



Notice of meeting of

West & City Centre Area Planning Sub-Committee

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

Date: Thursday, 20 August 2009

Time: 3.00 pm

Venue: The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00 am on Wednesday 19 August 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 - 20)

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on 16 July 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 **Wednesday 19 August**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

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

4. Plans List

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

- a) **Odeon Cinema Blossom Street York (09/00615/ADV)** (Pages 21 - 28)

Display of 3no. non-illuminated signs on the canopy and 1no.internally halo illuminated high level sign [*Micklegate Ward*] **[Site Visit]**

- b) **Odeon Cinema Blossom Street York (09/00616/LBC)** (Pages 29 - 36)

Display of 3no. signs to the canopy and 1no. halo illuminated high-level sign [*Micklegate Ward*] **[Site Visit]**

- c) **4 Trenchard Road York YO26 6BG (09/01073/FUL)** (Pages 37 - 46)

Subdivision of dwelling to form two semi detached dwellings with two storey side and two storey/single storey rear extensions, new access drive and garage [*Rural West York Ward*] **[Site Visit]**

- d) **Knavesmire Primary School Trafalgar Street York YO23 1HY (09/01200/GRG3)** (Pages 47 - 54)

External alterations and single storey extensions to provide new children's changing room facilities and a new children's centre [*Micklegate Ward*] **[Site Visit]**

- e) **Moor Farm Moor Lane Bishopthorpe York YO23 2UF (09/01146/FUL)** (Pages 55 - 68)

Change of use of agricultural building to storage (use class B8) and installation roller shutter doors [*Bishopthorpe Ward*] **[Site Visit]**

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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- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE

SITE VISITS

Wednesday 19 August 2009

The bus for Members will leave Memorial Gardens at 11.00am

TIME (Approx)	SITE	ITEM
11.10	4 Trenchard Road	4c
11.40	Moor Farm, Moor Lane, Bishopthorpe	4e
12:10	Knavesmire Primary School, Trafalgar Street	4d
12:30	Reel (former Odeon) Cinema, Blossom Street	4a & b

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City of York Council

Committee Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	16 JULY 2009
PRESENT	COUNCILLORS HORTON (CHAIR), SUE GALLOWAY (VICE-CHAIR), STEVE GALLOWAY, GILLIES, REID, SUNDERLAND, B WATSON, BOWGETT (SUBSTITUTE) AND WISEMAN (SUBSTITUTE)
APOLOGIES	COUNCILLORS CRISP AND GALVIN

6. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
Hunters Estate Agents, 47 York Road	Councillors Sue Galloway, Gillies, Horton, Brian Watson and Wiseman.	As objections had been received and the recommendation was to approve.
106 Albion Avenue, York	Councillors Sue Galloway, Gillies, Horton, Brian Watson and Wiseman.	As objections had been received and the recommendation was to approve.
Harewood Whin Landfill Site, Tinker Lane	Councillors Sue Galloway, Gillies, Horton, Brian Watson and Wiseman.	As objections had been received and the recommendation was to approve.
OS Field 6031, Millfield Lane (Poppleton's Juniors Clubhouse)	Councillors Sue Galloway, Gillies, Horton, Brian Watson and Wiseman.	As objections had been received and the recommendation was to approve.
68 Clarence Street, York	Councillors Sue Galloway, Gillies, Horton, Brian Watson and Wiseman.	As objections had been received and the recommendation was to approve.
14 Feasegate, York	Councillors Gillies, Horton and Wiseman.	At the request of Cllr Brian Watson.
Railway Station, Station Road	Councillors Sue Galloway, Steve Galloway, Gillies, Horton, Brian Watson and Wiseman.	Due to significant public interest in the application and as objections had been received and the recommendation was to approve.

7. DECLARATIONS OF INTEREST

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

Councillor Reid declared a personal and prejudicial interest in respect of Plans List item 5c (Harewood Whin Landfill Site, Tinker Lane, Rufforth) as she is the Council's representative on Yorwaste. She left the room for this item and took no part in the debate or voting on this application.

Councillor Bowgett declared a personal and non-prejudicial interest in respect of Plans List item 5e (OS Field 6061, Millfield Lane, Nether Poppleton) as her daughter is a member of the Poppleton Ladies Football Club.

8. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That Members of the Press and Public be excluded from the meeting during consideration of Annex A to agenda item 12 on the grounds that it contains information that if disclosed to the public, would reveal that the Authority proposes to give, under any enactment or 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. This information is classed as exempt under Paragraphs 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.

9. MINUTES

RESOLVED: That the Minutes of the meeting of the West and City Centre Planning Area Sub-Committee held on Thursday 18 June 2009 be approved and signed by the Chair.

10. PUBLIC PARTICIPATION

Councillors Merrett and Gunnell had registered to speak on Plans Item 4F (Railway Station, Station Road, York) but, as they were unable to stay until that item was considered due to other commitments, the Chair agreed that they could speak at this point in the meeting.

Councillor Merrett made the following points:

- The railway station is one of York's grandest and finest listed buildings in terms of scale and design and that the rail sheds are one of York's grandest spaces. It is important to maintain the

character of York Railway Station as a grand Victorian public space and barriers would destroy this open character and hinder the view within the station particularly the best view from the footbridge.

- Barriers would hinder convenient free access through the station.
- The public toilets in the station are used by people waiting at the city's principal taxi rank situated outside the station – barriers would prevent access to toilets which could lead to increase in anti-social behaviour and urination outside the station.

Councillor Gunnell stated that she had had been contacted by several residents in her ward who were concerned about the plans for the station. She emphasised that for people arriving at York Station by train, the ambience within the station was phenomenal and that work on the station would be extremely detrimental to this.

11. 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.

11a 14 Feasegate York YO1 8SQ (09/00742/FUL)

Members considered a full application from Mr Michael Page for the use of the highway as an outside seating area in connection with "Subway" at 14 Feasegate.

Officers confirmed the number of tables and chairs shown on the drawings in front of Members as 6 tables and 14 chairs and advised that conditions 4 and 5 should be combined.

In response to a query from Members, officers clarified that this these premises operated as a sandwich bar and not a takeaway and under A1 use class they may sell cold food to take away.

Members raised concerns about litter and the planning officer advised that the applicants intended to provide litter bins as all food was served in takeaway wrappers.

RESOLVED:

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

Amended Condition 4

The tables and chairs shall not be placed on the highway except between the hours of 11:00 - 16:00 Monday to Saturday and 12:00 to 16:00 on Sundays. Outside of these hours, all equipment associated with the use shall be removed from the public highway.

Reason: In the interests of users of the public highway and to avoid clutter, in the interests of the character and appearance of the conservation area.

REASON:

The proposal, subject to the conditions listed in the report and the amended condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the Conservation Area, the amenities of nearby occupants and highway safety. As such the proposal complies with policies GP1, HE3 and S6 of the City of York Development Control Local Plan Deposit Draft, incorporating the 4th set of changes.

Action Required

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

11b 68 Clarence Street York YO31 7EW (09/00622/FUL)

Members considered a full application from Mr Chris Georgiou for a part single/part two storey pitched roof rear extension resulting in a 3-bed flat above ground floor shop and detached building at rear to provide a 2-bed dwellinghouse.

Officers advised Members that the proposal as stated in the report had been amended. They advised that the extension would project 3m from the rear elevation not 2.2m as stated in the report and that the additional single storey building to provide a further 2 bedrooms and living area would be 8.5 metres beyond the rear extension not 8m as stated in the report.

Representations were received from a neighbour who spoke on behalf of her landlord and partner. She advised Members that the majority of the nearby properties were either unoccupied or occupied by students who were unlikely to object to these plans. She questioned whether, as there were already vacant properties in the area, there was a need for further accommodation. She told Members that the building in the back garden was only 1m from her back door and also raised concerns that additional properties would add to the existing parking and noise problems in the area.

Members agreed that their main concerns were with the proposed development of the additional building in the garden of the existing property and access to the property which was via an alleyway.

In response to a query from Members, officers explained that because the proposals had been submitted as one application, Members would need to either approve or refuse the application as a whole but if refused the reason for refusal would explain why the application had been refused.

Members agreed that the proposal would constitute overdevelopment and that it would detract from the dwelling to the rear, be hindered by poor and inconvenient access and be contrary to policy GP1 and 10 of the Local Plan.

RESOLVED:

That the application be refused for the reason given below. ¹

REASON:

The proposed detached building in the rear garden would constitute overdevelopment of the site which would offer inadequate levels of amenity for future occupants. The proposed means of access because of its width and tight corner would also be inadequate and inconvenient for future occupants of the dwelling. As such the proposal is contrary to PPS3 'Housing' (paragraph 10) and policies GP1 and GP10 of the local plan.

Action Required

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

**11c Harewood Whin Landfill Site Tinker Lane Rufforth York YO23 3RR
(09/00460/FUL)**

Members considered a full application by Mr Mark Hall for the retention for an existing compost pad extension.

Officers advised Members that representations had been received from Rufforth with Knapton Parish Council regarding the need for an Environmental Impact Assessment (EIA). The explained that new figures received from Yorwaste detailing the total amount of compostable material takes the development into a category where the Environmental Impact Assessment Regulations require that a screening opinion would need to be undertaken to establish whether an EIA is required. They advised that they would therefore be seeking deferral in order for this to be carried out.

The Chairman of Rufforth with Knapton Parish Council, who had registered to speak on this item, confirmed that he was happy to withdraw his registration and speak on the matter when the application was considered at a later date.

RESOLVED:

That the application be deferred. ¹

REASON:

In order that a screening opinion can be undertaken as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 to establish whether an Environmental Impact Assessment is required.

Action Required

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

**11d Hunters The Estate Agents, 47 York Road, Acomb, York, YO24 4LN
(08/02738/FUL)**

Members considered a full application from Mr John Waterhouse for the change of use of the property from Estate Agents (A2) to hot food takeaway (A5) with a rear kitchen extract flue.

Officers circulated a statement from a resident of a neighbouring property who was not able to attend the meeting. He objected to the late opening hours which had been requested which he was concerned would result in his two small children being kept awake at night by delivery vehicles and noise.

Following discussion which had taken place at the site visit, Members requested that a condition be added to ensure that improvements would be carried out to the rear of the property if the application was approved.

RESOLVED:

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

Additional Condition 6

Prior to the commencement of the use hereby permitted a fence or wall with gates to enclose the rear yard shall be erected in accordance with details which shall have been previously submitted to and approved in writing by the local planning authority.

Reason: In the interest of the visual appearance of the area in accordance with policy S7 of the local plan and to aid in preventing anti-social behaviour in accordance with policy GP3 of the local plan.

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 vitality and viability of the shopping area, or have a detrimental impact upon residential amenity in terms of noise, litter, traffic generation or antisocial behaviour. As such the proposal complies with Policies S6 and S3a of the City of York Development Control Local Plan.

Action Required

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

11e OS Field 6031, Millfield Lane, Nether Poppleton, York (09/00474/FUL)

Members considered a full application from Mr Val Duggan for the erection of a one storey club house, extended car parking, cycle park, bin store and the retention of one storage building.

