



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, 22 October 2009

Time: 3.00 pm

Venue: The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00am on Wednesday 21 October 2009 at Memorial Gardens.

1. Declarations of Interest

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

2. Exclusion of Press and Public

To consider excluding the public and press from the meeting during consideration of annex A to agenda item 5 on the grounds that this item contains information which 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.

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 by **5pm on Wednesday 21 October 2009**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officer for the meeting, 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) Land To The North Of 10 Melander Close York (09/01349/FUL)
(Pages 5 - 18)

Erection of 2 no. two storey detached dwellings with carports (resubmission) [*Acomb Ward*] [**Site Visit**]

b) Artful Dodger 47-51 Micklegate York YO1 6LJ (09/01655/LBC)
(Pages 19 - 26)

Internal alterations including new staircase, toilets and replacement windows [*Micklegate Ward*] [**Site Visit**]

c) Racecourse Racecourse Road Knavesmire York YO23 1EJ (09/01635/FUL) (Pages 27 - 36)

Alterations to Melrose Stand including extension to screened area, provision of lift and external housing and low level balcony [*Micklegate Ward*]

d) Mooring C South Esplanade York (09/01691/FUL) (Pages 37 - 44)

Retention of pontoon/jetty [*Guildhall Ward*] [**Site Visit**]

e) Old Orleans 9-11 Low Ousegate York YO1 9QX (09/01697/FUL)
(Pages 45 - 52)

Replacement shopfront, air condensing unit and replacement air conditioning units. [*Guildhall Ward*] [**Site Visit**]

f) Old Orleans 9-11 Low Ousegate York YO1 9QX (09/01700/LBC)
(Pages 53 - 62)

Internal and external alterations to form retail store, including external condenser, replacement air conditioning units and internal lift. *[Guildhall Ward]* **[Site Visit]**

5. Enforcement Cases Update (Pages 63 - 168)

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

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

Democracy Officers:

Name: Catherine Clarke and Louise Cook (job share)

Contact Details:

- Telephone – (01904) 551031
- E-mail – catherine.clarke@york.gov.uk and louise.cook@york.gov.uk

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

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

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

Contact details are set out above.

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

Scrutiny Committees

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

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

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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE

SITE VISITS

Wednesday 21 October 2009

The bus for Members will leave Memorial Gardens at 11.00

TIME (Approx)	SITE	ITEM
11.10	10 Melander Close	4a
11.45	The Artful Dodger, 47-51 Micklegate	4b
12.15	9-11 Low Ousegate	4e & 4f
12.45	Mooring C, South Esplanade	4d

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Acomb
Date: 22 October 2009 **Parish:** Acomb Planning Panel

Reference: 09/01349/FUL
Application at: Land To The North Of 10 Melander Close York
For: Erection of 2 no. two storey detached dwellings with carports
(resubmission)
By: TAGA Homes Ltd
Application Type: Full Application
Target Date: 22 October 2009

1.0 PROPOSAL

1.1 Planning permission is sought for the erection of two 4-bed dwellings adjacent Carnoustie Close, Lochrin Place and Melander Close. Access to the proposed development is shown via a new driveway from Melander Close. The proposal includes the formation of separate car-parking spaces for both dwellings including attached car-ports and detached bicycle stores.

1.2 The proposed site is located within an undeveloped strip of land sandwiched between Melander Close and Carnoustie Close. This rectangular shaped plot measures approximately 0.08 ha. The proposed dwellings are detached dwellings with pitched roofs, which are tiled. The principal windows are to the front elevation and rear elevations. The length of the proposed dwellings is 10.50 m, the width is 8.50 m, height to eaves level is 4.90 m and height to ridge level is 7.80 m.

1.3 This scheme has been amended from the originally submitted scheme due to comments raised by the Council. The scale of the dwellings have been reduced in height to lessen their impact upon adjacent neighbours in Carnoustie Close.

SITE

1.4 The site is situated to the west of York's city centre, within the outer ring road between Acomb and Knapton. The site is located within a suburban area and is accessed from Beckfield Lane and then Melander Close.

1.5 As mentioned previously the site is sandwiched between Carnoustie Close, Lochrin Place and Melander Close. Carnoustie Close abuts the north boundary of the site and Lochrin Place abuts to the west, these properties are modest sized bungalows, predominantly occupied by retired persons. The properties adjacent the site within Melander Close are 2-storey detached dwellings.

HISTORY

1.6 The following applications pertain to the development of this site and the adjacent site.

07/01467/FUL - Erection of 8 no. two storey dwellings with associated parking and garaging – Approved – 31.07.07

07/00760/FULM - Erection of 3no. detached and 8no. semi-detached two storey dwellings with access off Melander Close – Withdrawn – 31.05.2007

09/00585/FUL– Erection of 2 no. two storey detached dwellings with integral garages – Withdrawn – 04.06.2009

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

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYGP9
Landscaping

CYGP10
Subdivision of gardens and infill devt

CYH4A
Housing Windfalls

CYL1C
Provision of New Open Space in Development

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYH3C
Mix of Dwellings on Housing Site

CYNE1

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 The HNM officer advised that 4 conditions should be imposed relating to surfacing details to be agreed, car manoeuvring and cycle parking provision should be provided prior to the development coming into use, no gate etc. should open onto the highway, and the redundant crossing should be removed and made good. Informative 1 should also be attached.

Life Long Learning And Leisure

3.2 Advised that, should the application be approved, a condition should be added requiring the applicant to forward funds for the provision of open space within the York area.

Environmental Protection Unit (EPU)

3.3 Advise the imposition of conditions relating to recommended hours for carrying out construction work, contaminated material and an informative relating to the carrying out of works on site.

Tree Officer

3.4 To the north of both the proposed properties there are a number of trees along the boundary of the adjoining properties on Carnoustie Close, namely silver birch trees and a Robinia. BS 5837 (2005) Trees in relation to construction recommends adequate spatial separation to ensure these trees can be retained long term for the amenity value they provide the local community. A spatial separation of 6 metres is recommended for these trees (by the Greater Yorkshire Tree Officers Group Protecting Trees In Yorkshire). The present car-port and hard standing are approximately 3.0 m from the trunks of the trees. The officer noted that branches to the trees are much closer and overhang the boundary in places. The officer stated that he did not consider this arrangement acceptable or sustainable.

BS 5837 (2005) clearly indicates the problems with trees close to buildings and cars, particularly pointing out the apprehensions of householders due to the potential for damage due to windy conditions when branches whip about, also the effect of natural arisings and honeydew (of which birch trees are notably susceptible too) dropping on to cars and structures and causing damage.

The officer objected to the proposed scheme but noted that it may be possible to create car parking spaces to the front of the properties and to move the proposed dwellings back. This would enable the area between the trees and the dwelling to be left as a green space so reducing the potential conflict the submitted and proposed design would provide.

Drainage Engineer

The drainage engineer commented that the development is in low risk Flood Zone 1 and will not suffer from river flooding. However the officer objects to the proposed development, on the grounds that insufficient information has been provided by the developer to determine the potential impact the proposals may have on the existing drainage systems. Also as surface water is proposed to be dispersed through soakaways, the officer requires further information, calculations and results from any tests.

EXTERNAL

Acomb Planning Panel

The Planning Panel object to the scheme due to the impact the proposed dwellings would have upon existing dwellings within Carnoustie Close in terms of loss of light and shading. The Panel also draw attention to the existing hedge and its possible damage and overlooking of properties in Lochrin Place and Carnoustie Close. The Panel also state that the proposed dwellings do not fit in with existing dwellings within the area.

If the application is approved the Panel suggested various conditions relating to standard Council conditions, as well as a condition to prevent the car-port being converted into a garage in the future and drainage issues.

Neighbours

6 objections were received from the occupants of a neighbouring properties. The objections related to;

- No consideration has been given to the immediate streetscene of the surrounding bungalows of Lochrin Place or Carnoustie Close. These are 8 bungalows which are located to the north and west of the plot. The single storey character of the street scene has remained unchanged since the land was developed 24 years ago;
- The proposed 4 bedroom dwellings will fill the whole width of the plot;
- The proposals would result in an overdevelopment of the site;
- The development, if approved, would create a cramped form of development;
- Government guidance is clear that development should not be at the expense of the character and appearance of the area;
- If approved, the development would leave the surrounding bungalows faced with permanent overpowering, intrusive and out of scale buildings;
- The houses, if approved, would be over dominant due to their size, bulk and scale;
- The pitched roof to the proposed car-port is too high and doesn't need to be pitched it could be hipped at least to minimise the impact upon residents in Carnoustie Close;
- If approved, the dwellings would reduce sunlight to dwellings in Carnoustie Close, especially during winter months when the sun is low;

- When the original planning permission was granted for Carnoustie Close, Lochrin Place and the neighbouring estate, conditions were attached to safeguard the hawthorn hedge;
- There is no restriction as to how many cars may park at the dwelling, excessive car movements would create a nuisance to existing neighbours;
- The proposed soakaways are not acceptable and would create flooding issues to adjacent neighbours;
- The proposed dwellings should be of a similar style to dwellings in Melander Close;
- There is a small quadrant of land which would be left with no ownership if the scheme were approved;
- Construction vehicles should not park in Melander Close;
- Materials should not be stored in Melander Close; and
- The development would cause a noise nuisance to neighbours during development and parking congestion in Melander close.

Should the application be approved, neighbouring residents asked for the following:-

- Permitted development rights removed to prevent the dwellings being extended in the future;
- Permitted development rights removed so as prevent the car-ports being enclosed to create additional accommodation; and
- The Hawthorn Hedge should be protected.

4.0 APPRAISAL

4.1 The main considerations are:

- Principle of development;
- Impact on visual amenity of area;
- Impact on residential amenity; and
- Drainage.

POLICY

4.2 PPS1 '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.

4.3 Planning Policy Statement 3 'Housing' (PPS3) sets out Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, reducing dependency on the private car and provision of affordable housing. PPS3 also advises that car parking standards that require more than 1.5 spaces per dwelling are unlikely to secure sustainable development

4.4 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.

4.5 Policy H4a 'Housing Windfalls' which suggests that a proposals for residential development on land within the urban area would be a acceptable, where "the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings." However, any development must be of an appropriate design and must be sustainable e.g. good links to jobs, shops and services.

4.6 Policy GP10 'Subdivision of Gardens and Infill Development' encourages the protection of wildlife and setting, suggesting that existing landscape features are incorporated into the scheme or compensated for elsewhere should their removal be required.

4.7 Policy L1c requires proposals for less than 10 dwellings to contribute towards the provision of open space (including sport, amenity and children's play provision) by way of a commuted sum.

