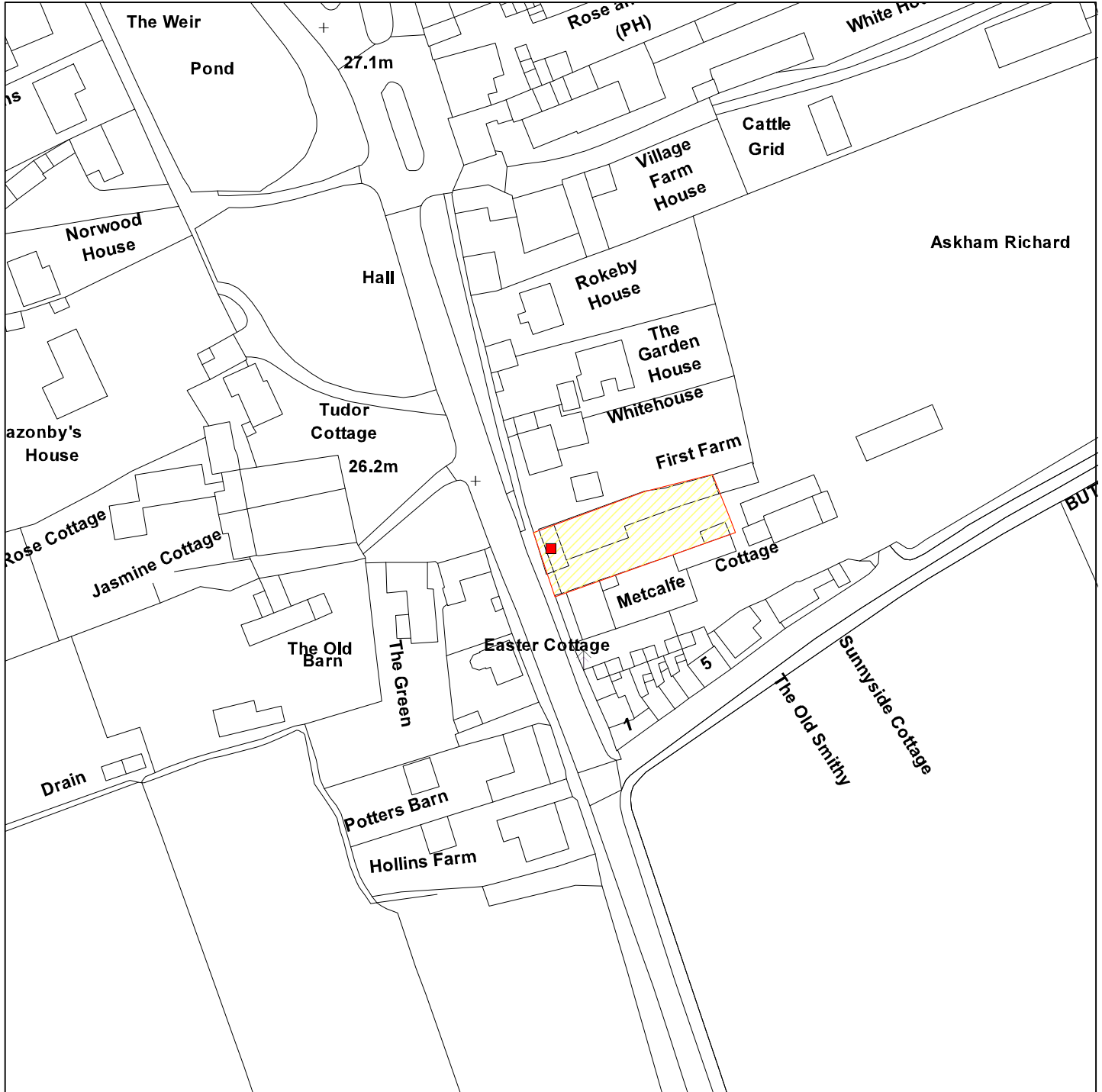
Author: Heather Fairy (Mon - Wed) Development Control Officer
Tel No: 01904 551319

First Farm, Main St, Askham Richard

08/01888/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	02 April 2009
SLA Number	Not set

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West & City Centre Area Planning Sub-Committee

16 April 2009

Report of the Director of City Strategy

Enforcement Cases - Update

Summary

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

Background

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

Current Position

5. Members should note that 81 new cases were received for this area within the last 3 months . 66 cases were closed and 186 remain outstanding. There are 59 Section 106 Agreement cases outstanding for this area after the closure of 6 for the last 3 months.

Consultation

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

Options

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

Corporate Priorities

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

10. **Implications**

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

Risk Management

11. There are no known risks.

Recommendations

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

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

Contact Details

Author:

Hilary Shepherd/
Andy Blain
Planning Enforcement Officers

Chief Officer Responsible for the report:

Chief Officer's name

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

Dept Name City Strategy
Tel No. 551647/551314

Report Approved

Date 31.03.2009

Specialist Implications Officer(s)

None

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

All

For further information please contact the authors of this report

Background Papers:

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

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

Annexes

Annex A - Enforcement Cases – Update (Confidential)

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of the Local Government Act 1972.

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