Officers advised that a response had been received from the Environmental Protection Unit on 7 July. They raised no objections to the extension in hours (as stated in the condition in the report) but advised that they would have concerns if the hours were extended further as it would “result in a community centre/public house/private club that could cause noise which may have a substantial affect on the amenity of the nearby residents.” Officers advised Members that Condition 15, which had been reworded, covered this issue.

They also advised that further information had been received from the agent/applicant. This stated that they had submitted a club statement (which had been circulated to Members at the meeting), that they would not contribute to the bus stop facilities as the percentage of people who use the bus to get to the site was only 5%, and requested late opening hours as follows:

- Training coursed (12 per annum) 19.00 – 23.00 hours Mon – Fri
- Tournaments, max 5 per annum, 0800 – 18.00 hours Saturday, Sunday and Bank Holidays.

Officers advised that Condition 13 in relation to the hours of operation had been amended to enable more flexibility and that Informative 2 should be removed as this related to the bus stop facilities.

Representations were received from the agent in support of the application. He read from the Club Statement which made the following points:-

- Poppleton Tigers JFC is a subsidiary of The Poppleton Community Trust. They have just completed 4th season at Millfield Lane
- Pitches at Millfield Lane are used by Poppleton Tigers JFC, Poppleton Colts U19 and Poppleton Ladies and also provides an alternative venue for many school teams and York City’s first team practices when their pitch is unavailable.
- New purpose built clubhouse would enable them to provide training for coaches and referees and first aiders.
- Clubhouse would have full disabled access including showering and changing facilities.
- Design will include environmental features
- Project will benefit local and wider community

Members welcomed the new development which they agreed would be of benefit to the local area and the city as a whole. They suggested that the hours of operation on weekday evenings be extended to 10pm to allow more flexibility

RESOLVED:

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

Amended Condition 13

The hours of operation of this approved use shall be confined to

Monday to Fridays	09.00 to 22.00
Saturdays	09.00 to 18.00
Sunday	09.00 to 18.00

In addition up to 12 training courses per annum may be carried out (Monday to Friday only) which shall cease by 23.00 hours.

Reason: To safeguard the amenities of adjoining occupants.

Amended Condition 15

The proposed building shall be restricted to the use of football clubhouse and for no other purpose, including any other use falling within D2 of the Town and Country Planning (Use Classes) Order 1987, (or any provision equivalent to the Class in any Statutory Instrument revoking or re-enacting that Order with or without modification) unless a further change of use is granted planning permission by the Local Planning Authority.

Reason: To protect the residential amenity of the occupants of the nearby dwellings.

REASON:

The proposal, subject to the conditions listed in the report and the amended conditions above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the building and the locality, impact on the openness of the greenbelt, and highway safety. As such, the proposal complies with Policies GP1, GB1, and GB13 of the City of York Council Development Control Local Plan (2005); national planning guidance contained in Planning Policy Guidance 2 - Green Belts.

Action Required

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

11f Railway Station, Station Road, York (08/02755/LBC)

Members considered an application for Listed Building Consent for the installation of automatic ticket gates, glazed barriers, associated CCTV cameras and signage, alterations to the chaplain's office, the formation of passageway from the short stay car park to the Inner Concourse, the provision of ATM booths, relocation of various booths and kiosks and associated building works.

Officers reminded Members that this was an application for Listed Building Consent and not a planning application. They confirmed that the majority of proposed works were inside the station building and did not require planning permission with outside works covered by permitted development rights and referred Members to Section 16 of the Planning (Listed buildings and Conservation Areas) Act 1990.

Officers circulated an list of updates and briefed Members on these changes. They reported two corrections to the report as follows:

- Paragraph 3.15 – Date of CABYS letter should read 8.1.2009
- Paragraph 4.19 – insert date of 31.5.2009

They also advised Members that 6 further representations had been received expressing the following views that were material to the consideration of the listed building consent application

- Transient nature of franchise should not mar character the station
- Symbol of York
- Unacceptable visual intrusion adversely affecting the character and appearance of the station contrary to policy HE4.

They also reported that on 14 July 2009 they received a letter from York Civic Trust which stated that changes to the proposal *“has largely met our previous objections, and the overall benefits in visual terms now outweigh the introduction of new ticket gates. We would however expect that the gating scheme would only be acceptable in it is associated with the other aspects of the overall proposal”*

A letter which had been submitted by Councillor David Scott was circulated at the meeting. This urged Members to refuse the application for several reasons and asked Members to consider the visual impact of the proposed barriers on the station which he stated would be out of context for the building.

A statement had been received from the Public Affairs and Stakeholder Manager, on behalf of National Express East Coast and circulated to Members but the Chair advised Members to disregard it as it contained information on station management issues and revenue protection which could not be considered in respect of the Listed Building Consent application.

The Chair invited the Council's Senior Assistant Solicitor to address the meeting. The Solicitor had prepared a briefing note which had been circulated at the beginning of the meeting to Committee Members and members of the public. He reminded those present that this was not a planning application but as the station was a listed building, the applicant required Listed Building Consent in order to carry out the proposed works. He explained that it was necessary to consider the effect of the proposed works on the listed building and referred to the briefing note to explain what issues could be taken into account in reaching a decision on the application. The briefing note is attached as Annex 1 to the minutes.

Representations were received from the Chairman of York Environment Forum in objection the application. He made the following points:

- Statement of Community Involvement has been disregarded
- Interpretation of PPG15 is unreasonable and incorrect
- Evidence of substantial benefits to the community not proved
- Although officers make it clear that station management issues cannot be considered, these are included in the report and will have influenced Members - to exclude challenges to them is to deny natural justice.
- Interpretation and analysis of Draft Local Plan which specifies that no adverse effect on the character or appearance of a listed building can take place.
- Impact on how the building works, in respect of movement within the building, has been ignored

Representations in objection were also received from a representative of the Campaign against Barriers at York Station (CABYS) She spoke with regard to the interpretation of PPG15 and voiced the view that the justification offered by National Express was an inadequate response to the requirement as stated in PPG15 to “justify why the proposed works are either desirable or necessary” and that they had therefore failed to provide “a convincing case”.

A further representation against the application was received from a York resident. She referred to the beauty and distinctiveness of the sweeping Victorian architectural grandeur of York Station and stated that ticket barriers would be ugly, unnecessary and costly. She reminded Members that the station was built to be enjoyed by people and to be a useable functional building therefore it was necessary to consider the impact on station users and retain its openness so it could continue to provide freedom of movement and ease of access.

The Public Affairs and Stakeholder Manager spoke on behalf of National Express East Coast in support of the application. He advised Members that the company were committed to developing stations sensitively and that they had the support of York Civic Trust, English Heritage and Visit York. He reported that listed building consent has been granted recently at Newcastle, Durham and Darlington stations for the introduction of barriers and Durham Station which is a listed building had been awarded station of the Year. He stated that it was important that stations should remain fully functional rather than becoming museums. He confirmed that they had worked with planning officers regarding the proposals and their corporate vision was for a progressive, modern, transport intersection where heritage is preserved and enhanced.

The Council’s Conservation Architect advised Members that in coming to a decision on whether to approve or refuse the application, they needed to determine whether or not the proposals adversely affect the special architectural and historic aspect of the station.

During debate Members discussed the following issues:

- Barriers were first installed in the 1930s and removed in 1984 when the travel centre was built. Barriers were in place when the building was listed.
- significant changes have been made to the internal appearance of the station in the past such as the large display boards, corporate signage etc and this could be considered more intrusive than the current proposals.
- Although barriers have been introduced in other stations, this doesn't necessarily mean it is the right choice for York as York station is unique.
- Some of the proposals such as removal of ATM machines and relocation of catering kiosks from the inner concourse would open up the vista across the concourse and therefore improve the station
- Question of whether barriers detract from view – mixed views on this issue.
- View of several Members that barriers would be detrimental to character and ambience of the station due to their size, location and materials used.

[The meeting was adjourned at 5.20pm and resumed at 5.30pm.]

RESOLVED:

That the application be refused for the reason below. 1

REASON:

The design, location and materials of the proposed gates and barriers would have a serious adverse effect on the Grade 2* Listed Building by reason both of their incongruity with the existing structure and the detracting effect they would have on its unique character. This would be contrary to policy HE4 which states that consent will only be granted for internal alterations to listed buildings where there is no adverse effect on the character and appearance of the building and also contrary to advice contained within paragraphs 3.12 and 3.13 of 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.

11g 106 Albion Avenue, York, YO26 5QY (09/00722/REM)

Members considered a reserved matters application for scale, appearance and landscaping of 1 dormer bungalow and garage to which outline planning permission (ref 07/02291/OUT) relates.

Officers circulated a list of updates and briefed Members on these changes.

They advised Members of the following corrections to the report:

- Page 122 para 1.9 – Delete final sentence
- Page 123 para 2.2 – Policy CYH10 should read CYGP10 (Sub-division of gardens)
- Page 126 para 5.1 – Delete Final Sentence

They advised that 2 further letters had been received from neighbours in response to the revised plans which raised objections relating to proposed width and height of the bungalow, stated that surface water flooding had not been addressed, advised that to prevent overlooking, the dormers should be replaced with flush fitting roof windows and stated that as there was provision for more than 3 cars this was overdevelopment. 2 letters had also been received raising concerns relating to potential problems with deliveries of building materials to the site.

Officers advised that Condition 4 should be removed as this was a condition of the outline permission. They also recommended that an additional condition regarding tree protection measures should be added.

Representations were received from Councillor Tracey Simpson-Laing in objection to the application. She raised concerns of residents in Albion Avenue and Beckfield Lane regarding the scale, density and appearance of the proposed development. She stated that this application was for a higher building and covering a larger site than the original application in 2007 when residents had also raised objections. She voiced concerns over the ridge height and the increased impact which the dormer window creates. She asked for assurance that the distances to the neighbouring properties took into account existing extensions.

Members were of the opinion that due to the large size of the site this should not impact on neighbours unduly.

RESOLVED:

That the application be approved subject to the conditions listed in the report, the removal of existing Condition 4 (demolition and construction work) and the inclusion of an additional condition regarding tree protection measures.¹

Additional Condition 4

Trees and shrubs shown to be retained on the approved plans shall be protected during the development of the site by the following measures:-

- (i) A chestnut pale or similar fence not less than 1.2 metres high shall be erected at a distance of not less than 4.5 metres from any trunk;
- (ii) No development (except where shown on the approved plans) shall take place within the crown spread of the trees;
- (iii) No materials (including fuel or spoil) shall be stored within the crown spread of the trees;
- (iv) No burning of materials shall take place within three metres of the crown spread of any tree;

- (v) No services shall be routed under the crown spread of any tree without the express written permission of the Local Planning Authority.

Reason: In order to safeguard the existing landscape features of the site.

REASON:

That, subject to the conditions listed in the report and the additional condition listed above, the scale, appearance and landscaping of the proposal 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 locality. As such, the proposal complies with Policies H4a, H10 and GP1 of the City of York Local Plan Deposit Draft; national planning guidance contained in Planning Policy Statement 1 'Delivering Sustainable Development' and Planning Policy Statement 3 'Housing'.