PRINCIPLE OF DEVELOPMENT

4.8 The site lies within the defined settlement boundary of York. There are no other relevant statutory constraints i.e. Conservation Area, etc. Central Government guidance regarding new housing is contained within Planning Policy Statement 3: Housing, policies H4a and H5a of the Draft Local Plan are also relevant. The key aim of local and national policy is to locate new housing on brownfield land in sustainable locations. PPS3 sets out a sequential test which favours the re-use of previously developed land within urban areas, then urban extensions and finally new development around nodes in good public transport corridors. Policy H4a deals with housing developments within existing settlements and says that permission will be granted within defined settlement limits for new housing developments on land not already allocated on the proposals map, where the site is vacant, derelict or underused land where it involves infilling, redevelopment or conversion of existing buildings. The scheme must be of an appropriate scale and density to surrounding development and should not have a detrimental impact on landscape features. Policy H5a says a density of 30 dwellings per hectare should be achieved on this site subject to the scale and design of the development being compatible with the character of the surrounding area and that there is no harm to local amenity.

4.9 Due to the location of the site and its proximity to local facilities and accessibility it is considered to be a sustainable location and therefore acceptable in principle. However, whilst the principle of residential use is acceptable, the impact of the development on the visual amenity of the area, the amenity of adjacent residents and the safety of the highway network need to be considered.

IMPACT ON VISUAL AMENITY OF AREA

4.10 Properties adjacent the site within Melander Close are 2-storey in height and detached, the dwellings adjacent the site within Carnoustie Close and Lochrin Place are detached bungalows. A number of objections received from neighbours comment that the dwellings should be bungalows, so as to not look out of keeping with the locality, or that the proposed dwellings should be designed to match existing dwellings in Melander Close. The site is enclosed by dwellings to all boundaries and is not particularly prominent within the area. The style of dwellings within this area is varied. Styles of dwellings vary from Victorian period houses adjacent parts of Beckfield Lane, to more modern developments of the 70's, 80's to the recently developed scheme by Barratt's at the previous Northfield School site.

4.11 Due to nature of the site and the mix of dwellings within the locality, it is not considered that the proposed development would have a detrimental visual impact within the area. The houses are well designed and sit acceptably within the site/area.

IMPACT ON RESIDENTIAL AMENITY

4.12 Occupants of residential dwellings have a high expectation of the level of privacy for rooms at the rear of their dwelling especially where such rooms face towards their rear private garden. The separation distances between the proposed dwelling and dwellings in Carnoustie Close and Lochrin Place are approximately as follows;

- The distance from the centre of the kitchen wing (Plot 1) to the centre of No. 6 Lochrin Place is 20.5m, and to the centre of No. 8 Lochrin Place is 19.9m.
- The distance from the side face of the proposed dwellings to properties in Carnoustie Close is approximately 20.0m –20.50m to no's 3,5,9 and 11.

4.13 In assessing infill schemes such as these officers would apply a 'general separation rule' of 21.0 m from window to window (existing to proposed) and 11.0 m from window to side of dwelling with no window (existing to proposed or vice versa). Whilst officers use these distances as a guide to assessing schemes, these distances are not incorporated into a specific planning policy.

4.14 It is acknowledged that the distances do not meet the 'general rule' which is used to judge such schemes. However, it is considered that the distances are within acceptable an tolerance, being approximately 1.00 m below the general standard.

4.15 The daylight sunlight assessment which was submitted as part of the scheme indicates that there is adequate daylight and sunlight received by existing surrounding buildings and there is no unacceptable overshadowing of existing amenity areas.

4.16 Due to the overall height and massing of the proposed dwelling, it is considered that this an arrangement would not create significant overshadowing and

loss of light to principal rear living rooms/areas of neighbouring properties or create an unacceptable degree of overlooking.

4.17 However, it is considered reasonable to seek a minor amendment to the design of the car-ports. Whilst it is acknowledged that they has been designed to replicate the style and materials of the dwellings, their roofs could be altered. It is suggested that a condition be imposed to alter the design from a typical pitched roof design to either a mono-pitch roof slope with a very shallow pitch, or a flat roof which could be covered with sedum or some other similar finish. It is considered that such an amendment would not significantly alter the appearance of the proposed dwellings, but would lessen the visual impact of these dwellings upon nearby residents in Carnoustie Close and to some extent satisfy residents concerns.

Impact Upon The Hawthorn Hedge And Existing Trees

4.18 The Council's Tree Officer has objected to the proposed scheme. The officer considers that the proposed dwellings would be too close to the existing hawthorn hedge and trees. The officer notes that development should be 6.0 m away from the trees. He states that the development is only 3.0 m away.

4.19 The agent for the applicant responded to the tree officers comments, by stating that this arrangement is common place, i.e. there are numerous instances where a tree/s are sited within close proximity to a house. The agent also pointed out that the design of the proposed dwellings has been amended to address the officers concerns with regard to separation distance. Car-ports have been introduced which are supported by 2 columns, therefore their intrusion into the separation zone is minimal, also the surface of that area has been amended to gravel, which cause minimal intrusion to the trees/hedge.

4.20 The agent also notes that only 1 tree, a lesser birch, falls within the 6.0 m zone. This tree, in the opinion, of the applicant's arboricultural consultant is not a good specimen and is being out competed by other nearby trees.

Drainage

4.21 The Council's drainage officer has been negotiating with the applicants for some time regarding the proposed drainage of the scheme. The officer requires additional information to be able to asses whether the proposed drainage scheme would be acceptable.

4.22 Whilst it is considered that this reason alone is not sufficient to refuse this scheme, it is disappointing that the information has not been submitted. The applicants have been asked for details on a number of occasions. However, it is still possible that the information may be submitted prior to the scheme being presented to planning committee. If further drainage information is submitted, committee will be updated.

4.23 It is considered acceptable to impose a condition requiring drainage details to be agreed prior to development commencing.

5.0 CONCLUSION

5.1 The erection of 2 dwellings is recommended for approval, subject to adequate conditions, as the scheme satisfies policies SP2, GP1, GP4a, GP14, GP15a of the City of York Development Control Local Plan and National Planning Guidance PPS1, PPS3 and PPS25 and the Council's Interim Planning Statement: Sustainable Design and Construction.

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:-

- (i) Proposed plans and elevations - Date stamped 26/08/2009
- (ii) Proposed site layout - Date stamped 26/08/2009

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

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

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

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

6 The existing boundary hedge, which bounds Carnoustie Close and Lochrin Place, shall not removed, wilfully damaged or reduced in height below 1.80 m in height, without prior written consent of the Local Planning Authority. Should the hedge be damaged, die back or be removed, details of its replacement should be submitted to the Local Planning Department within 3 months of the date of its failure/removal and the affected areas should be replaced within the next planting season and thereafter be so retained.

Reason: In order to preserve the amenity of adjacent neighbours.

7 Prior to development commencing amended details of the car-port roofs for both dwellings should be submitted in writing to the Local Planning Authority. Development should then be carried in strict accordance with the written approved details from the Local planning authority and thereafter be so retained.

Reason: The proposed roof of the car-ports from both plots are too high and would impinge upon adjacent residents outlook. Reducing the height of these roofs would increase the visual separation distance between the existing properties in Carnoustie Close and the hereby approved houses.

8 HT1 IN Height

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

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

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £6012.

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

- 10 HWAY9 Vehicle areas surfaced
- 11 HWAY14 Access to be approved, details req
- 12 HWAY19 Car and cycle parking laid out
- 13 HWAY21 Internal turning areas to be provided

14 HWAY31 No mud on highway during construction

15 There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason: To prevent pollution of the water environment

16 DRAIN1 Drainage details to be agreed

17 Any suspect contaminated materials detected during site works shall be reported to the Local Planning Authority. Any remediation for this contamination shall be agreed with the Local Planning Authority and fully implemented prior to any further development of the site.

Reason: To protect the health of the occupants.

18 LAND1 New landscape details

19 No building work shall take place until details have been submitted to and approved in writing by the local planning authority, to demonstrate how the applicant will provide from renewable sources, 5% of the building's total energy demand on land within the control of the applicant. Not later than 12 months after the building has first been brought into use, the applicant shall submit an Energy Statement to the Local Planning Authority, which details the percentage of the buildings energy consumption that has been derived from renewable sources. The development shall not be occupied until these works have been carried out in accordance with the submitted details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of sustainable development.

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

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

7.0 INFORMATIVES: Notes to Applicant

1. Reason for approval

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the locality, highway safety. As such, the proposal complies with policies GP1,

GP10, GP15a, H3c, H4a, H5a, L1c and T4 of the City of York Local Plan Deposit Draft and the Council's Interim Planning Statement: Sustainable Design and Construction; national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development " and Planning Policy Statement 3 " Housing.

2. Control of Pollution Act 1974

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

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

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

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

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

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

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

vi. There shall be no bonfires on the site

3. Please note the comments raised by the Council's Highway Network management Officer. I have attached a copy for ease of reference.

Contact details:

Author: Richard Beal Development Control Officer

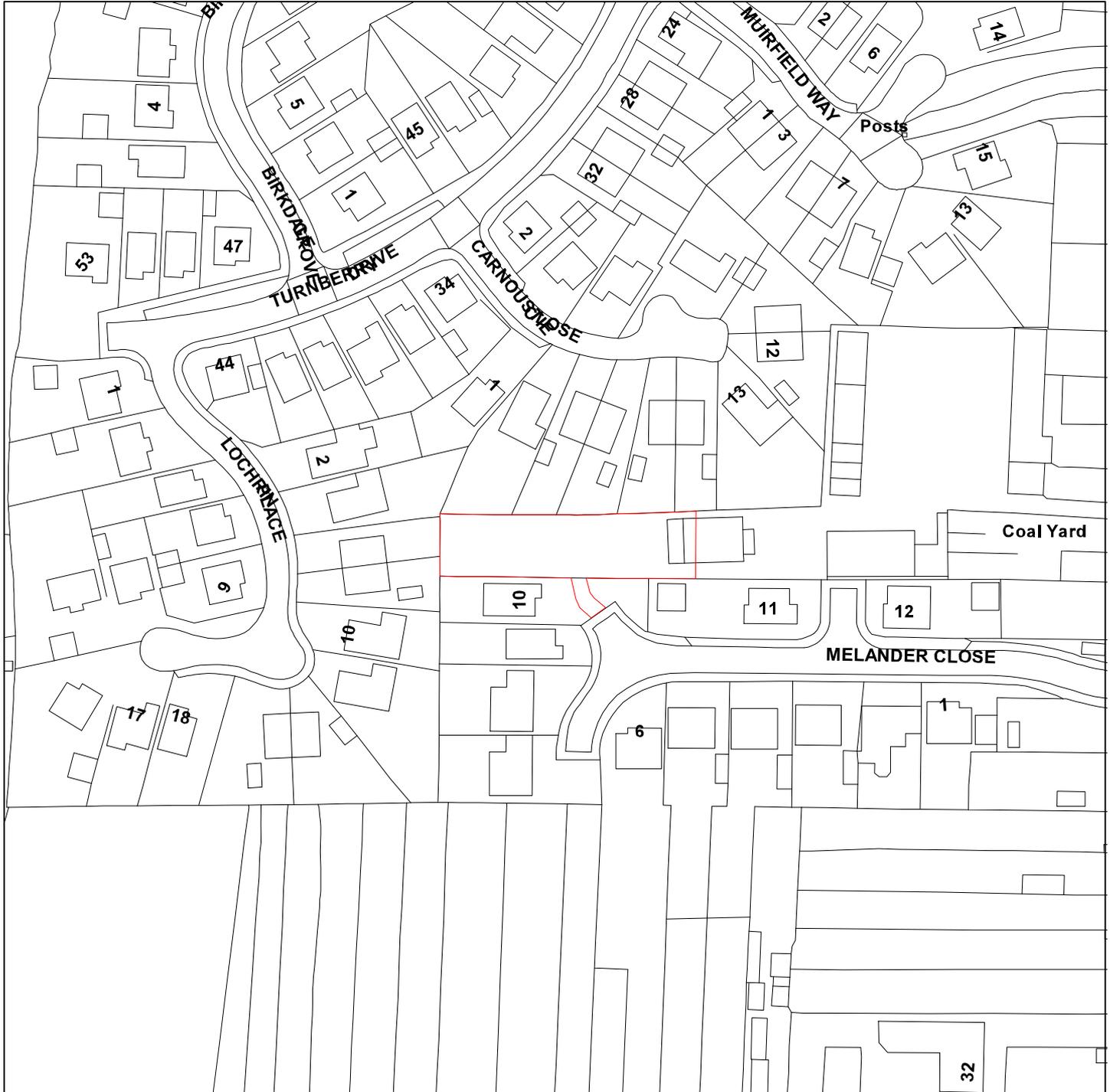
Tel No: 01904 551610

10 Melander Close

09/01349



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Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	09 October 2009
SLA Number	Not Set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Micklegate
Date: 22 October 2009 **Parish:** Micklegate Planning Panel

Reference: 09/01655/LBC
Application at: Artful Dodger 47 - 51 Micklegate York YO1 6LJ
For: Internal alterations including new staircase, toilets and replacement windows
By: Mr Mark Allinson
Application Type: Listed Building Consent
Target Date: 5 November 2009

1.0 PROPOSAL

1.1 No 47-51 Micklegate, currently operating as a public house known as "The Artful Dodger" comprises a four storey Mid Victorian buff brick and slate built Grade II Listed property occupying a prominent site within the Historic Core Conservation Area. The proposal, which is partially retrospective, envisages the conversion of the first floor of the property from offices ancillary to the main pub use to a bar/function room and incorporates the partial insertion of a suspended ceiling, the removal of existing internal walls, the replacement of existing window units for double glazed units, the formation of an office and toilet area, the installation of a sound and projection system, the re-opening of a cupboard area abutting the adjoining property, the formation of a staircase linking to the ground floor bar area and the erection of a satellite dish on the rear elevation. The proposal forms a re-submission of an earlier scheme previously refused but incorporating sound insulation to walls abutting the adjacent property No 45 Micklegate.

1.2 The application has been called-in for a sub-committee decision by Councillor Gunnell as the applicant feels his applications are being unfairly treated and issues seem to be arising from alterations that have been made to the building prior to Mr Allinson actually owning it, also there seems to be disagreement on what Mr Allinson has been told he can or cannot do and also what is deemed to be acceptable or not acceptable in his project plans.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

City Boundary GMS Constraints: York City Boundary 0001

Listed Buildings GMS Constraints: Grade 2; 47 Micklegate York YO1 1LJ 0186

Listed Buildings GMS Constraints: Grade 2 Star; 53 Micklegate York YO1 1LJ 0183

Listed Buildings GMS Constraints: Grade 2; 49 Micklegate York YO1 1LJ 0185

Listed Buildings GMS Constraints: Grade 2; 2 St Martins Lane York YO1 1LN 0188

2.2 Policies:

CYHE4
Listed Buildings

3.0 CONSULTATIONS

INTERNAL

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 Object to the proposal on the grounds that the proposal would result in an unacceptable erosion of the character of the internal space of the building in terms of the removal of the internal walls at first floor level. Insufficient justification has been advanced for the insertion of a staircase between the ground floor bar and the first floor area, insufficient justification has been advanced for the proposed alterations to the windows at first floor level and insufficient justification has been advanced for the loss of the original doors at first floor level and for the loss of the rear wall of the substantial chimney in the rear first floor room. Taken together the work represents a totally unacceptable degree of intervention that materially detracts from the special character and appearance of the Listed Building contrary to the terms of PPG15 "Planning and the Historic Environment".

EXTERNAL

MICKLEGATE PLANNING PANEL

3.2 No objection.

NEIGHBOURS

3.3 One letter of representation has been received from an adjoining landowner objecting to the radical nature of the internal works being undertaken at the property, the impact of the development on the residential amenity of neighbouring occupiers and the undertaking of development on land outside of the ownership of the applicant. The submission of a planning application for change of use in respect of the first floor activities is also called for.

4.0 APPRAISAL

4.1 Policy HE4 of the York Development Control Local Plan sets a firm policy context establishing that Listed Building Consent would only be forthcoming for works involving external or internal alterations and the erection of satellite antenna where there would be no adverse impact upon the character, appearance or setting of the building. No 47-51 Micklegate comprises a four storey Mid Victorian property constructed in a light buff brick with Neo-Tuscan windows. It forms part of a group of similarly designed properties forming a corner block at the junction of St Martin's Lane and Micklegate. Each property has a characteristic internal arrangement of cellular spaces with ornate decorative ceilings and elaborately moulded doors. The development has been intended to create a first floor function room/additional bar with a staircase link to the ground floor bar area together with ancillary toilets and an office. The construction work which is substantially complete has involved the removal of the internal walls from the first floor, the sealing over of the ceiling of the rear room on the first floor, the re-opening of a cupboard area within the wall abutting the boundary of the adjacent property No 45 Micklegate, the construction of a staircase between the ground floor bar area and the first floor, the removal of existing doors on the first floor, the partial removal of the existing rear stack, the replacement of a number of Victorian sash windows with double glazed units, the removal of a disused freestanding cold store from the first floor and the erection of a satellite dish on the rear elevation. Other unauthorised work has been undertaken elsewhere on the site, not part of the current application, notably the fixing of floodlights to the main Micklegate elevation.

4.2 Central Government advice on Listed Building Control outlined in PPG 15 "Planning and the Historic Environment" lays out a requirement for all Listed Building Consent applications to be fully justified, clearly demonstrating why works which affect the character of a Listed Building are both desirable and necessary. The current application has been accompanied by a detailed statement which outlines the justification for the work. This identifies the first floor as being intended to provide a function room/conference facility. The work undertaken to create the single large open space has been extremely radical. The requirement for such a configuration has been justified on the basis of the need for security and to ensure that bar staff are able to successfully deter illegal activity. The degree of intervention has been modified to some extent by the inclusion of a folding timber glazed screen on the alignment of one of the walls previously removed. The removal of the disused cold store is of benefit in terms of securing the character and appearance of the building however the wholesale removal of the internal walls to secure the formation of a large single use space on the basis of the need for security and intervisibility is unjustified as a number of other far less radical and far more sympathetic means exist to deal with the same situation such as the use of a high staff to customer ratio or the use of cctv. The development is justified as being for the creation of a function room/conference facility, facilities which could be arranged flexibly making use of medium sized rooms which may be easily subdivided and not the single large open space scribed by a bar indicated here. The insertion of a staircase from the ground floor bar area on to the first floor is justified as being a Building Control requirement, and to cater for the security of the upper floor flat above. Building Control has confirmed that the separate staircase is not a requirement of theirs and that the security of the occupant of the upper floor flat maybe safeguarded by other much

less intrusive means. Perfectly adequate access to the first floor could be achieved from the ground floor bar area by insertion of a doorway linking the bar area with the existing main staircase running through the building.

4.3 The ceiling of the rear room on the first floor has been boarded over under the justification of the need to provide sound insulation for the flat above, as a consequence the nature of the rear room has been fundamentally altered and the existing Victorian ceiling has been obscured. The need to provide sound insulation for the up-stairs flat is not a specific Building Control requirement and on the basis that it is intended for occupation by the bar manager difficult to justify. The nature of the first floor windows on the street elevation with their fine carved and moulded Neo-Tuscan detailing and surviving window furniture add substantially to the intrinsic architectural merit of the property. Their reconfiguration to accept double glazing units is justified by the applicant on Health and Safety grounds on the basis that they sit low over the existing floor level and there is a risk of damage from customers using the upper bar area and also there is a need to give a degree of sound proofing to protect the nearby street. The risk of damage by customers is in reality minimal and any risk can be effectively mitigated by the application of film to the existing glass and the windows can be curtained to lessen sound transmission. With the current revised submission sound insulation has been added to the walls of the first floor closest to the adjacent property No 45 Micklegate. That would not mitigate the detrimental impact of the other internal alterations to the extent of rendering the wider scheme acceptable.

4.4 The satellite dish prominently located on the rear elevation at first floor level is acceptable in principle but could be more appropriately located. However taken as a whole the work proposed and already undertaken does not comply with the terms of Draft Local Plan Policy HE4 or Central Government advice in respect of Listed Building Control outlined in PPG 15 " Planning and the Historic Environment".

4.5 In terms of the issues raised by the owner of the adjacent property No 45 Micklegate, the current application is specifically for Listed Building Consent so any issue of material change of use is not material to consideration of the current application. Similarly the issue of impact upon residential amenity whilst an important consideration in its own right , is not material to judging the impact of the proposal on the character or appearance of the Listed Building.

5.0 CONCLUSION

5.1 No 47-51 Micklegate comprises a four storey brick built Grade II Listed Mid Victorian property lying within a prominent site within the Historic Core Conservation Area. The proposed development identified as being for the formation of a conference room/function room has involved the complete removal of the existing internal walls within the first floor, the insertion of a staircase between the ground floor bar area and the first floor and the sealing over of the rear room ceiling. Consent is also sought for the insertion of double glazed units within the existing first floor windows. Central Government Guidance in respect of Listed Building Control outlined in PPG 15 " Planning and the Historic Environment" requires that work to Listed Buildings must be fully justified as being desirable and necessary. The applicant has failed to adequately justify the extent and nature of the works proposed

and already undertaken and he has failed to demonstrate how they can be identified as being either desirable or necessary, as a consequence Listed Building Consent should be refused.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The removal of the internal walls and doors from the first floor, the sealing of the existing ceiling within the rear first floor room and the insertion of a staircase between the ground floor bar area and the first floor, together with the proposed insertion of double glazed units within the existing first floor windows within the Micklegate street elevation harm the special character and visual appearance of the Listed Building contrary to the terms of Policy HE4 of the York Development Control Local Plan together with Central Government advice on Listed Building Control outlined in PPG15 Paragraphs 3.12 and 3.13 and Paragraph 3 to the associated Annex C "Guidance on Alterations to Listed Buildings".