Action Required

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

12. ENFORCEMENT CASES UPDATE

Members considered a report which provided them with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

RESOLVED: That the report be noted.

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

Councillor D Horton, Chair

[The meeting started at 3.00 pm and finished at 6.35 pm].

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BRIEFING NOTE RE: LISTED BUILDING CONSENT APPLICATIONS

- 1) Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 provides that in considering whether to grant consent for any works the Local Planning Authority “shall have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses”.
- 2) Formal advice as to how Local Planning Authorities are to deal with such applications is given in “PPG15 Planning and the Historic Environment (1994)”. In paragraph 3.3 it picks up the approach contained in Section 16(2) above, by identifying an approach in favour of preservation except where an argument can be made out for their alteration. Whilst alterations we are told, cannot be ruled out, the starting point is Section 16(2).
- 3) How then to deal with such applications? For completeness I set out paragraph 3.4 in its entirety underlining the key words:-

“Applicants 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 are desirable or necessary. They should provide the Local Planning Authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting”.
- 4) Annexe B of PPG15 in paragraph B.3 makes it clear that an authority must have “sufficient information” for it to understand the application.
- 5) The key element in paragraph 3.4 taken together with paragraph B.3 is that of justification. There is no further formal guidance either in legislation or advice as to how this is to be identified. An objective approach in dealing with the question of justification would be:
 - (a) What in detail are the works proposed?
 - (b) Have they been justified by submissions made by the Applicant?
 - (c) Has anything adverse arisen during the processing of the application that has not been addressed satisfactorily by the Applicant?
 - (d) In conclusion, and taking (a), (b) and (c) above together, is there anything outstanding that compromises the final position that has resulted?
- 6) Given the absence of advice as to how much detail the Local Planning Authority should seek, the Council has to arrive at a position whereby it has to decide whether it has sufficient information in terms of justification to process the application and come to a recommendation. Planning colleagues have confirmed that this is the position.

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Micklegate
Date: 20 August 2009 **Parish:** Micklegate Planning Panel

Reference: 09/00615/ADV
Application at: Odeon Cinema Blossom Street York
For: Display of 3no. non-illuminated signs on the canopy and
1no.internally halo illuminated high level sign.
By: Mr KC Suri
Application Type: Advert Application
Target Date: 1 July 2009

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to the Reel (former Odeon) Cinema building. The building is of C20 origin (1937), of brick, built in the Art Deco Style. The main cinema building and its associated shop units are listed at grade II.

PROPOSALS

1.2 Install 3 signs on the canopy (1 on the return). No illumination proposed.

1.3 Install 1 halo illuminated high level (between first and second floor levels) on the southwest (side facing down Blossom Street) elevation of the tower. This part of the scheme has been amended as it was originally proposed to place the sign on the front elevation of the tower.

1.4 No changes are proposed to the existing high level Odeon sign, which is to be retained.

SITE HISTORY

1.5 In 2001 consent was sought to overlay and add new signage to the canopy and replace the high level Odeon sign with a halo illuminated sign, using the standard Odeon font (applications 01/02739/ADV & 01/02740/LBC). The existing font is now unique to the York Cinema.

1.6 Members determined the application in 2003. The replacement canopy signage was allowed, but the proposal to replace the high level sign was rejected. It was deemed that 'the proposed removal of the existing high level lettering and replacement by new letters in the corporate Odeon style would result in the loss of an important and bespoke architectural feature of the building, to the detriment of its character and appearance'.

REASON FOR BRINGING APPLICATION TO COMMITTEE

1.7 The applications for advertisement and listed building consent are brought to planning committee at the request of Councillor B Watson, due to the sensitive nature/planning history of the site.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

- Areas of Archaeological Interest: City Centre Area
- Conservation Area: Central Historic Core
- Listed Buildings: Grade 2; Odeon Cinema Blossom Street York
- Listed Buildings: Grade 2; 1-5 Odeon Buildings Blossom Street

2.2 Policies:

- CYGP21 Advertisements
- CYHE4 Listed Buildings
- CYHE3 Conservation Areas
- CYHE8 Advertisements in historic locations

3.0 CONSULTATIONS

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 The Odeon cinema was constructed in 1937 to the design of the architect Harry Weedon. It is Grade II listed; the list description noting the high quality of both the design and execution of the art deco style. The building is constructed of brick in Flemish bond relieved by horizontal bands and vertical ribs of shaped brick. The fascia to the cantilevered canopy is set within projecting mouldings to top and bottom. The building is prominent in the streetscene and makes a positive contribution to the special architectural interest of the conservation area.

3.2 In officer's opinion, the original proposals fail to preserve the character of the building as one of special architectural or historic interest, or its contribution to the conservation area. The high level illuminated sign would have a wider affect on the amenity of the conservation area.

Canopy signs

3.3 The existing signage attached to the canopy (now removed) appears to be a later addition, and is not in the same font used on the existing high-level sign, the latter being applied in deference to the historic character of York. It's removal and replacement with a suitably designed advertisement could preserve the character of the building as one of special architectural or historic interest, and its contribution to that of the conservation area.

3.4 Officers objected to the original scheme due to the size of the letters which would appear out of scale with the fascia, the material (perspex), which would not be

sympathetic to the surface to which the signs would be attached, and the proposed internal illumination, which would make the signs appear unduly intrusive in relation to both the building and the streetscene.

Sign to tower

3.5 The sign on the front elevation of the tower would cut across vertical, shaped brick ribs, to some extent harming the balance of vertical and horizontal emphases exhibited in the architectural composition. In so doing, it fails to preserve the architectural interest of the building. By virtue of its location and illumination, it will be obtrusive in the streetscene.

Amendments

3.6 Officers agreed to the principle of the relocation of the high level sign to the side elevation and use of halo illumination as historically the building has displayed high level illuminated signage. Officers now support the canopy signs proposed, as it is no longer proposed to use illumination and the size and materials (aluminium is now proposed) have been amended. Detailed comments are awaited with regards the amended high level sign, in particular its scale and projection from the building.

HIGHWAY NETWORK MANAGEMENT

3.7 No objection in principle. Ask if consent be granted, it is subject to a condition which controls glare from the lighting.

PLANNING PANEL

3.8 No objection.

CONSERVATION AREAS ADVISORY PANEL

3.9 Support signage (including if illuminated) to the canopy, but not high level signage on the front elevation.

PUBLICITY

3.10 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments was 10.6.09. No written representations have been made.

4.0 APPRAISAL

KEY ISSUES

4.1 The Town and Country Planning (Control of Advertisements) Regulations 2007 state that powers under these regulations can only be exercised in the interests of amenity and public safety. Factors relevant to amenity include the presence of any features of historic or architectural interest.

4.2 In considering amenity, it is a requirement of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve the special historic interest of the listed building and the character and appearance of the conservation area.

POLICY

4.3 PPG19 Outdoor Advertisement Control advises that special care is essential to ensure that any advertisement displayed on, or close to a listed building does not detract from the integrity of the building's design, historical character or structure, and does not spoil or compromise its setting. Paragraph 4 states that a building can contribute positively to a sense of pride and place, however it warns that the appearance of a building can be spoilt by a poorly designed or insensitively placed sign, or by choice of the sign/adverts materials, colour, proportion or illumination which are out of keeping with the building's design or fabric. Such signs can appear over-dominant and out of place.

Of the Local Plan, policies GP21, HE3, HE4 and HE8 are relevant.

4.4 Policy GP21 states that where advertisement consent is required, it will be granted for signs where: their size, design, materials, colouring and any form of illumination does not detract from the visual amenity of the areas in which they are displayed, particularly with regard to the character of listed buildings or conservation areas; where there is no adverse effect on public safety; and in residential areas and on sites clearly visible from roads, the advertisement is in keeping with the scale of surrounding buildings and public areas.

4.5 Policy HE8 states that within conservation areas, or on listed buildings, advertisements will consist of a design and scale that respects the character and appearance of the area; and good quality materials that are sympathetic to the surface to which they are attached. Within conservation areas externally illuminated adverts that require large light fittings will not be permitted.

4.6 Policies HE4 states that listed building consent will only be granted when there is no adverse effect on the character, appearance or setting of the building. HE3 states that within conservation areas, proposals will only be permitted where there is no adverse effect on the character or appearance of the area.

CANOPY SIGNS

4.7 3no. signs are proposed spaced over the canopy (2 on the front elevation, 1 on the side). The signs would not be illuminated. The text would be of aluminium and fixed directly to the canopy. The 'REEL' text would be 500mm high so it is inset 50mm between the mouldings to the top and bottom of the canopy. The mouldings at the top and bottom of the canopy are to be painted a dark grey/black.

4.8 The canopy has been designed to accommodate signage. The Odeon letters to be replaced are not original (both the lettering and the shape/design of the canopy have been subject to alterations) and not of any historic/architectural interest. The proposed lettering is of reasonable scale and materials and respects the appearance

of the listed building. The signs would not have a material impact on the character and appearance of the conservation area.

4.9 The canopy is existing, replacement signs, which are not illuminated would have a neutral impact on safety.

HIGH LEVEL SIGN ON TOWER

4.10 The sign has been moved from the front elevation, as in that location it was considered the sign would clutter the elevation, given the existing sign, and also it cut across the vertical brick banding and did not relate to the fabric, design of the building. As such it would detract from the appearance of the listed building and the conservation area.

4.11 As amended the sign would be on the southwest elevation, where there is no competing signage. The sign would not clutter the building in this respect.

4.12 It is proposed the lettering be stainless steel, 5cm thick, with a 2cm stand-off from the brickwork. The 'REEL' lettering would be 4m tall, with the cinema box below 35cm tall. The sign would be located in the area between second and first floor windows, to the side of the brick banding. Officers consider the lettering at this level is not in principle inappropriate on this building, given that it has always carried high level and prominent signage. In relation to the scale of the building the letters would be of reasonable proportion and not over prominent due to their thickness, size and location. The halo illumination would be subtle and the steel lettering of acceptable quality.

4.13 Overall the sign relates to the design of the building and is of appropriate size/materials/retrained illumination. It would not detract from the appearance of the listed building or the conservation area.

SAFETY

4.14 The signs due to their location and subtle illumination would not have an adverse impact on safety.

5.0 CONCLUSION

5.1 In accordance with PPG19 and policies GP21, HE3, HE4 and HE8 of the Local Plan the proposed signage, due to its location, scale, design, materials and the proposed means of illumination, respects the design of the listed building and would not detract from the character and appearance of the conservation area.

5.2 There would not be an adverse impact on safety, due to the location of the signs and type of illumination proposed.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 PLANS1 Approved plans - 005E and 006D
- 2 HWAY37 Control of glare etc from lighting

**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 for the following reasons:

In accordance with PPG:19 Advertisements and policies GP21, HE3, HE4 and HE8 of the City of York Local Plan the proposed signage, due to its location, scale, design, materials and the proposed means of illumination, respects the design of the listed building and would not detract from the character and appearance of the conservation area.

There would not be an adverse impact on safety, due to the location of the signs and type of illumination proposed.

Contact details:

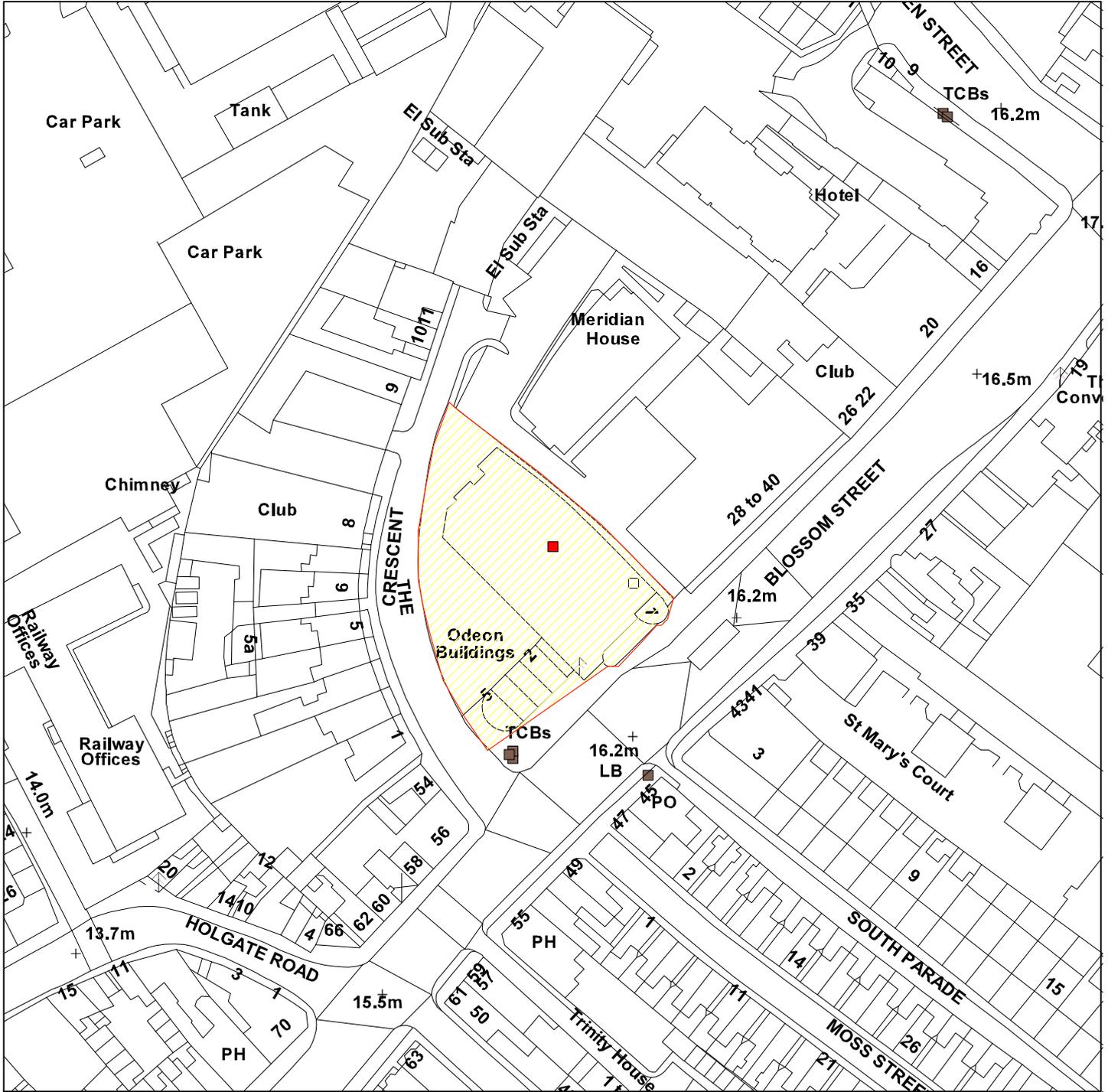
Author: Jonathan Kenyon Development Control Officer
Tel No: 01904 551323

Odeon Cinema, Blossom Street

09/00615/ADV



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	06 August 2009
SLA Number	Not set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Micklegate
Date: 20 August 2009 **Parish:** Micklegate Planning Panel

Reference: 09/00616/LBC
Application at: Odeon Cinema Blossom Street York
For: Display of 3no. signs to the canopy and 1no. halo illuminated high-level sign.
By: Mr KC Suri
Application Type: Listed Building Consent
Target Date: 1 July 2009

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to the Reel (former Odeon) Cinema building. The building is of C20 origin (1937), of brick, built in the Art Deco Style. The main cinema building and its associated shop units are listed at grade II.

PROPOSALS

1.2 Install 3 signs on the canopy (1 on the return). No illumination proposed.

1.3 Install 1 halo illuminated high level (between 1st and 2nd floor levels) on the southwest (side facing down Blossom Street) elevation of the tower. This part of the scheme has been amended as it was originally proposed to place the sign on the front elevation of the tower.

1.4 No changes are proposed to the existing high level Odeon sign, which is to be retained.

SITE HISTORY

1.5 See application 09/00615/ADV

REASON FOR BRINGING APPLICATION TO COMMITTEE

1.7 See application 09/00615/ADV

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

- Areas of Archaeological Interest: City Centre Area
- Conservation Area: Central Historic Core
- Listed Buildings: Grade 2; Odeon Cinema Blossom Street York
- Listed Buildings: Grade 2; 1-5 Odeon Buildings Blossom Street

2.2 Policies:

- CYHE4 Listed Buildings

3.0 CONSULTATIONS

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 The Odeon cinema was constructed in 1937 to the design of the architect Harry Weedon. It is Grade II listed; the list description noting the high quality of both the design and execution of the art deco style. The building is constructed of brick in Flemish bond relieved by horizontal bands and vertical ribs of shaped brick. The fascia to the cantilevered canopy is set within projecting mouldings to top and bottom. The building is prominent in the streetscene and makes a positive contribution to the special architectural interest of the conservation area.

3.2 In officer's opinion, the original proposals failed to preserve the character of the building as one of special architectural or historic interest, or its contribution to the conservation area. The high level illuminated sign would have a wider affect on the amenity of the conservation area.

Canopy signs

3.3 The existing signage attached to the canopy (now removed) appears to be a later addition, and is not in the same font used on the existing high-level sign, the latter being applied in deference to the historic character of York. It's removal and replacement with a suitably designed advertisement could preserve the character of the building as one of special architectural or historic interest, and its contribution to that of the conservation area.

3.4 Officers objected to the original scheme due to the size of the letters which would appear out of scale with the fascia, the material (perspex), which would not be sympathetic to the surface to which the signs would be attached, and the proposed internal illumination, which would make the signs appear unduly intrusive in relation to both the building and the streetscene.

Sign to tower

3.5 The sign on the front elevation of the tower would cut across vertical, shaped brick ribs, to some extent harming the balance of vertical and horizontal emphases exhibited in the architectural composition. In so doing, it fails to preserve the architectural interest of the building. By virtue of its location and illumination, it will be obtrusive in the streetscene.

Amendments

3.6 Officers agreed to the principle of the relocation of the high level sign to the side elevation and use of halo illumination as historically the building has displayed high level illuminated signage. Officers now support the canopy signs proposed, as it is no longer proposed to use illumination and the size and materials (aluminium is now proposed) have been amended. Detailed comments are awaited with regards the amended high level sign, in particular its scale and projection from the building.

PLANNING PANEL

3.7 No objection.

CONSERVATION AREAS ADVISORY PANEL

3.8 Support signage (including if illuminated) to the canopy, but not high level signage.

PUBLICITY

3.9 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments was 10.6.09. No written representations have been made.

4.0 APPRAISAL

4.1 KEY ISSUES

- Justification
- Special historic interest of the listed building

RELEVANT PLANNING POLICY

4.2 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.

4.3 It is a requirement of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve the special historic interest of the listed building. This is reinforced in policy HE4 of the draft Local Plan which states that listed building consent will only be granted when there is no adverse effect on the character, appearance or setting of the building.

JUSTIFICATION

4.4 New signage is required as a result of Reel occupying the building opposed to Odeon. The applicants have been sympathetic to the listed building status of the building as they agree to the retention of the main high-level Odeon sign on the building, despite its obvious negative implications. The Odeon sign has a font which is unique to York and is thus of special historic interest.

PROPOSALS

CANOPY SIGNS

4.7 3no. signs are proposed spaced over the canopy (2 on the front elevation, 1 on the side). The signs would not be illuminated. The text would be of aluminium and fixed directly to the canopy. The 'REEL' text would be 500mm high so it is inset 50mm between the mouldings to the top and bottom of the canopy. The mouldings at the top and bottom of the canopy are to be painted a dark grey/black, which respects the original design of the canopy.

4.8 The canopy has been designed to accommodate signage. The Odeon letters to be replaced are not original (both the lettering and the shape/design of the canopy have been subject to alterations) and not of any historic/architectural interest. The proposed lettering is of reasonable scale and materials and respects the appearance of the listed building.

HIGH LEVEL SIGN ON TOWER

4.10 The sign has been moved from the front elevation, as in that location it was considered the sign would clutter the elevation, given the existing sign, and also it cut across the vertical brick banding and did not relate to the fabric/design of the building. As such it would detract from the appearance of the listed building.

4.11 As amended the sign would be on the southwest elevation, where there is no competing signage. The sign would not clutter the building in this respect.

4.12 It is proposed the lettering be stainless steel, 5cm thick, with a 2cm stand-off from the brickwork. The 'REEL' lettering would be 4m tall, with the cinema box below 35cm tall. The sign would be located in the area between second and first floor windows, to the side of the brick banding. Officers consider the lettering at this level is not in principle inappropriate on this building, given that it has always carried high level and prominent signage. In relation to the scale of the building the letters would be of reasonable proportion and not over prominent due to their size and location. The halo illumination would be subtle and the steel lettering of acceptable quality.

4.13 Overall the sign relates to the design of the building due to its location, size, materials and restrained illumination. It would not detract from the special historic and architectural importance/design of the building.

5.0 CONCLUSION

5.1 The material consideration in this application is the impact on the special historic and architectural importance of the listed building. Due to the location and overall design of the signs proposed officers consider the signage maintains the appearance of the listed building and does not detract from its historic/architectural interest.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIMEL2 Development start within 3 yrs (LBC/CAC)
- 2 PLANS1 Approved plans - 005E and 006D
- 3 The high level sign to the tower shall be fixed into mortar joints only, and not into the bricks.

Reason: To protect the appearance and health 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 for the following reasons:

In accordance with PPG:15 Planning and the Historic Environment and policy HE4 of the City of York Local Plan the proposed signage, due to its location, scale, design, materials and the proposed means of illumination, respects the design of the listed building and would not detract from its special historic or architectural interest.