2 The internal works proposed and previously undertaken to create a first floor conference/function room have not been adequately justified as being desirable or necessary in terms of their impact upon the special character and appearance of the Listed Building in accordance with the requirements of Central Government advice on Listed Building Control outlined in PPG 15 "Planning and the Historic Environment" paragraph 3.4.

7.0 INFORMATIVES:

Contact details:

Author: Erik Matthews Development Control Officer

Tel No: 01904 551416

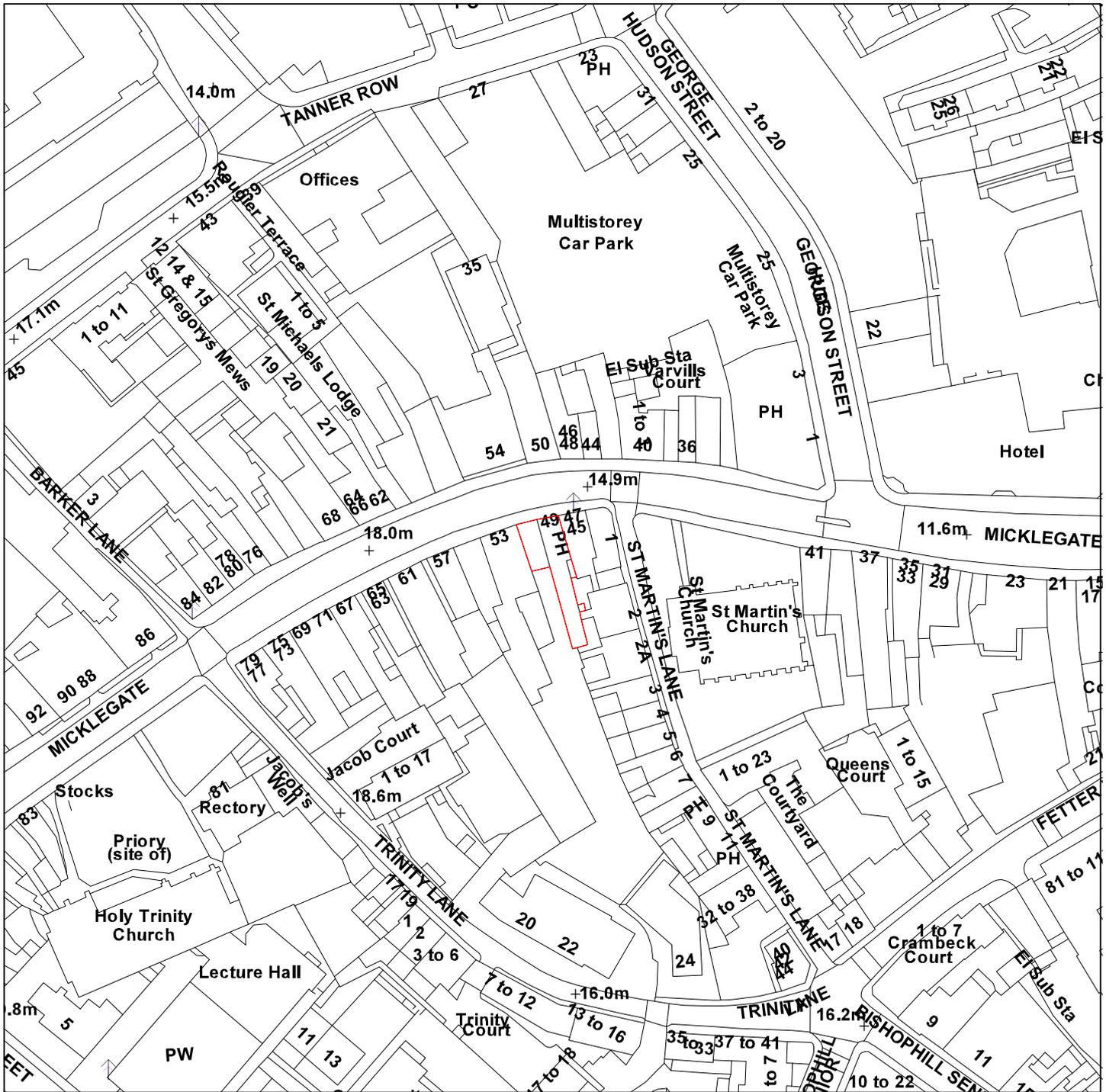
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Artful Dodger 47-51 Micklegate

09/01655



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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	09 October 2009
SLA Number	Not Set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Micklegate
Date: 22 October 2009 **Parish:** Micklegate Planning Panel

Reference: 09/01635/FUL
Application at: Racecourse Racecourse Road Knavesmire York YO23 1EJ
For: Alterations to Melrose Stand including extension to screened area, provision of lift and external housing and low level balcony
By: York Knavesmire LLP
Application Type: Full Application
Target Date: 22 October 2009

1.0 PROPOSAL

1.1 This application is a resubmission of the previously approved application (ref no 08/02285/FUL) for improving and extending the facilities within the Melrose stand at the Racecourse which gained approval for:

- (i) The enclosing of existing exposed steps within the east and north elevation to provide a covered viewing area of the racecourse and parade ring;
- (ii) Erection of a fully glazed conservatory area for general use to provide protected meeting areas within the existing balcony on the north east elevation; and
- (iii) Alterations to the appearance of the front elevation to continue the style of the existing concourse buildings and to accommodate improved stairway access.

1.2 This application differs from the previous approval by seeking permission for three additional alterations:

- (i) a lift providing access from ground to first floor terrace to the rear of the stand (away from the racecourse)
- (ii) the extension to fully enclose the existing balcony area (facing the course)
- (iii) the provision of an additional area of open viewing balcony at low level extending beyond the existing perimeter of the building on two sides - north and west facing.

1.3 The applicants state that the proposed alterations will provide an extended owners and trainers bar and restaurant to the south west and north east of the stand and that these works are a further phase in the progression of an overall refurbishment programme at York Racecourse.

1.4 This particular part of the racecourse is located within the Racecourse/Terry's Factory Conservation Area as well as being sited within the York Green Belt. A number of buildings within the racecourse are listed, namely the County Stand and Press Stand (Grade II), the Indicator Board and Clock Tower (Grade II), and the Guinness Bar (Grade II "star"). The Melrose stand is not listed.

1.5 The application has been called to committee by Cllr Brian Watson as the land on which York racecourse is sited is owned by the Council.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Racecourse 0035

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

2.2 Policies:

CYGP1
Design

CYSP2
The York Green Belt

CYGB1
Development within the Green Belt

CYGB10
Major development sites in GB

CYHE3
Conservation Areas

3.0 CONSULTATIONS

INTERNAL

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 The alterations to this scheme are deemed acceptable and would preserve the character and appearance of the conservation area and the setting of the adjacent listed Press stand.

HIGHWAY NETWORK MANAGEMENT

3.2 No comment to date.

LIFELONG LEARNING AND LEISURE

3.3 No comment to date.

ENVIRONMENTAL PROTECTION UNIT

3.4 No objections to the proposal.

CYCLE CITY YORK

3.5 Officer states there is a need for further cycle provision at the Racecourse.

FURTHER COMMENTS

3.6 Councillor Merrett commented that there is a need for more cycle storage at the Racecourse.

EXTERNAL

MICKLEGATE PLANNING PANEL

3.7 No comment to date.

PUBLICITY

3.8 The application was advertised by site notice and press advert. No comments have been received.

4.0 APPRAISAL

KEY ISSUE

4.1 The key issue to be considered is the impact on the visual amenity of the building and the character and appearance of the conservation area as well as the openness and appearance of the Green Belt.

POLICY BACKGROUND

4.2 Planning Policy Guidance 2 “Green Belts” allows limited infill/redevelopment of existing major sites in the Green Belt provided there would not detract from the open character of the Green Belt.

4.3 Policy SP2 of the City of York Draft Local Plan states that the primary purpose of the York Green Belt is to safeguard the setting and historic character of the City of York. Policy GB1 states that within the Green Belt, planning permission for development will only be granted where:

- (a) the scale, location and design of such development would not detract from the open character of the Green Belt; and
- (b) it would not conflict with the purposes of including land within the Green Belt; and
- (c) it would not prejudice the setting and special character of the City of York.

4.4 Policy GB10 identifies the major developed sites within the Green Belt and includes the Racecourse. On these sites limited infilling is permitted providing it has no greater impact on the Green Belt than as existing; it does not exceed the height of

existing buildings; and it does not lead to a major increase in the developed portion of the site.

4.5 Policy GP1 of the City of York Deposit Draft Local Plan states that when considering planning applications the intention is to seek a standard of design that will secure an attractive development and safeguard or enhance the environment.

4.6 Policy HE3 states that proposals for a number of forms of development, including external alterations, will be permitted where there is no adverse effect on the character and appearance of the conservation area.

VISUAL IMPACT ON BUILDING/ CONSERVATION AREA

4.7 The Racecourse is within "The Racecourse and Terry's Factory" Conservation Area which was designated in 1975. The majority of the conservation area lies within the Green Belt. The racecourse at the Knavesmire has been in continuous development since 1731. John Carr's low brick grandstand of 1754 was joined by the open cast-iron County Stand around 1840, the County Stand extension and then the Press Stand in 1890. These buildings are listed (Grade II). The Melrose Stand occupies a position adjacent to the Press Stand. It is one of three late C20th structures of considerable size by comparison to the earlier stands. These later stands have become landmarks within the locality as well as from areas south and west outside the city.

4.8 The Melrose Stand is unlike the other late C20th stands in that it does not adopt a bold contemporary architectural approach. The Conservation Area Appraisal carried out in 2006 states that "the brickwork and pitched roof of the Melrose Stand makes reference to the smaller scale buildings of the 1920's, although its size makes this design approach inappropriate".

4.9 The Melrose Stand provides a facility for private hospitality and it incorporates the Members' entrance and the Owners' and Trainers' bars and restaurant. Facilities are limited at present. In 2008 approval was granted for improving and extending the facilities within the stand to include: a conservatory-type extension to provide a restaurant on the rear terrace, the majority of the lower balcony facing the racecourse was to be enclosed with the terracing removed from the enclosed area and an additional floor inserted. Proposals also included for upgrading and enclosing the external staircases to comply with new legislation. This application further alters the stand by providing a lift and external housing from ground to first floor terrace, an extension to the existing balcony area and the provision of a low level balcony extending beyond the existing perimeter of the building - north and west facing.

4.10 The new lift housing is relatively small in scale and would be located to the rear of the building at low level. It would be freestanding and set back from the edge of the stand. Overall the small enclosure would not have a significant impact on the conservation area, subject to appropriate materials.

4.11 The enclosure of the stepped area (west elevation) would be in line with the existing enclosure and would be set back under existing balconies away from the edge of the building. The enclosure would be symmetrical to conform to the symmetry of the

building. It is not considered that this alteration would cause harm to the conservation area not the setting of the adjacent listed stand.