Contact details:

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

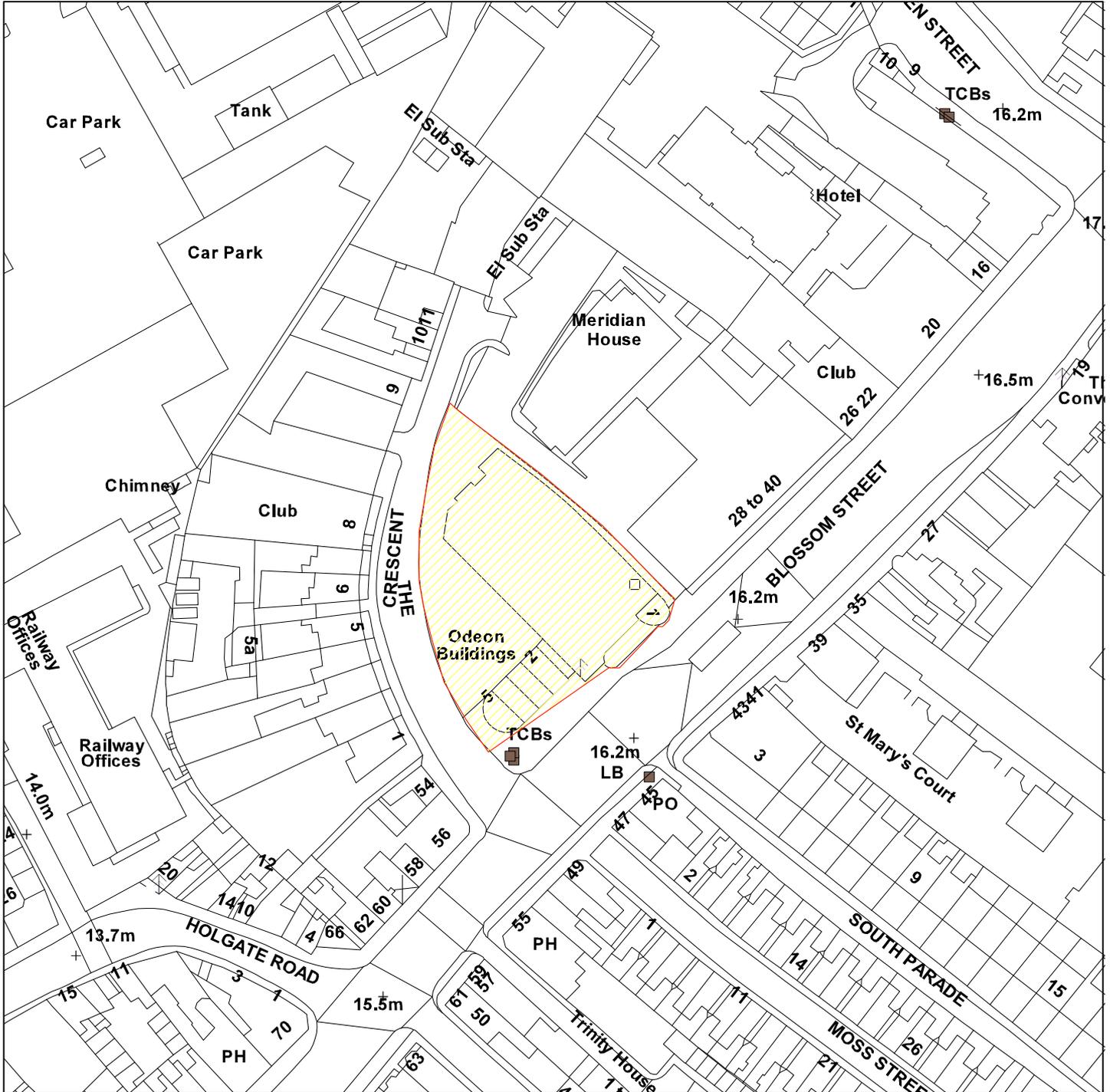
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Odeon Cinema, Blossom Street

09/00616/LBC



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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	06 August 2009
SLA Number	Not set

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CYL1C

Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL:

3.1 Highway Network Management raise no objection to the proposal subject to the imposition of a series of standard conditions covering access details, car and cycle parking on any permission.

3.2 Lifelong Learning and Leisure raise no objection to the proposal subject to the payment of a commuted sum in lieu of on-site provision of open space.

EXTERNAL:

3.3 Rufforth with Knapton Parish Council object to the proposal on the grounds that in their opinion the proposal would have a materially adverse impact upon the residential amenity of neighbouring properties , it would unacceptably compromise the available amenity space for the properties created by the proposed sub-division, it would have a materially adverse impact upon the visual amenity of the street scene and it would contravene the restrictive covenants under which the estate is managed.

3.4 York(Trenchard) Residents Company Limited object to the proposal on the grounds that it would be contrary to Draft Local Plan Policies GP1 and GP10 in terms of its impact upon the visual amenity of the street scene and the level of available amenity space for prospective occupiers of the property. It would furthermore be contrary to restrictive covenants appertaining to the property and the remainder of the estate.

3.5 . Eleven letters of objection have been received from adjoining residents. The following is a summary of their contents:

- i) Concern at contravention of restrictive covenants appertaining to the property;
- ii) Concern at an increase in on-street parking in the direct vicinity;
- iii) Concern at the impact of the proposal on local property prices;
- iv) Concern at the impact of the proposal on traffic levels in the vicinity;
- v) Concern that the existing property is being used as a "House in Multiple Occupation;"
- vi) Concern at the impact of the proposal on the local drainage pattern;
- vii) Concern at the impact of the proposal upon the residential amenity of neighbouring properties;
- viii) Concern at a possible increase in anti-social behaviour arising from the proposal;
- ix) Concern at the impact of the proposal on the visual amenity of the street scene;
- x) Concern that the proposal would set a precedent for other similar proposals ultimately leading to encroachment into the adjacent Green Belt.

4.0 APPRAISAL

4.1 KEY CONSIDERATIONS:-

Impact of the proposal on the visual amenity of the street scene;
Impact upon the available amenity space for residents of the proposed properties;
Impact of the proposal on the residential amenity of nearby properties;
Impact of the proposal on the local drainage pattern;
Impact of the proposal on the level of traffic movement and on street parking in the vicinity;
The provision of a commuted sum in lieu of off-site open space provision.

4.2 Policy H7 of the York Development Control Local Plan sets a firm policy presumption in favour of new residential extensions where the design and materials are sympathetic to the main dwelling and the locality of the development, the adverse impact upon the amenity which neighbouring residents could reasonably be expected to enjoy, the spaces between dwellings would be respected and the proposals would not lead to an unacceptable reduction in amenity space within the curtilage of the dwelling. The current proposal as amended would result in the creation of a pair of semi-detached houses from the existing detached house by construction of two storey side and rear extensions to north-east and south-west and a further single storey extension to the rear. The existing double garage would be partially demolished and a new integral garage would be created as part of the southern property and a rear garage would be created in the rear garden for the northern property. The design of the northern garage has been amended to by reducing its ridge height to lessen its impact upon the adjacent residential property. The design and external appearance of the properties created would reflect that of other semi-detached properties in the direct vicinity notably Nos 5 and 7 Trenchard Road. Any impact upon the visual amenity of the street scene would be minimal and the terms of Policy H7 of the York Development Control Local Plan would be complied with.

4.3 Policy GP10 of the York Development Control Local Plan sets a firm policy presumption that planning permission will only be granted for the subdivision of existing garden areas to provide new development where this would not be detrimental to the character and amenity of the local environment. The proposal envisages the longitudinal subdivision of the existing site to create two rear garden areas with a domestic garage in the garden area of the northern plot. No significant degree of built development is envisaged in either garden area and its broad character as an amenity area for the properties created would be maintained. The terms of Policy GP10 would thus be complied with in relation to the current proposal.

4.4 Policy GP1 of the York Development Control Local Plan sets a firm policy presumption in favour of development proposals which, respect or enhance the local environment, are buildings, spaces and the character of the area and ensure that residents living nearby are not unduly affected by overlooking, overshadowing or are dominated by overbearing structures. The current proposal as amended envisages the creation of a pair of semi-detached houses from the existing detached house by construction of two storey side and rear extensions to north east and south west and a further single storey rear extension in-between together with a garage within the garden of the northern unit to be created. The site boundaries to the adjacent

residential properties comprise a 2.1 metre high mature hedge which would be retained within the proposal. No 2 Trenchard Road the closest property to the north lies approximately 14 metres away from the proposed extension and would not be subject to a direct issue of overlooking. The south western extension would project beyond the rear of the adjacent property to the south No 6. The dwellinghouse however lies some 4.5 metres from the common boundary and there would not be any material impact upon the principal living areas in terms of loss of sunlight or aspect arising from the proposed extension. On balance, the proposal as amended would not have a materially significant impact upon the residential amenity of other properties in the vicinity and the terms of Policy GP1 would thus be complied with.

4.5 In terms of traffic generation and on street parking the proposal envisages the provision of garages with associated driveways serving both properties giving the requisite vehicle and cycle parking facilities for each property. Additionally there is scope for a limited degree of on-street parking for visitors to the area.

4.6 In terms of the impact of the proposal on the local drainage pattern the proposal envisages the introduction of a sustainable rainwater harvesting system. Details of this would be appropriately dealt with by the imposition of a condition requiring further approval of details by condition on any permission.

4.7 Policy L1c) of the York Development Control Local Plan sets a firm policy requirement for the payment of a commuted sum in relation to new residential development based upon the net increase in bedroom spaces for the provision of off-site open space. The applicant has agreed to make the relevant payment in this case.

4.8 The issues of restrictive covenants, neighbouring property prices, the alleged use of the existing property as a "House in Multiple Occupation", the possibility of anti-social behaviour by residents of the new properties and precedent for other similar schemes have been raised but are not material considerations in the determination of the current application.

5.0 CONCLUSION

5.1.

No 4 Trenchard Road comprises a substantial two storey brick built detached house circa 1950 set within an ample garden area. The proposal envisages the subdivision of the property into two semi-detached units with two storey side extensions to north and south and a single storey rear extension. The existing garage would be demolished and alternative garage accommodation would be provided for both units within the rear garden for the northern unit and integral within the southern unit. The design of the northern garage and northern side extension has been amended to lessen the impact upon the adjacent property No 2 Trenchard Road. On balance the scheme would have a minimal impact upon the wider street scene and would not have a materially adverse impact upon the residential amenity of neighbouring properties, and approval is therefore recommended.

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 Refs: 07-18/11 Rev A ; 07-18/12 Rev A ; 07-18/13 Rev A ; 07-18/14 Rev A ; 07-18/15 Rev A ; 07-18/14 Rev A ; Date Stamped 3rd August 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 VISQ1 Matching materials

4 DRAIN1 Drainage details to be agreed

5 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

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

6 HWAY19 Car and cycle parking laid out

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

Reason: To prevent obstruction to other highway users.

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

Reason:

In the interests of the amenities of occupants of adjacent residential properties and to secure compliance with Policies GP1 and H7 of the York Development Control Local Plan.

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the visual amenity of the wider street scene, impact upon the residential amenity of neighbouring properties, impact of the proposal on the level of traffic and on-street parking generated, impact of the proposal on the local drainage pattern and impact of the proposal on the level of amenity space for the units generated. As such the proposal complies with Policies H7, GP1, GP10 and L1c) of the City of York Development Control Local Plan.

2. HIGHWAY INFORMATIVE:

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

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

3.

CONSTRUCTION AND DEMOLITION:

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 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.

4. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available at:

<http://www.communities.gov.uk/publications/planningandbuilding/partywall>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

Contact details:

Author: Erik Matthews Development Control Officer

Tel No: 01904 551416

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4 Trenchard Road, York YO26 6BG

09/01073/FUL



GIS by ESRI (UK)



Scale : 1:2500

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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	06 August 2009
SLA Number	Not set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Micklegate
Date: 20 August 2009 **Parish:** Micklegate Planning Panel

Reference: 09/01200/GRG3
Application at: Knavesmire Primary School Trafalgar Street York YO23 1HY
For: External alterations and single storey extensions
By: Mrs Sam Judd, Learning Culture & Childrens Services
Application Type: General Regulations (Reg3)
Target Date: 24 August 2009

1.0 PROPOSAL

1.1 The application site is Knavesmire Primary School, which lies between Campleshon Road, to the front, Trafalgar Street, Lorne Street and Count De Burgh Terrace, to the rear. The scheme seeks permission for two extensions to provide new children's changing room facilities and a new children's centre. All of the proposed works lie to the rear of the site, adjacent to the existing Multi Use Games Area (MUGA) and the staff car park.

1.2 The application is being brought to committee with a site visit as the City Council is the applicant and an objection has been received.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Schools GMS Constraints: Knavesmire Primary 0206

2.2 Policies:

CYGP1
Design

CYC1
Criteria for community facilities

CYED1
Primary and Secondary Education

3.0 CONSULTATIONS

Internal

HIGHWAY NETWORK MANAGEMENT

3.1 A number of the car parking spaces are impractical, the spaces adjacent to the entrance may be more difficult to enter and as such should be earmarked as staff spaces, details of the Green Travel Plan should be secured by condition.

External

MICKLEGATE PLANNING PANEL

3.2 Support the application

NEIGHBOURING OWNER/OCCUPIERS-

3.3 Two letters of objection have been received:

- Proposed new pedestrian access from Trafalgar Street would lead to vehicles parking on the street rather than using the car park to the rear.
- Details of the low level lighting should be submitted and details of the hours to be used.
- Request that the hours of construction should be restricted.
- Hours of use should be conditioned in line with the existing MUGA.
- The proposed metal storage unit would allow youths to climb onto the low roof of the school. Its colour should be muted red.
- No details of security lighting have been submitted.
- Police Architect should be consulted.
- No consultation with neighbours has taken place.
- The footpath and lighting will impact upon protected species.
- Trees are shown to be felled, they should be retained, excavations for the path will harm a protected sycamore.
- Increased motor traffic and foot traffic, atmospheric and noise pollution in the early morning and evening.
- The proposal would result in increased use of the site and the Multi Use Games Area.
- Extra activity (e.g. breakfast club and after-school club) already results in noise and disturbance after 4pm. The proposal will add to this.
- The extension would wreck the coherence of a building which is nearly 100 years old.
- Changing the shape of the original window would alone be an act of vandalism.
- Surrounding streets will not be able to cope with the increased traffic and parking generated by the proposal.

4.0 APPRAISAL

Key Issues

- Impact upon the character and appearance of the school building and locality
- Impact upon the living conditions of nearby occupiers

PLANNING POLICY

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

4.2 Policy ED1 'Primary and Secondary Education' states that permission for extended facilities will be granted provided that it would meet a recognised need and the scale and design is appropriate to the character and appearance of the locality.

4.3 Policy C1 states that planning applications for social, health, community and religious facilities will be granted permission provided 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.

ASSESSMENT

4.4 The proposed children's centre would provide a range of integrated early childhood services, including childcare, early education, family support, healthcare services and additional resources for the existing primary school. To provide the centre the existing changing room facilities are to be removed and the area converted. A single storey extension is required to give additional space for the centre. This would involve moving forward a section of the rear elevation by 2.9, which would allow for the existing brickwork and detailing to be reused. It would be constructed with a flat roof and parapet to match the existing. The existing lantern within the roof would be replaced with new. A glazed canopy would be added to the front of this section, which would incorporate automatic doors, being the entrance to the centre. Window alterations would occur to allow for the children to view outside and an additional access would be provided to a small secure external play area. Internally the centre would provide an office, meeting room, adult and children's toilet facilities, a kitchen area, a large children's area and a smaller parent area. The application does not constitute a change of use and the children's centre would fall within Use Class D1, being non-residential institutions, the same as the school.

4.5 It is considered that the proposed extension would be of a scale and design appropriate to the character and appearance of the locality. The re-use of the section of the wall is welcomed as it contains detailed stone window surrounds and a date stone, which form part of the original building. The extension is considered to be in keeping with the host building and the forward projection does not interfere with the layout of the site or the free flow of pupils or cars.

4.6 The facility would be accessed from the existing car park, off Count De Burgh Terrace. Alterations to the car park are proposed to provide additional spaces, within the existing hard surfaced area, for staff and visitors and a new cycle store is to be provided. Pedestrian access is proposed either from Count De Burgh Terrace or by a new additional gate, inserted into the existing railings of Trafalgar Street. A new footpath with low-level lighting would be constructed around the MUGA from the gate to the entrance to the centre. While these aspects of the overall proposal are included on the submitted plans it should be noted that under the provisions of the General Permitted Development Order they are considered to be permitted development that does not require the permission of the local planning authority.

4.7 Concerns have been raised that the new pedestrian access would lead to visitors to the centre parking along Trafalgar Street. However, the proposed gate does not require planning permission, as it can be classed as permitted development. Visitors to the site would be encouraged to walk or alternatively park within the car park, which allows for closer access to the centre than the Trafalgar Street access. Concerns about hours of construction can be dealt with by condition. Issues raised in connection with the metal storage unit would need to be resolved by the school as this element does not require planning permission as it is classed as Permitted Development.

4.8 The application also seeks permission for the erection of a single storey flat roof extension to provide new pupil changing rooms and two multi-use rooms. The extension would project from an existing flat roof section of the school by between 3m and 4.5m. It would incorporate high level glazing to the changing rooms and larger windows to the multi-use rooms. Access from the extension would be via the existing long corridor and along the existing secure path to the MUGA. The extension may appear more in keeping with the building if the roof were to be pitched but the available space within the site and the location of the extension does not allow for this. The extension would not have any detrimental impact upon the nearby residential properties in terms of its visual impact or upon the character of the school.

5.0 CONCLUSION

5.1 It is considered that the proposed works to the school are acceptable and comply with policies GP1, ED1 and C1 of the Local Plan. The design of the extensions are considered to be in keeping with the character of the building and locality and would not have any detrimental impact upon residential amenity. The location of the children's centre at the school is encouraged by the Local Plan and it is considered that it would not have any detrimental impact upon residents in terms of unacceptable noise, nuisance or traffic generation.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing numbers 0841(CC) P01, P02, P03, P05, P06 and P07 received 5th August 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 VISQ8 Samples of exterior materials to be app

4 All construction and demolition or refurbishment works and ancillary operations, including deliveries to the site and despatch from the site shall only be carried out between the hours of 08:00 and 18:00 Mondays to Fridays and 09:00 to 13:00 on Saturdays and not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents during the construction of the development.

5 Details of the glazed entrance canopy 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.

6 Within six months of occupation of the children's centre, the applicant shall submit and agree in writing with the Local Planning Authority, a Green Travel Plan for staff and visitors, setting out measures to promote sustainable travel and reduce dependency on private car journeys, in accordance with current advice issued by the Department of Transport. This shall be incorporated into the existing Green Travel Plan for Knavesmire Primary School

Reason: To promote sustainable modes of transport and reduce car travel, in accordance with the Authority's transport policies.

7 The extensions shall not be brought into use until a plan identifying the parking layout has been submitted to an approved in writing by the local planning authority. Thereafter such areas shall be retained solely for parking.

Reason: In the interests of highway safety and residential 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 the character and appearance of the locality or residential amenity. As such the proposal complies with Policies GP1, ED1 and C1 of the City of York Development Control Local Plan.

Contact details:

Author: Heather Fairy (Mon - Wed) Development Control Officer

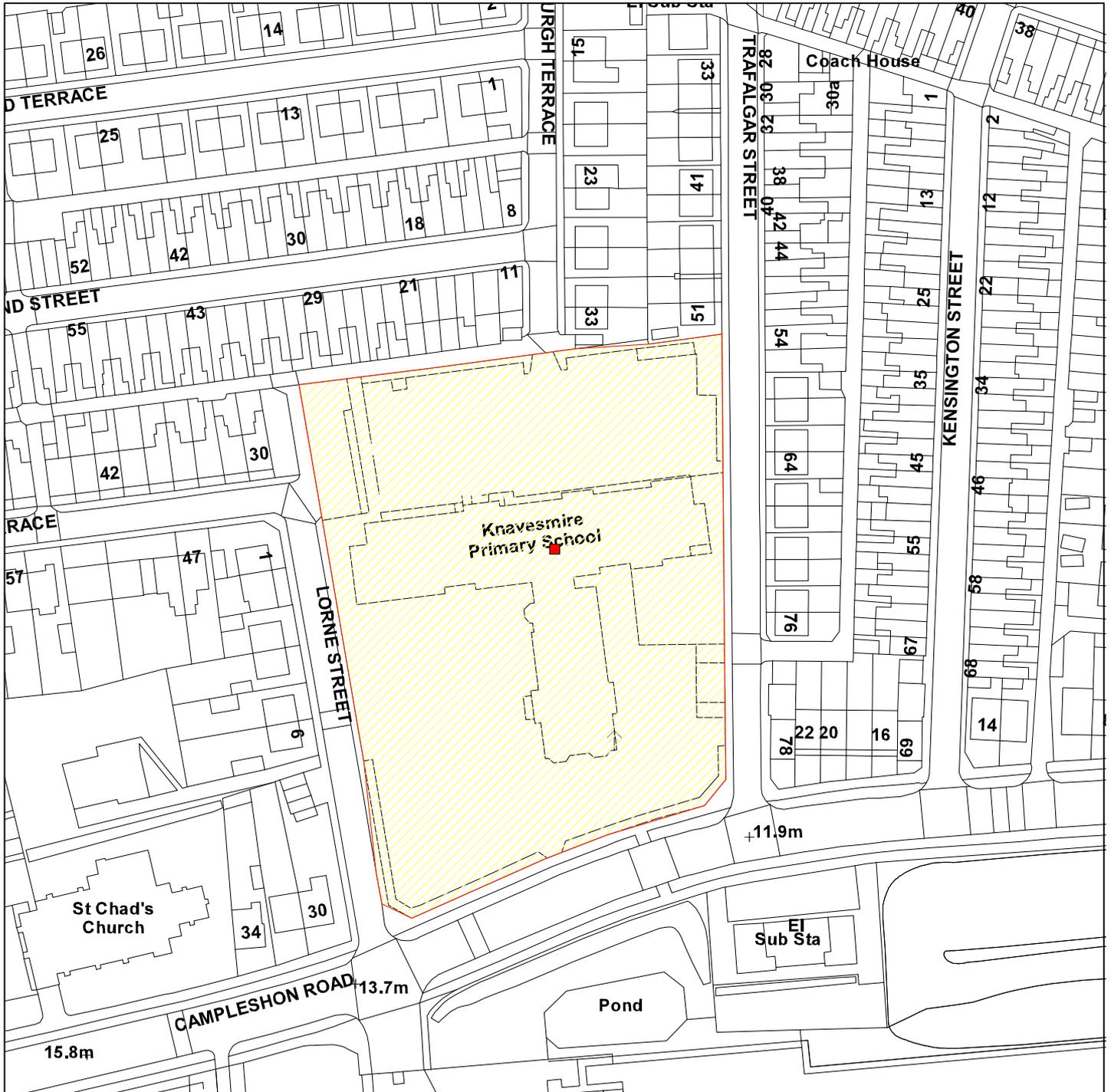
Tel No: 01904 551668

Knivesmire Primary School, York

09/01200/GRG3



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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	06 August 2009
SLA Number	Not set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Bishopthorpe
Date: 20 August 2009 **Parish:** Bishopthorpe Parish Council