4.12 The additional standing area by way of the new low level balcony would provide open viewing over the winners enclosure to the north and over the racecourse itself. The proposal would extend the lower level of the building outwards by just over 2m to the north and west elevations. The balcony has been integrated well into the design of the building and is considered to be a small scale addition in comparison to the stand as a whole and the openness of the area.

GREEN BELT

4.13 The site is a major developed site in the Green Belt. These proposed additions to the Melrose Stand would be small scale in relation to the size and height of the stand and would not visually intrude into the openness of the area. It is not considered that the alterations would compromise the function of the Green Belt or harm its quality of openness.

CYCLE PROVISION

4.14 Comments have been received from Cllr D. Merritt and Cycle City York regarding the need for additional cycle storage at the Racecourse. As this application seeks only relatively minor alterations to an already approved scheme which are unlikely to increase spectator capacity, it is not considered that it would be necessary to seek cycle parking facilities in relation to this application, nor would it be considered reasonable to use this application to seek to address a perceived shortfall in such facilities at the racecourse.

5.0 CONCLUSION

5.1 It is considered that the scheme maintains the neutral impact of the Melrose Stand on the character and appearance of the conservation area. As a consequence it is considered that the proposal would have no additional visual impact, subject to appropriate planning conditions. Approval is recommended.

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:-

Proposed Alterations - 8906/6 (REV G), 8906/7(REV F), 8906/8 (REV D), 8906/9 (REV D) - Date stamped 26.08.2009

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 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used including those for the external cladding/finish of the lift as well as the extended balcony shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

4 Prior to the commencement of the works hereby approved 1:20 and 1:5 details should be submitted of all elevations which incorporate the concourse. Details should include a 1:20 section through the façade showing the relationship of the elements at each level and a 1:5 drawing showing how the new enclosure aligns with the columns. These details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out in accordance with the approved details.

Reason: In order to protect the visual historic character of the Racecourse and the Racecourse/Terry's Conservation Area and so that the Local Planning Authority may be satisfied with these details.

5 Prior to the commencement of the works hereby approved cross sections, profiles and details at a scale 1:10 of:-

- (i) The new enclosing panels and column casings on the racecourse side elevation, including materials and finishes;
- (ii) The conservatory

and 1:20 and 1:5 sections/details showing:

- (iii) The balcony edge and soffit details at agreed positions
- (iv) The external lift housing

shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out in accordance with the approved details.

Reason: In order to protect the visual historic character of the Racecourse and the Racecourse/Terry's Conservation Area and so that the Local Planning Authority may be satisfied with these details.

6 Details of the new balustrade shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. Works shall be carried out in accordance with the approved details and thereafter retained.

Reason: In order to protect the visual historic character of the Racecourse and the Racecourse/Terry's Conservation Area.

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the function and amenity of the Green Belt, visual amenity, and the effect on the character and appearance on Conservation Area No.10. As such the proposal complies with policies GP1, GB1, GB10, HE3 and SP2 of the City of York Draft Local Plan- Incorporating the Proposed 4th Set of Changes; and national planning guidance contained in Planning Policy Guidance Note No. 2 " Green Belts ".

2. DEMOLITION AND CONSTRUCTION

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

(a) 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.

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

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

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

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

(f) There shall be no bonfires on the site.

3. CONDITION 4 OF THIS PERMISSION

With reference to condition 4, please be advised that the panels should be set-back from the edges of the stand as shown on the approved plans. Also the concourse elevations must match existing materials and details on adjacent buildings.

Contact details:

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

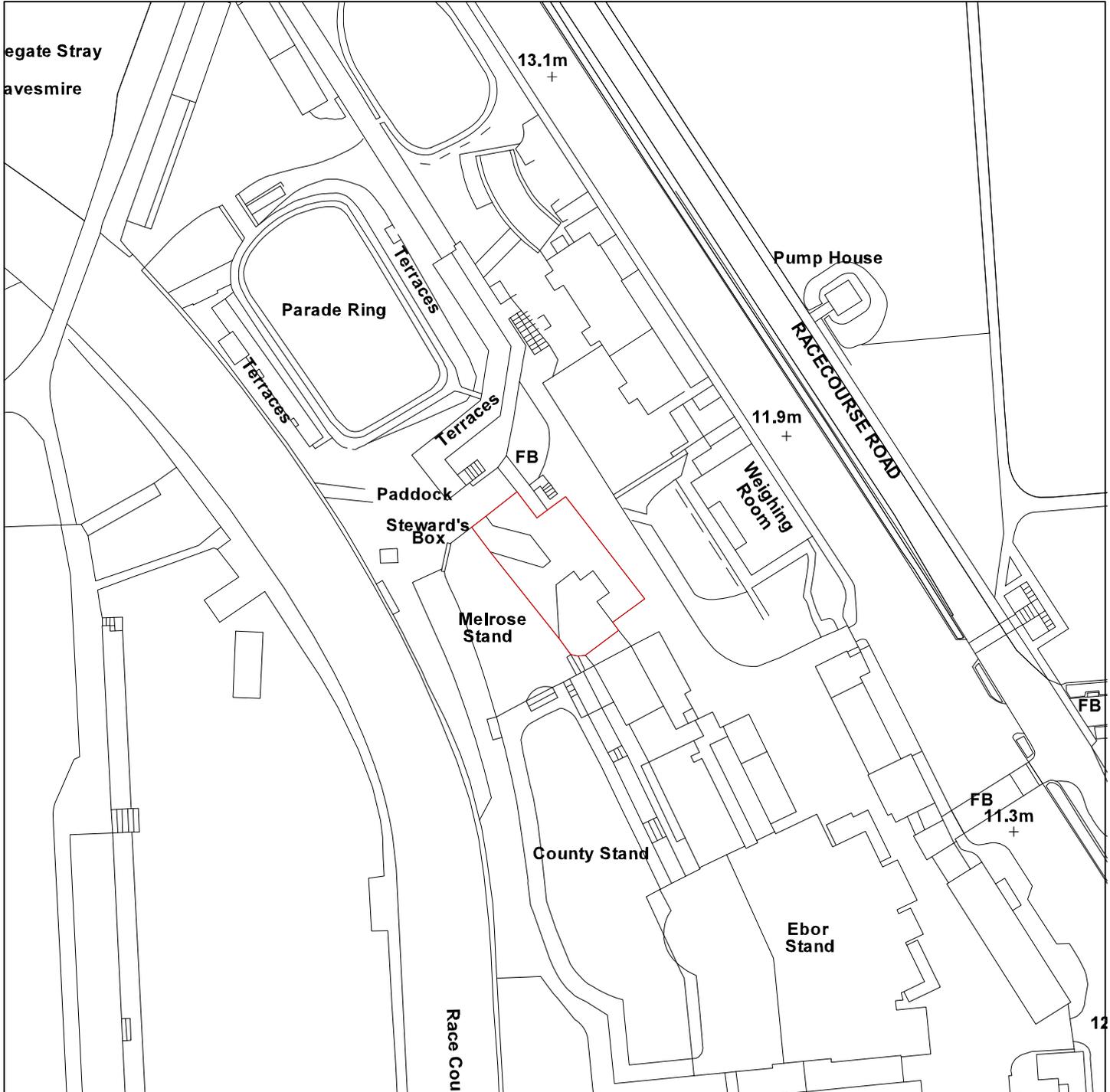
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Melrose Stand, Racecourse

09/01635



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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	12 October 2009
SLA Number	Not Set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 22 October 2009 **Parish:** Guildhall Planning Panel

Reference: 09/01691/FUL
Application at: Mooring C South Esplanade York
For: Retention of pontoon/jetty
By: Mr Brian Clarke
Application Type: Full Application
Target Date: 5 November 2009

1.0 PROPOSAL

1.1 Retrospective planning consent is sought for the siting of a replacement floating pontoon / jetty on the east bank of the River Ouse between Ouse bridge and Skeldergate Bridge, at South Esplanade, which is within the Central Historic Core Conservation Area.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Floodzone 2 GMS Constraints: Flood Zone 2 CONF

Floodzone 3 GMS Constraints: Flood Zone 3

2.2 Policies:

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYL4
Development adjacent to rivers

CYV1
Criteria for visitor related devt

3.0 CONSULTATIONS

Internal

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 Conservation Architect - The continued use of the pontoon would preserve the busy character of the Conservation Area in this location which is associated with the enjoyment of the river. The pontoon is set at a low level in relation to the existing houses and this helps to protect the setting of the houses. Presuming that no amenity issues have been identified for nearby residents, the retention of the pontoon would appear to preserve the character and appearance of the Conservation Area in this location.

3.2 As an advisory note the Conservation Architect notes that the balustrading, which is of larger square metal sections than the older type, is rather bright in brilliant white. When this comes to be painted in the future off-white would be preferred as this would soften its impact against adjacent natural materials.

External

3.3 The Environment Agency, the British Waterways Board, York Access Group and the Standard Drainage Authority have been consulted and the expiry date for consultation responses is 3rd November. Members will be updated at the Meeting as to responses received. Officers would ask for delegated authority to approve the application at the end of the consultation period subject to no new relevant issues being raised in this period.

3.4 A letter has been received from a resident of South Esplanade objecting not to the presence of the mooring but to the industrial size of the present one. Four letters of objection from residents of Friars Terrace and South Esplanade were received prior to receiving the application. Concerns relate to the scale, design and materials of the replacement jetty in terms of the impact on the appearance of the riverside and whether the boat company intend to use the jetty as their principal boarding point. Request that it be relocated to a more commercial area rather than directly in front of houses.

4.0 APPRAISAL

4.1 Key Issues

- impact on the character and appearance of the Central Historic Core Conservation Area
- residential amenity

4.2 Policy HE2 of the Local Plan states that within or adjoining conservation areas, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Policy HE3 requires changes of use and external alterations in conservation areas to have no adverse effect on the character and appearance of the conservation area.

4.3 Policy L4 states that planning permission will only be granted for development adjacent to rivers where there would be no loss to established recreational interests

and uses, the proposed development would complement existing recreational uses and the existing character of the area, the navigational capacity of the rivers would not be decreased, and existing walkways and cycleways along river banks are retained or enhanced. Policy V1 encourages visitor related development so long as the proposal has made adequate servicing arrangements, the site is accessible to public transport routes, any increase in traffic, parking, cycle and pedestrian movement is taken into account, the proposal is likely to improve the prosperity of the tourist industry/city economy, and would not adversely impact on the reasonable use and enjoyment of adjacent buildings and land.

4.4 The application relates to the retention of a floating pontoon for the embarkation and disembarkation of Yorkboat pleasure boat passengers at South Esplanade. The pontoon replaces a fixed 22.5 metre long jetty, which was granted permission in 1998, which in turn replaced a 22.8 metre long floating pontoon, which had been there since at least 1985.