Reference: 09/01146/FUL
Application at: Moor Farm Moor Lane Bishopthorpe York YO23 2UF
For: Change of use of agricultural building to storage (use class B8) and installation roller shutter doors
By: Mrs Julia Medforth
Application Type: Full Application
Target Date: 6 August 2009

1.0 PROPOSAL

1.1 The building is Dutch barn that has been clad in green profile sheeting. The building has two openings that would have roller shutter doors. The building would be split to provide two units. The building is sited towards the northern boundary of the site. The building abuts the boundary with Moor Lane, and with Mill House.

1.2 The application comes before committee at the request of Cllr Galvin, the reason being the potential impact to the neighbours.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

Floodland GMS Constraints: Flood Zone 2

2.2 Policies:

CYGP17
Security shutters

CYSP2
The York Green Belt

CYSP3
Safeguarding the Historic Character and Setting of York

CYGP1
Design

CYNE6
Species protected by law

CYGB1
Development within the Green Belt

CYGB3
Reuse of buildings

CYGB11
Employment devt outside settlement limits

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 No objections. It is apparent that the highway conditions relating to planning application 05/02521/FUL have not been implemented. Recommend conditions relating to turning areas, cycle storage, and improved vehicular access

COUNTRYSIDE OFFICER

3.2 This building, being open, potentially provides suitable roosting habitat for barn owl, which are known to be present in the surrounding area. During a site visit it was noted that there was evidence of use, and staining from bird droppings was seen on a ledge within the eastern end of the barn, which would act as a good perching site. Beneath this ledge, a large number of pellets belonging to barn owl were also discovered. The large number of pellets would indicate that the site is used regularly. The overall surrounding area is also very good for owls, with areas of rough grassland and farmland providing good foraging habitat. Barn Owls are protected under the Wildlife and Countryside Act (Schedule 1) and therefore will need to be taken into account when considering this application.

3.3 As the proposed scheme involves the closing in of the building, we would need to know how the presence of barn owls is to be taken into consideration with these plans, and what provisions will be made. This information would be needed before any consent is given, and I would be happy to advise on this matter if needed. Having also had a look at earlier applications at this site, it would appear that this issue has also been raised previously and again barn owls were found to be occupying the other buildings on site.

ENVIRONMENTAL PROTECTION UNIT

3.4 Have some concerns regarding the noise associated with the movement of vehicles and use of units may have a detrimental effect on the amenity of neighbouring residents. Recommend conditions relating to the hours of delivery and despatch, and no heavy goods vehicles to be used.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

BISHOPTHORPE PARISH COUNCIL

3.5 No objections

LETTERS OF OBJECTION

3.6 Three letters of objection have been received, making the following points:

- Detrimental impact on the quality of the lives and environment of nearby residents
- In close proximity to dwellings and gardens
- Proposed development would introduce commercial traffic accessing the building causing pollution and noise disturbance
- Increased commercial traffic would cause a danger to children
- Properties have not been named on the plans submitted by the applicant
- There is a dispute regarding the boundary of the Dutch barn in respect of its encroachment onto a garden area belonging to one of the nearby residential properties
- The previous development of the adjacent agricultural buildings on site have not adhered to the use classes specified in the planning consent, complaints about resulting noise have been made by residents
- Moor Lane is a narrow, unlit cul-de-sac without pavements. It already suffers from current levels of traffic
- No consideration for the residents who are negatively affected by the intrusion into what was a previously quiet, safe, green and healthy environment
- Do not accept the result of the appeal to the Planning Inspectorate on the site. View an obtrusive industrial building, and the its suitability to the nearby occupants living environment should be seen as paramount and overriding important
- The immediate area (along with its green belt environs) has historically been used for agricultural purposes only
- For 5 months from October 2008 the Dutch barn and yard (16 metres from Mill House and The Old Stable) was used by sub-contractors to Yorkshire Water for storage of very heavy and noisy pipe cleaning plant. In view of the noise and heavy traffic that has been experienced in close proximity to dwellings the application would be environmentally unacceptable
- Moor Lane is already busy with traffic from the dwellings and Moor Lane Construction, passing vehicles have to pull onto the grass verges for clearance causing erosion to the road edges and verges
- Disturbance to nearby residents caused by noise created by roller shutter doors, noise created by the industry be it vehicles, machinery, radios, plus extra lighting with the possibility of security lights being installed
- The site has large rotting straw bales close to the boundary which may cause a rat infestation

4.0 APPRAISAL

RELEVANT SITE HISTORY

Relating to the building subject of the current application

08/00348/FUL - Retention of cladding on existing Dutch barn for continued agricultural use - Refused because of its impact on the openness and appearance of the Green Belt and the outlook and amenities of adjacent properties.

The applicant made an appeal to the Secretary of State which was allowed and planning permission granted.

07/02513/FUL - Cladding of existing agricultural building and change of use to class B8 storage and distribution - Refused as the proposals were defined as "inappropriate development" which harmed the open character of the Green Belt because of the extensive alteration required and that the cladding would harm the visual amenities of adjacent properties.

Relating to other buildings on the site

05/02521/FUL - Change of use of agricultural buildings to commercial storage use (Class B8) and installation of external cladding (re-submission) - Approved

05/00045/FUL - Change of use of agricultural building to business use (class B1) and installation of external cladding - Withdrawn

02/03811/FUL - Erection of pitched roof agricultural buildings and upgrading of existing access road - Approved

KEY ISSUES

1. Visual impact on the Green Belt
2. Impact on neighbouring properties
3. Impact on highway safety
4. Other Issues

ASSESSMENT

PLANNING POLICY

4.1 Planning Policy Statement 1 - 'Planning for Sustainable Development' aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.2 Planning Policy Guidance 4 - Industrial, Commercial Development and Small Firms states that planning permission will normally be granted for commercial and industrial activities unless there are specific and significant objections such as relevant policy, unacceptable noise, smell, safety, and health impacts or excessive traffic generation. The fact that an activity differs from the predominant land use in any locality is not sufficient reason, in itself, for refusing planning permission. The intensification of the use of the site should be considered. Speculative development should be considered on their land-use planning merits

4.3 Planning Policy Statement 7 - Sustainable Development in Rural Areas states Planning Authorities should ensure that the quality and character of the wider countryside is protected and where possible enhanced. In the countryside the reuse of buildings for economic development is usually preferred

4.4 Planning Policy Statement 9 - Biodiversity and Geological Conservation aims to protect and enhance the quality of the natural environment. Many individual wildlife species received statutory protection under a range of legislative provisions. Local Authorities should ensure that these species are protected from the adverse affects of development. Planning Authorities should refuse planning permission where harm to the species or their habitats would result in the need for, and benefits of, the development clearly outweigh the harm.

4.5 Planning Policy Guidance 24 - Planning and Noise aims to protect the amenity of the nearby occupants from an unacceptable degree of noise disturbance.

4.6 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.

4.7 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.

4.8 Policy GP1 'Design' 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.

4.9 Policy GP17 ' Security shutters' states that planning permission for external solid roller shutters will only be granted where the shutters do not cause an adverse impact on the appearance of the building to which they are to be attached or its locality. Where external shutters are used, particularly in the City Centre, shopping areas and Conservation Area the shutter and its housing shall be coated and installed so as to minimise its visual impact. Innovative, sympathetic designs will be encouraged that incorporate appropriate materials and colouring.

4.10 Policy NE7 'Habitat Protection and Creation' states that Development proposals will be required to retain important natural habitats and, where possible, include measures to enhance or supplement these and to promote public awareness and enjoyment of them. Within new developments measures to encourage the establishment of new habitats should be included as part of the overall scheme

4.11 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 and this site clearly falls within the Green Belt. Policy GB1 'Development in the Green Belt' 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.

4.12 Policy GB3 'Reuse of Buildings' states that proposals for the reuse of buildings outside of existing settlements in the Green Belt will be granted permission where a number of criteria are met:

- (a) the reuse would not have a materially greater impact on the openness of the Green Belt than the present use;
- (b) the buildings are permanent and capable of conversion without major reconstruction;
- (c) the proposed reuse will generally take place within the fabric of the existing building and will not require extensive alteration, rebuilding or extension;
- (d) the form, bulk and general design of the buildings are in keeping with their surroundings;
- (e) the buildings are not in close proximity to intensive livestock units or other uses that may result in a poor level of amenity for the occupier of the building;
- (f) there is already a clearly defined curtilage.

4.13 Policy GB11 'Employment Development Outside Settlement Limits' states that planning permission will only be granted for new industrial and business development outside defined settlement limits in the Green Belt and open countryside where: it involves the re-use or adaptation of an existing building or is a small scale extension to an existing building; and it provides a direct benefit to the rural economy and the local residential workforce.

VISUAL IMPACT ON THE GREEN BELT

4.14 The building was originally a Dutch barn, that has subsequently been clad in green profile sheeting to match the other buildings on the site, which have approval for a B8 use class (storage and distribution) gained in 2006 (05/02521/FUL). The cladding was allowed after an appeal to the Planning Inspectorate. The Inspector considered that cladding the building did not negatively impact on the openness of the greenbelt. The proposed roller shutter doors are similar to those used in the other converted farm building and are not considered to cause undue harm.