4.5 The replacement pontoon for which permission is sought, is 25.3 long by 4.6 metres wide and is fixed to the retaining sheet pile riverbank by two landings with cantilever type ramps hinged to the pontoon. There are ramps for disabled access, platforms and large square metal white painted balustrading is provided where appropriate. The pontoon is constructed from black painted mild steel and has polythene drums for flotation and is clad and decked with a sustainable hardwood. The applicant states that the old fixed jetty was fixed on wooden posts in the river bed and at times of flood could not be used. Also as the whole structure would be underwater at times of flood, it rapidly degraded. The fixed steps also meant that it could not easily be used for wheelchairs and pushchairs.

4.6 The applicant states that the new floating pontoon is designed to float at all river levels and can be used by the boats safely in floods up to 2 metres. With two of the crafts having been converted to enable disabled access, the replacement pontoon provides for assisted disabled access. It is Yorkboat's desire to ultimately have all its landings floating and with disabled access.

4.7 The stretch of the esplanade to which this application relates, has become the main embarkation point for pleasure boats which use the River Ouse as it allows close access to the river. The replacement pontoon is sited directly in front of Friar's Terrace, a terrace of mid 19th Century buildings sitting on an elevated terrace above a stonewall which survives from the 13th Century Franciscan Priory previously occupying the site. The terrace and the wall are Grade II listed.

4.8 Officers note the concerns of local residents that the replacement pontoon, by virtue of its scale, design and material is visually intrusive and accept that the replacement is more prominent in the Conservation Area than the previous timber fixed jetty. Notwithstanding this, the reasons for the replacement jetty, with particular reference to the provision of disabled access, is considered to justify a larger structure in this location. The pontoon is set at a low level in relation to the houses of Friar's Terrace, which is considered to help protect the setting of the houses. To paint the balustrading in an off white colour rather than the existing brilliant white, would soften the impact of the pontoon against adjacent natural materials and a condition requiring the repainting, is recommended.

4.9 In terms of use, Officers consider that the continued use of the pontoon would preserve the busy character of the Conservation Area in this location which is associated with the enjoyment of the river. In order to protect the amenity of local residents, it is considered appropriate to reapply conditions attached to the 1998 approval for the fixed mooring. These conditions involved the prohibition of playing of music, the restriction of lighting when boats are moored and the prohibition of the use of the mooring after 11.30pm.

5.0 CONCLUSION

5.1 The replacement pontoon is larger and more prominent in views of this stretch of the east bank of the River Ouse as a result of its materials, colour and balustrading than the previous timber fixed pontoon. However, given that it is to provide disabled access and is located in a part of the Conservation Area with existing pontoons / jetty's on either side, and where the character of the Conservation Area is associated with the enjoyment of the river, the replacement is considered to be acceptable. The re-painting of the balustrading would help to ensure that the retention of the pontoon preserves the character and appearance of the Conservation Area.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Delegated Authority to Approve

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

Plans of landing at Kings Staith and top View of Kings Staith Landing received on 23rd Sep 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 Within 2 months of the date of this permission, the balustrading shall be painted a colour to be agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the Central Historic Core Conservation Area.

3 Following restrictions shall apply in the use of the pontoon:-

a. no live or amplified music shall be played on the boats when they are moored at the landing stage.

b. no lights shall be used on the boats when they are moored except for those needed

internally and for safety purposes.

c. all boats shall be removed from the mooring between the hours of 11:30pm and 8:00am.

Reason : In the interests of protecting 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 Central Historic Core Conservation Area and residential amenity. As such the proposal complies with Policies GP1, HE2, HE3, L4 and V1 of the City of York Development Control Local Plan.

Contact details:

Author: Rachel Tyas Development Control Officer (Wed - Fri)

Tel No: 01904 551493

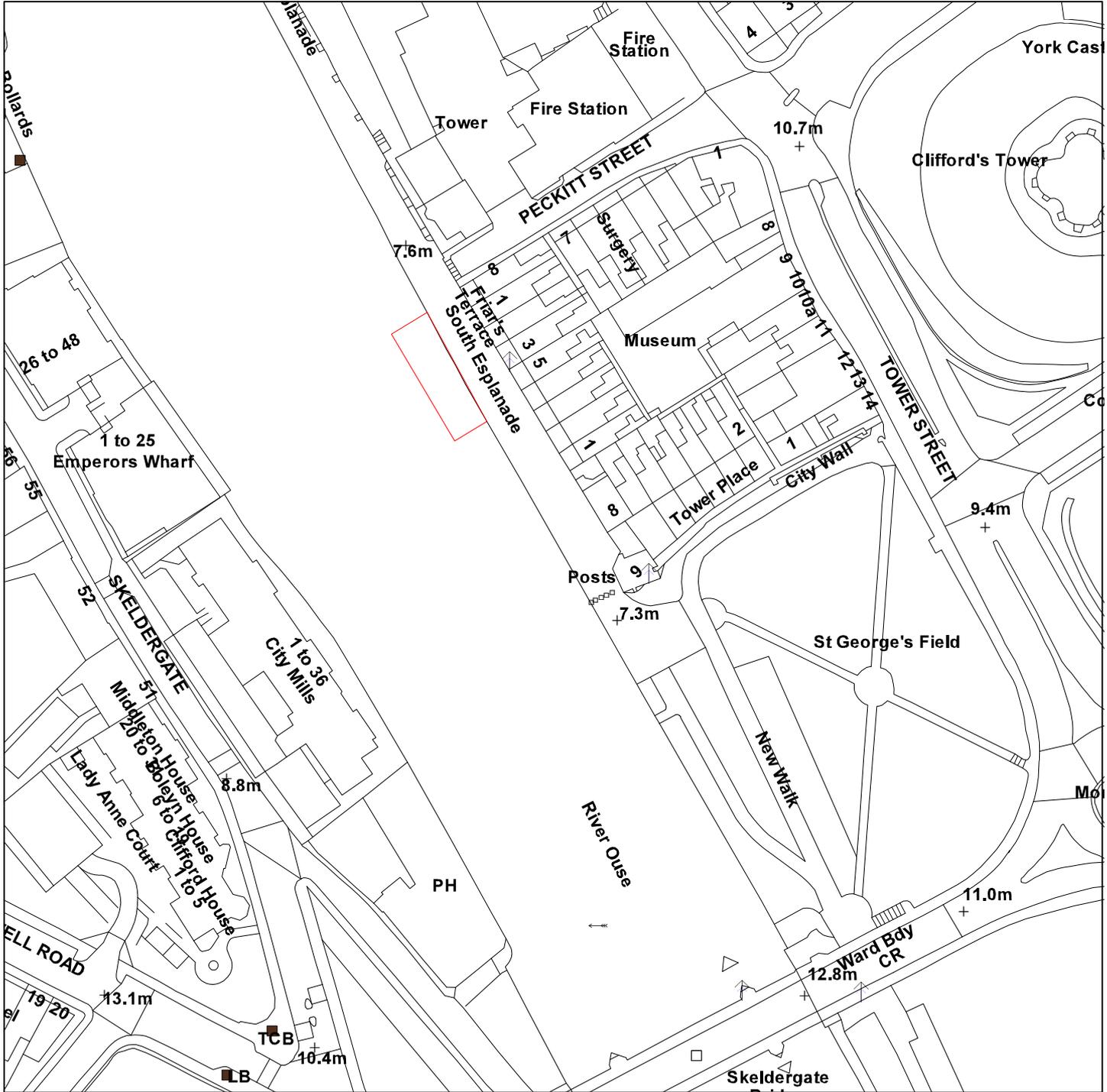
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Mooring C, South Esplanade

09/01691/FUL



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	12 October 2009
SLA Number	Not Set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 22 October 2009 **Parish:** Guildhall Planning Panel

Reference: 09/01697/FUL
Application at: Old Orleans 9 - 11 Low Ousegate York YO1 9QX
For: Replacement shopfront, air condensing unit and replacement air conditioning units
By: Tesco Stores Ltd
Application Type: Full Application
Target Date: 6 November 2009

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to 9-11 Low Ousegate, which were originally two houses but have been merged to provide a single commercial unit. The building was last used as a restaurant. It is presently vacant, but is to be occupied as a retail shop (Tesco).

1.2 The building is grade II listed and in the Central Historic Core Conservation Area.

PROPOSALS

1.3 As part of the conversion works the following external alterations are proposed which require planning permission -

- Replacement timber shopfront on the Low Ousegate elevation.
- 3 air-conditioning units at first floor level on the rear elevation of the building that fronts Low Ousegate. It is proposed to remove 2 units and ducting from this elevation, associated with the former use.
- 1 condenser unit which would sit on the flat roof of the single storey link between the buildings which face Low Ousegate and King Street.

RELEVANT INFORMATION

1.4 There are companion applications for advertisement and listed building consent - 09/01699/ADV and 09/ 01700/LBC. This application is a resubmission after application 09/01278/FUL was withdrawn in August this year.

1.5 The application comes to planning committee at the request of Councillor Horton, due to the controversial nature of the application.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Floodzone 3 GMS Constraints: Flood Zone 3

Listed Buildings GMS Constraints: Grade 2; 5 Low Ousegate York YO1 1QX 0454

Listed Buildings GMS Constraints: Grade 2; Old Orleans 9-11 Low Ousegate York YO1 1QX 0455

Listed Buildings GMS Constraints: Grade 2; 13 Low Ousegate York YO1 1QX 0456

2.2 Policies:

CYGP1
Design

CYGP16
Shopfronts

CYGP18
External attachments to buildings

CYHE4
Listed Buildings

CYHE3
Conservation Areas

3.0 CONSULTATIONS

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 Improvements have been made to the shopfront design. The illumination of the fascia advertisement is now incorporated into the cornice, and the overall height of shopfronts have been reduced to match those of the existing shopfronts. The signage itself is also much improved, although attaching lettering directly to the fascia is preferred, as the pinned off lettering proposed can produce a fussy, cluttered appearance.

3.2 Unfortunately the blank panel, or band, highlighted as contributing to the poor design of shopfront in my consultation response dated 27/8/2009, is retained as part of the revised design, at least in the section drawing. I remain concerned that the effect will be that the fascia panels will appear disproportionately deep, and lack sufficient visual interest. Since, as illustrated in the elevation drawings, the shopfront

proportions are generally acceptable, the specific design issues could be addressed by a condition.

HIGHWAY NETWORK MANAGEMENT

3.3 No objection to the proposals.

PLANNING PANEL

3.4 No response to date.

SAFETY YORK PARTNERSHIP (N Yorks. Police)

3.5 Advise that they made comment over the previous application as an external cash machine (ATM) was proposed. This scheme does not propose an outside ATM. As such no objections.

PUBLICITY

3.6 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments will be 21.10.2009.

3.7 The Traffic Management Officer from York Police has objected to the scheme on road safety grounds. This is on the basis that servicing, if it were to occur from the Low Ousegate side of the premises, would impede traffic, including buses (on what is a busy route) and emergency response vehicles. Also there would be conflict with pedestrians if servicing vehicles park up on the pavement, thus forcing pedestrians onto the road.

4.0 APPRAISAL

KEY ISSUES

4.1 The application is for external alterations only and not a change of use. The premises are to be used as a shop, in A1 use class. Under the General Permitted Development Order the use can be changed from a cafe/bar/drinking establishment (A3/A4) without the requirement for planning permission. As such any subsequent impacts on highway safety from servicing cannot be considered as a material consideration in determining the application, as they do not relate to the development for which planning permission is required.

4.2 The main issues are the appearance of the proposed alterations, their impact on the special historic interest of the host building, which is grade II listed, and the character and appearance of the conservation area. Also whether the air-conditioning units and condensers (plant) would create noise disturbance, that would have an adverse effect on the amenity of surrounding occupants.

PLANNING POLICY

4.3 Local Plan policy GP1 refers to design, for all types of development. It states that development proposals will be expected to, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area; using appropriate materials; avoid the loss of features which contribute to the quality of the local environment; retain, enhance, or create urban spaces; provide and protect amenity space; provide space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.4 GP16 states alterations to shopfronts will be granted planning permission where they reflect the scale, proportion, materials and architectural style of the building to which they are attached and the area in which they are located.

4.5 GP18 states external attachments to buildings will only be permitted where their design, locations, materials and colouring do not significantly detract from the visual amenity of the building, or the character and appearance of conservation areas.

4.6 HE3 states that within Conservation Areas, proposals will only be permitted where there is no adverse effect on the character or appearance of the area.

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

SHOPFRONT

4.8 The proposed new shopfront on Low Ousegate will be of timber, traditional detailing and acceptable proportions, in relation to the host buildings and the street. The existing shopfront is modern (C20) and has a slightly disproportionately sized stallriser (in height). The replacement has a lower stallriser, comparable in height with neighbouring buildings. As such the replacement will improve the appearance of the listed buildings and the conservation area. A condition is proposed in the companion listed building consent application, with regards the exact detailing above and below the fascia panel, to secure a high quality design.

PLANT

4.9 It is proposed to remove old air-conditioning units and install 3 new units and a condenser. The removal of the old plant and ductwork will benefit the appearance of the building. The new units would be located at a low level and enclosed by buildings. They would not have a material impact on the conservation area's appearance and are located on the part of the building that faces King Street which is of less historic interest than the building which fronts Low Ousegate, thus minimising the impact on the listed building.

4.10 The units would be at their loudest during the day, when all would be in operation. The loudest unit would have an average noise level of 40dB, at nighttime the loudest unit would be 32dB. According to PPG24: Planning Noise, to avoid disturbance internal noise levels should not exceed between 30-40dB during the day, and 35dB in bedrooms for a reasonable nights sleep.

4.11 The nearest neighbouring windows are some 5m away, above the takeaway at 3 King Street. Closed single glazed windows will provide attenuation of up to 28dB. As such noise levels from the plant proposed are not likely to cause undue disturbance, in particular in this part of the city centre where background noise levels can be significant, for example a survey carried out a Clifford Street found background noise levels of between 60-70dB.

4.12 Overall the proposed plant would not unduly harm the appearance of the building, or this part of the conservation area, and would not cause undue noise disturbance.

5.0 CONCLUSION

5.1 The design of the replacement shopfront is acceptable, the plant is located to minimise its visual impact, and it would not cause undue noise disturbance. Overall the application complies with policy and is supported by officers.

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:-

Existing

101 Ground floor
201 Elevations
301 Sections

Proposed

103C Ground floor
203J: Elevations
401B Section of building
305F Shopfront
306D Shopfront section

Technical data of plant supplied 10.9.2009.

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 All redundant plant and associated fixings shall be fully removed prior to

installation of the plant hereby approved. The redundant lights to the fascia of 7 King Street shall also be removed prior to occupation of the building, and the fascia made good.

Reason: To preserve the building's appearance.

4 The premises shall retain views through the shop windows into the premises on the Low Ousegate elevation, i.e. the windows shall not be blocked by either window vinyls or a screens further back.

Reason: In the interest of the appearance of the building, and the conservation area.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would, due to the design of the shopfront and materials proposed and the location and specification of the plant, not cause undue harm to interests of acknowledged importance, with particular reference to the special historic interest of the listed building, the character and appearance of the conservation area and amenity.

As such the proposal complies with Policies GP1, GP16, GP18, HE2, HE3, and HE4 of the City of York Development Control Local Plan.

Contact details:

Author: Jonathan Kenyon Development Control Officer

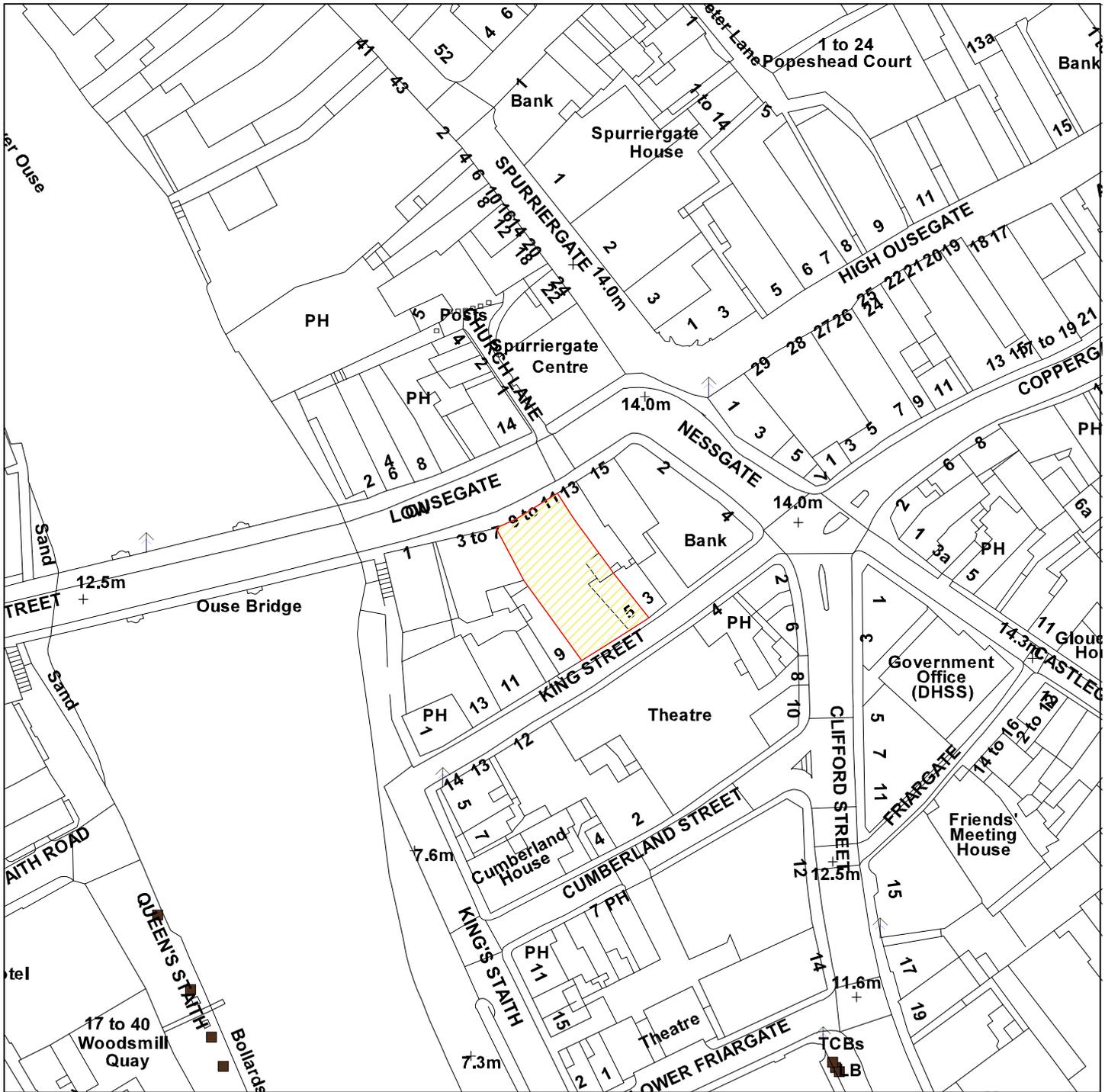
Tel No: 01904 551323

9-11 Low Ousegate

09/01700 and 09/01697



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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	09 October 2009
SLA Number	Not Set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 22 October 2009 **Parish:** Guildhall Planning Panel

Reference: 09/01700/LBC
Application at: Old Orleans 9 - 11 Low Ousegate York YO1 9QX
For: Internal and external alterations to form retail store, including external condenser, replacement air conditioning units and internal lift.
By: Tesco Stores Ltd
Application Type: Listed Building Consent
Target Date: 6 November 2009

1.0 PROPOSAL

1.1 The application relates to 9-11 Low Ousegate, which is listed at grade II. The buildings were originally two houses but have been extended at the rear and merged to provide a single commercial unit. The building was last used as a restaurant. It is presently vacant, but is to be occupied as a retail shop.

1.2 Listed building consent is required for the following alterations -

Ground floor level

- Replacement timber shopfront on Low Ousegate side, including automatic doors behind main entrance doors.
- Removal/thinning of vertical columns which divide the properties (the dividing wall has already been removed).
- Create level floor, by removal of raised platform area toward the rear (King Street side).
- Cover a set of steps which lead down to the basement.
- Install a service lift up to first floor level.
- Remove partition walls, dumb waiter which leads upstairs, bar and servery furniture.
- Install partitions at King Street side of building to separate customer floorspace from service areas.

First floor level

- Partition walls for staff room and disabled w/c.
- Remove redundant w/c and associated partition walls.
- External condenser and air-conditioning units on the single storey link building, between the King Street and Low Ousegate sides of the building.

1.3 A preliminary structural survey has also been submitted which advises on repairs deemed necessary before the building can be re-occupied. These include -

- Increasing the amount of headroom at ground floor level, which would be achieved by raising the beams that support the upper floors,
- Ensuring the ground floor can structurally take the loads required from the proposed retail use. It is suggested the floor would be either strengthened from below or replaced.
- The front wall (Low Ousegate side) appears to only sit against the rest of the structure. To stabilise the building it is proposed to tie these elements together, using an application called Cintec, which is a versatile method of structural enforcement, appropriate to historic buildings.

1.4 The application comes to planning committee at the request of Councillor Horton, due to the sensitive nature of the proposals.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Floodzone 3 GMS Constraints: Flood Zone 3

Listed Buildings GMS Constraints: Grade 2; Old Orleans 9-11 Low Ousegate York YO1 1QX 0455

Listed Buildings GMS Constraints: Grade 2; 13 Low Ousegate York YO1 1QX 0456

2.2 Policies:

CYHE4

Listed Buildings

3.0 CONSULTATIONS

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 Advise that the resubmitted scheme generally addresses previous objections.