4.15 The proposed change of use and re-use of the building would correspond with the allowed purposes set out in Policy GB1 of PPG2. The other agricultural buildings

on the site have been converted to B8 use and the converted building would be viewed in context with the other converted agricultural buildings it is considered that it would not negatively impact on the openness of the greenbelt. As the application is speculative and the users of the building unknown any possible intensification in use of the site cannot be predicted. However the building has been previously used for agricultural which would incorporate a certain amount of vehicle movements, etc. The building would probably have been used for the storage of straw or hay; however there is nothing to prevent the user of the building using it for a more intensive agricultural use, and in addition could cause disturbance to the occupants of the neighbouring dwellings. The proposal would see the building split into two small units, if there is an intensification of use of the site it is considered that it would be limited given the small size of the proposed units and therefore unlikely to have significantly greater impact on the openness of the greenbelt.

CHANGE OF USE

4.16 The proposed development would fit in with the criteria set out in Policy GB3 of the City of York Development Control Local Plan. By virtue of the small size of the proposed units the reuse is not considered to have a significantly materially greater impact than the existing agricultural use. The building is considered to be of a permanent and substantial construction and capable of conversion without major reconstruction. Since the building has been re-clad the building will not require further extensive alterations apart from the introduction of roller shutter doors to the entrances which is not considered to be a sizeable alteration, and not a reason that the proposal could be recommended for refusal on. The form and bulk and general design of the buildings are in keeping with the surroundings, with particular reference to the previously converted agricultural buildings. The building is within a clearly defined curtilage and would be viewed in association with the other converted buildings.

4.17 Policy GB11 'Employment development outside Settlement Limits' is also relevant as previously stated the reuse would be within an existing building. As the application is speculative no argument has been put forward by the agent/applicant to show that the proposed development would be of a direct benefit to the rural economy and the local workforce however taking into account the small scale of the units it is not considered that it would attract large companies but rather small local businesses.

IMPACT ON NEIGHBOURING PROPERTIES

4.18 There are dwellings in close proximity to the building. As discussed in the previous section the building has been used for agriculture in the past and therefore there is certain amount of vehicle movements, noise, etc that would be associated with this use. The change of use is speculative and the proposed vehicles movement and noise disturbance cannot be predicted. The size of the units are small and it is assumed that a small business would use these units and the traffic movements would be relative to the size of the business. The proposed use is B8 (Storage and Distribution) which in general tends towards lower traffic numbers than a B1 (Business) or B2 (general Industrial) use. It is considered that the B8 use could be conditioned with no permitted change to B1 if planning permission was allowed; to

protect the neighbours from intensification of development and noise disturbance that a B1 use may cause.

4.19 The proposed change of use would create two small separate units. The barn is in close proximity to the dwellings (converted farm buildings) adjacent. Environmental Protection Unit (EPU) has some concerns about noise disturbance to the neighbouring properties and would like the hours of despatch and deliveries conditioned. The other converted agricultural buildings on the site have a condition specifying the hours of operation and it is considered that it would be reasonable to apply the same hours to this proposal should planning permission be granted.

4.20 The Environmental Protection Unit have also requested that heavy goods vehicles shall not be used on the site, to prevent disturbance to the neighbours. However as the previous application for change of use on the site did not condition this restriction and therefore it is considered that it would be unreasonable to add the condition to this part of the site. In addition given the small size of the proposed units it is not considered that HGVs on the site would be a regular occurrence.

IMPACT ON HIGHWAY SAFETY

4.21 A number of concerns have been raised by occupants of the neighbouring properties regarding potential highway issues, Highway Network Management have not expressed any concerns regarding the potential intensification of the use of the road. They have requested that further details for the vehicles access onto the road with Moor Lane and further details of the turning areas and parking areas They were conditioned as part of the application for the change of use of the other agricultural building to B8 use, although it should be noted that these conditions have not been complied with and are subject on an enforcement investigation. It is considered that a condition upgrading the entrance to the site should be applied. However the conditions for surfacing of the turning area and parking has not been recommended as there is concerns that this may give the site an overly industrial and urban appearance in the green belt.

OTHER ISSUES

4.22 Evidence has been found that owls are using the existing building and therefore it is considered reasonable to condition details of owl access holes and owl boxes as part of the development. Under PPS9 the replacement or mitigation should provide a net gain in wildlife value. Some owls such as barn owls are protected under the Wildlife and Countryside Act (Schedule 1). PPS9 aims that development should enhance the quality of the natural environment.

5.0 CONCLUSION

5.1 The proposed change of use of the building is in line with Policies GB1 and GB3 of the City of York Development Control Local Plan. The proposed change of use is not considered to detract from the open character of the greenbelt. The building and its use would be viewed in context with the appearance and use of the previously converted agricultural buildings. By virtue of the small scale of the proposed units and subject to the following conditions the proposed change of use is not considered

to cause an undue loss of amenity to the occupants of the nearby dwellings or cause a harmful intensification of use of the site. Approval subject to the following conditions 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 2005/05/05c received 28 May 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 The hours of operation, including deliveries to and despatch from the site, of this approved use shall be confined to

08.00 to 18.00 hours on Mondays to Fridays

08.00 to 13.00 hours on Saturdays

Not at all on Sundays or Bank Holidays

Reason: To protect the amenities of residents living close to the site.

4 No shall be no external storage, and no overnight/weekend storage of vehicles or any other item shall be stacked or stored outside of the building on the site without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of visual amenity in this prominent open countryside and Green Belt location.

5 No development shall take place until details of the provision to be made for owl access holes and owl boxes for the use of Barn Owl have been submitted, together with details of the timing of the works, and these proposals approved in writing by the planning authority. The works shall be completed in accordance with the approved details and timing unless otherwise authorised in writing by the Council.

Reason: To take account of and enhance habitat of a Schedule 1 protected species. It should be noted that under PPS9 the replacement/mitigation proposed should provide a net gain in wildlife value.

Please note that under Section 1 and 99 of the Wildlife and Countryside Act 1981 it is an offence to intentionally damage or destroy any birds nest whilst it is in use or being built, or to deliberately damage or destroy a bat roost. It is also an offence to disturb any wild bird listed on Schedule 1 (includes Barn Owls) while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

6 Notwithstanding the submitted plans and prior to the commencement of the development hereby permitted full details of the method and design of any 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 amenities of neighbours and the character and appearance of the area from excessive illumination.

7 The building shall be restricted to a storage and distribution use (Class B8) only as specified in the Town and Country Planning (Use Classes) Order 1987, (or any provision equivalent to the Class in any Statutory Instrument revoking or re-enacting that Order with or without modification) unless a further change of use is granted planning permission by the Local Planning Authority.

Reason: As the Local Planning Authority considers the permitted use to be a low traffic and noise generator which is suitable for this location adjacent to residential properties and served by a narrow, substandard lane. The condition would allow the Local Planning Authority to consider changes to other uses with different characteristics.

8 HWAY5 Access improvements details required

9 There shall be no retail sales including ancillary retailing (as defined in Class A1 of the Town and Country Planning (Use Classes Order 1987)) from the development hereby approved without the express permission of the Local Planning Authority following receipt of a planning application in that respect.

Reason: This site and locality is not appropriate for commercial retail activity by virtue of its potential traffic and parking impact.

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 on the openness of the greenbelt, the impact on the residential amenity of the occupants of the neighbouring dwellings, habitat protection, and highway safety. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, Policies GP1, GP17, GB1, GB3, GB11, and

NE6 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

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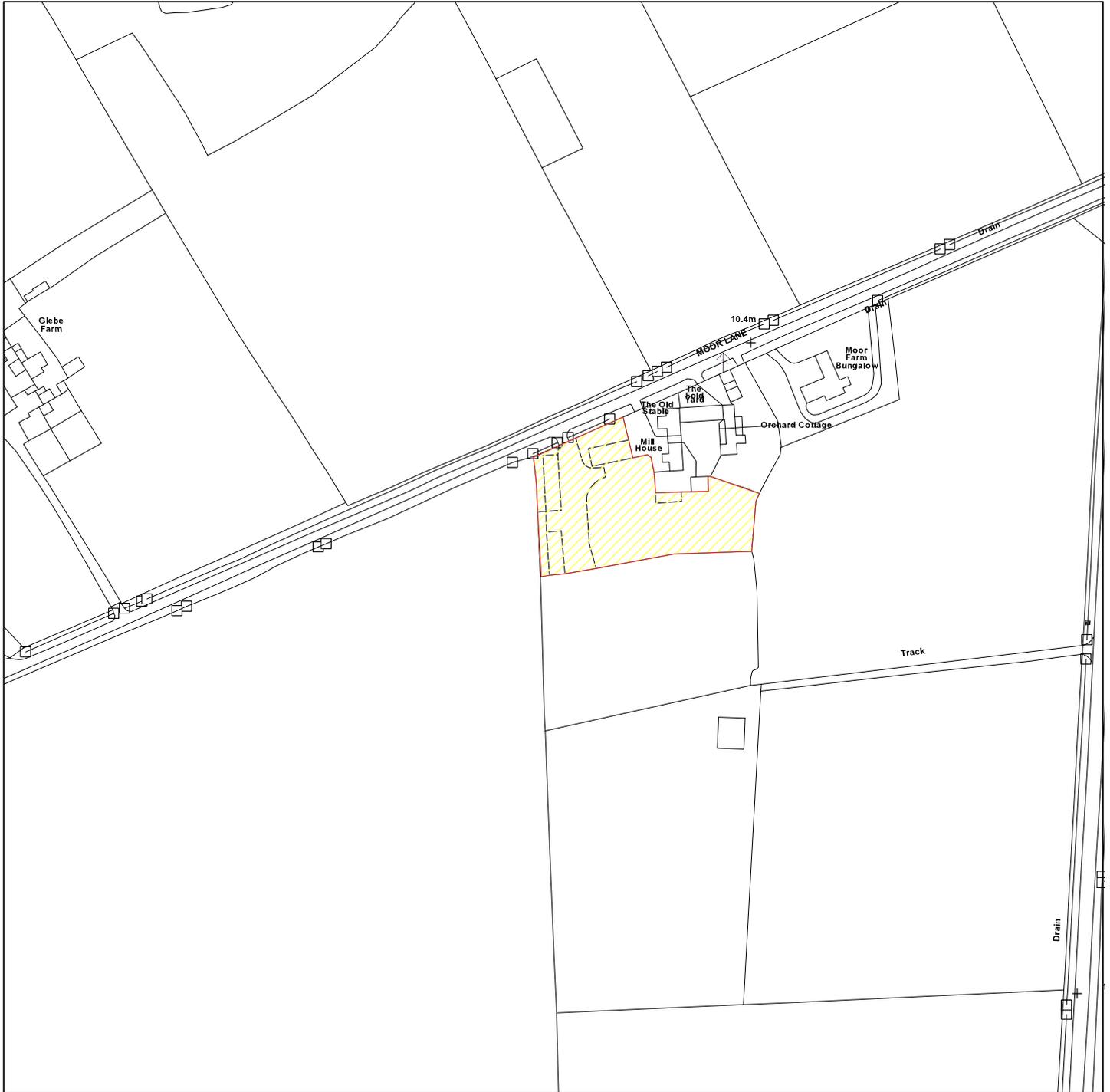
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Moor Farm, Bishopthorpe

09/01146/FUL



GIS by ESRI (UK)



Scale : 1:2500

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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	06 August 2009
SLA Number	Not set

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