3.2 Further detail and justification is required for proposals to tie the front facade to the building, works to strengthen floors, and for other proposed structural works. A condition, requiring a full structural survey is requested if the application is to be approved. The early submission of a structural survey, prior to the determination of the application for listed building consent, has been encouraged from an early stage although only preliminary work has been undertaken.

3.3 Improvements have been made to the shopfront design. The illumination of the fascia advertisement is now incorporated into the cornice, and the overall height of shopfronts have been reduced to match those of the existing shopfronts. The signage itself is also much improved, although attaching lettering directly to the fascia is preferred, as the pinned off lettering proposed can produce a fussy, cluttered appearance.

3.4 Unfortunately the blank panel, or band, highlighted as contributing to the poor design of shopfront in my consultation response dated 27/8/2009, is retained as part of the revised design, at least in the section drawing. I remain concerned that the effect will be that the fascia panels will appear disproportionately deep, and lack sufficient visual interest. Since, as illustrated in the elevation drawings, the shopfront proportions are generally acceptable, the specific design issues could be addressed by a condition.

3.5 Conservation have also asked for a watching brief at this site, if groundworks are proposed that will disturb archaeological deposits (this site lies inside the Area of Archaeological Importance, which has produced significant Roman, Anglian, Anglo-Scandinavian and medieval deposits).

3.6 The most recent archaeological investigations within the vicinity of this site took place at 1-3 Spurriergate, 1-3 High Ousegate and 1-14 Peter Lane. Residual Roman building material and pottery and Anglo-Scandinavian occupation deposits were found. These contained waterlogged deposits of leather-working debris and spindle whorls, wood, post-and-wattle walling and organic remains. Above these early medieval deposits were the remains of a timber structure sealed by medieval pits. It is probable that similar deposits will be preserved on this application site.

PLANNING PANEL

3.8 No response to date.

PUBLICITY

3.9 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments will be 21.10.2009. No representation have been made to date.

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 and the character and appearance of the conservation area. 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.

SHOPFRONT

4.4 The existing shopfront dates from the C19, replacement can be supported subject to an agreeable design. A new shopfront is required to update the building's appearance and to provide automatic entrance doors. The entrance is recessed, thus the outer doors can be held open and the automatic doors sympathetically located behind the new shopfront. This approach allows for a traditional shopfront design which respects the listed building. The new shopfront is of appropriate proportions and materials, and allows the premises to be lit without using obtrusive light fixings, as the illumination is integrated into the cornice profile above the fascia panels. Large scale details are required to agree the appearance of the shopfront between the fascia and cornice, but this can be dealt with through a condition.

4.5 There is a companion application for advertisement consent. In officers opinion the proposals relate to a commercial premises, in a primary shopping street, and in their context, the signs proposed are reasonable.

EXTERNAL PLANT

4.6 Plant is required to control the internal climate of the premises. The plant would be located outside, in replacement of existing. There will be benefit to the building in that ductwork (which runs up to eaves level) and existing plant will be removed. The location is discreet and where the building has been extended. As such the impact on the listed building would be acceptable.

INTERNAL ALTERATIONS

4.7 Much of the internal work is on the King Street building, which, in relation to the Low Ousegate side, is less sensitive to change. On the Low Ousegate side the vertical columns will remain, showing division between nos. 9 and 11, but will be cut back. Officers are satisfied that adequate evidence remains of the division. Otherwise partitions, and the floor that is to be altered are C19 installations that can be removed without harm to the historic interest of the building. The lift goes through the first floor, where it has already been altered to accommodate an air-conditioning unit. This insertion also does not detract from the building's special historic interest. The lift is unlikely to require groundworks as it would not serve basement level.

4.8 The partitions to be installed at first floor level affect one room in a less important part of the building, which has been altered in the past and can accommodate change.

The w/c's which are a later addition to the building would be removed. There is no objection to these proposals.

REPAIR AND STRUCTURAL WORKS

4.9 Works are recommended in the structural survey undertaken thus far (see 1.3), although a comprehensive survey is yet to be undertaken along with specific recommendations to remedy identified problems, along with justification that the proposals will be the most appropriate in terms of the special historic interest of the building.

4.10 The works to tie back the front facade proposed use a known sensitive approach and would thus be acceptable. However further information is required that demonstrates the ground floors and support for those above need to be strengthened and an appropriate method agreed. It is proposed these are covered by condition.

5.0 CONCLUSION

5.1 The alterations shown on the supplied drawings will have an acceptable impact on the listed building, to this extent the proposals comply with policy. Further information is required regarding structural improvements and the detailing of the shopfront and it is proposed these are controlled through conditions of consent.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

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

Existing

1-11 Basement
101 Ground floor
111 First floor
121 Second floor
131 Third floor

201 Elevations
301 Sections

Proposed

102 Basement
103C Ground floor
104C First floor

105A Second floor
106 Third floor and roof

203J: Elevations
401B Section of building
305F Shopfront
306D Shopfront section
315 Lift

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 With regards the shopfront to Low Ousegate the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- a) Notwithstanding the plans hereby approved, large scale section drawing of the shopfront, to include glazing and frames/fascia with mouldings above and below/design of cornice.
- b) Sample panel of shopfront colour to be supplied onsite for approval.
- c) Samples of materials for lettering.

Reason: To protect the special historic interest of the listed building.

4 Prior to development commencing the items listed below shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

- a) Full structural survey.
- b) Full details, including methodology, for all strengthening and tying in works.
- c) Schedule of window repairs: no windows shall be replaced except where agreed.
- d) Specification and extent of works for repairs to lime plaster, including, replacement of laths, to be agreed in writing prior to commencement

Reason: To protect the special historic interest of the listed building.

5 No internal timbers shall be replaced unless justification and proposals are supplied to and agreed in writing by the Local Planning Authority prior to works commencing.

Reason: To protect the special historic interest of the listed building.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, due to the design and materials of the proposed shopfront, location of the plant and nature of the internal works, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the special historic interest of the listed building. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan.

Contact details:

Author: Jonathan Kenyon Development Control Officer

Tel No: 01904 551323

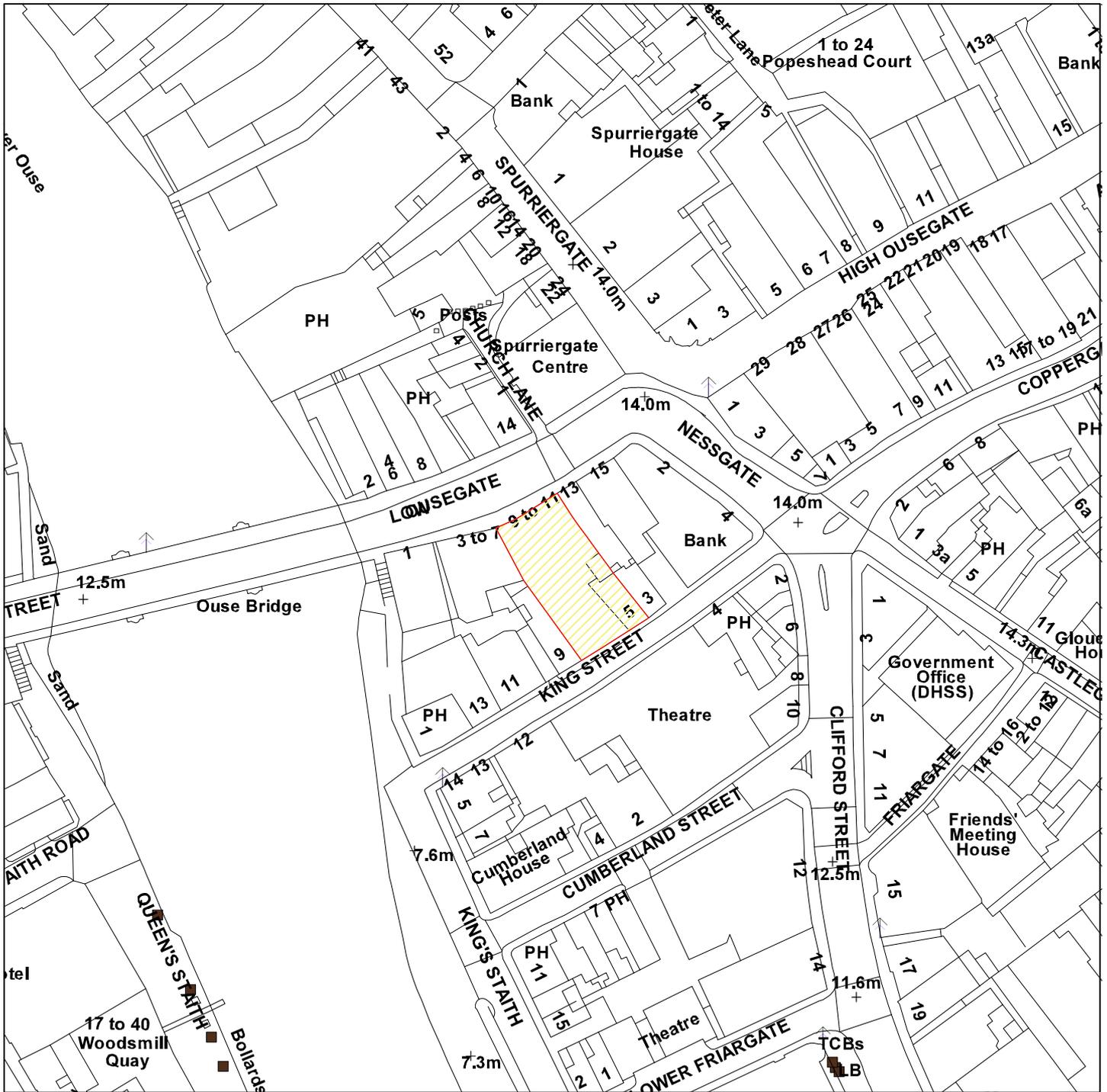
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9-11 Low Ousegate

09/01700 and 09/01697



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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	09 October 2009
SLA Number	Not Set

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West & City Centre Area Planning Sub-Committee

22 October 2009

Report of the Director of City Strategy

Enforcement Cases - Update

Summary

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

Background

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

Current Position

5. Members should note that 84 new cases were received for this area within the last 3 months. 79 cases were closed and 200 remain outstanding. There are 62 Section 106 Agreement cases outstanding for this area after the closure of 9 for the last 3 months.

Consultation

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

Options

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

Corporate Priorities

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

10. **Implications**

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

Risk Management

11. There are no known risks.

Recommendations

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

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

Contact Details

Author:

Hilary Shepherd/
Andy Blain
Planning Enforcement Officers

Chief Officer Responsible for the report:

Chief Officer's name

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

Dept Name City Strategy
Tel No. 551647/551314

Report Approved

Date 07.10.2009

Specialist Implications Officer(s)

None

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

All

For further information please contact the authors of this report

Background Papers:

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

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

Annexes

Annex A - Enforcement Cases – Update (Confidential)

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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