



**Notice of meeting of**

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

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

**Date:** Thursday, 19 August 2010

**Time:** 3.00 pm

**Venue:** The Guildhall, York

**AGENDA**

**Site visits for this meeting will commence at 11.00am on Wednesday 18 August 2010 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. Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the working day before the meeting, in this case **5:00pm on Wednesday 18 August 2010**. 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.

### 3. Plans List

To determine the following planning applications related to the West and City Centre Area.

- a) **De Grey Rooms, St Leonards Place, York, YO1 7HB (10/01089/FUL)** (Pages 5 - 12)

Use as theatre workshop and ancillary theatre uses including rehearsal space, costume making, costume hire and storage. *[Guildhall Ward]* **[Site Visit]**

- b) **De Grey Rooms, St Leonards Place, York, YO1 7HB (10/01090/LBC)** (Pages 13 - 22)

Internal alterations including disabled access, additional sanitary facilities, insertion of mezzanine floor in Oak Room and removal of bar, stage and suspended laylight in Ballroom. *[Guildhall Ward]* **[Site Visit]**

- c) **The French House Antiques, 74 Micklegate, York, YO1 6LF (10/01094/FULM)** (Pages 23 - 36)

Change of use and alterations to create 12no. residential units at property to rear of 74/76 Micklegate and 3 and 4/5 Barker Lane. *[Micklegate Ward]* **[Site Visit]**

- d) **The French House Antiques, 74 Micklegate, York, YO1 6LF (10/01116/LBC)** (Pages 37 - 42)

Internal and external alterations. *[Micklegate Ward]* **[Site Visit]**

- e) **39 St Pauls Square, York, YO24 4BD (10/00646/FUL)** (Pages 43 - 56)

Erection of detached two-storey dwelling with front and rear dormer window to side of 39 St Pauls Square. *[Holgate Ward]* **[Site Visit]**.

- f) **Reel Cinema, Blossom Street, York, YO24 1AJ (10/01316/FUL)** (Pages 57 - 62)

Infill of alleyway to create retail unit. *[Micklegate Ward]* **[Site Visit]**

- g) **Reel Cinema, Blossom Street, York, YO24 1AJ (10/01317/LBC)** (Pages 63 - 68)

Infill of alleyway to create retail unit. *[Micklegate Ward]* **[Site Visit]**

- h) Knavesmire Primary School, Trafalgar Street, York, YO23 1HY (10/01174/FUL)** (Pages 69 - 74)  
Siting of mobile classroom unit. *[Micklegate Ward]* **[Site Visit]**
- i) 46 Scarcroft Road, York, YO23 1NF (10/01427/FUL)** (Pages 75 - 80)  
Change of use from 3no flats to 1no dwelling house (use class C3) *[Micklegate Ward]*
- j) 23 Clifford Street, York (10/01401/FULM)** (Pages 81 - 92)  
Conversion of existing offices and erection of 4no. additional floors to create a 6no. storey building comprising 7no. 2 bed units and 4no. 1 bed units (retrospective - amendments to scheme granted permission under ref: 06/00146/FULM). *[Guildhall Ward]*
- k) Bank Guest House, 9 Southlands Road, York, YO23 1NP (10/01310/FUL)** (Pages 93 - 100)  
Change of use from a guest house (use class C1) to a house in multiple occupation (sui generis) *[Micklegate Ward]* **[Site Visit]**
- l) Land on corner of Tadcaster Road and Old Moor Lane, York (10/01305/FUL)** (Pages 101 - 114)  
Detached single storey dwelling with access from Old Moor Lane (revised scheme) *[Dringhouses and Woodthorpe Ward]* **[Site Visit]**
- m) 1 Main Street, Copmanthorpe, York, YO23 3ST (10/01159/FUL)** (Pages 115 - 122)  
Change of use from shop (A1) to cafe/teashop (A3) *[Rural West York Ward]* **[Site Visit]**
- n) The Old Coach House, Boroughbridge Road, Upper Poppleton, York, YO26 6QB (10/01344/FUL)** (Pages 123 - 130)  
First floor extensions to side and rear, pitched roof dormers to front and side, porch to front, conversion of garage and external alterations to windows, doors and vehicle access *[Rural West York Ward]*

- o) **76 Beckfield Lane, York, YO26 5RJ (10/01422/REM)** (Pages 131 - 138)

Reserved matters application for erection of 4no. 2 bed dwellings to which outline planning permission 09/02103/OUT relates. [*Acomb Ward*]

**4. 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](mailto:catherine.clarke@york.gov.uk) and [louise.cook@york.gov.uk](mailto: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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- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

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

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

If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

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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 18 August 2010**

**Members of the sub-committee to meet at Memorial Gardens at  
11.00**

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
11:10	Bank Guest House, 9 Southlands Road	3k
11:30	Knavesmire Primary School, Trafalgar Street	3h
11:50	1 Main Street, Copmanthorpe	3m
12:10	Land at corner of Tadcaster Road and Old Moor Lane	3l
13.30	39 St Pauls Square	3e
14:00	Reel Cinema, Blossom Street	3 f & g
14.15	The French House Antiques, 74 Micklegate	3c & d
14.45	De Grey Rooms, St Leonards Place	3a & b

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**COMMITTEE REPORT**

**Date:** 19 August 2010                      **Ward:** Guildhall  
**Team:** West/Centre Area                      **Parish:** Guildhall Planning Panel

**Reference:** 10/01089/FUL  
**Application at:** De Grey Rooms St Leonards Place York YO1 7HB  
**For:** Use as theatre workshop and ancillary theatre uses including rehearsal space, costume making, costume hire and storage.  
**By:** Mr Ian Daniels  
**Application Type:** Full Application  
**Target Date:** 13 July 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This application and the related listed building application were deferred from the previous West Planning Sub- Committee in order to allow Members to visit the site. The agent would like to express his apologies to the Members for the inability to access the premises for the programmed site visit in July. The previous report follows and has been updated to include the consultation responses from English Heritage, the agent's response to the English Heritage response, and comments received from the Council's Archaeologist.

1.2 This application seeks planning permission for works associated with the proposed change of use of the De Grey Rooms for use as theatre workshops and ancillary theatre uses that include rehearsal space, costume making, costume hire and storage. The proposal would result in the Theatre Royal occupying the building as the sole tenant for mainly school/ youth theatre workshops.

1.3 The ground floor of the building was previously occupied by Tourist Information Service and its associated call centre. The Theatre Royal currently uses the ballroom, cocktail bar and Oak Room for youth theatre workshops. The rooms in the basement have been used as secure stores by the Trading Standards department, and a first floor office has been used as a base for the York Voluntary Guides.

1.4 The proposed internal changes are covered in detail in the related application for listed building consent ( LPA Ref. 10/01089/LBC ). The only external change that would affect the appearance of the building would be in the side passage where an existing side entrance to the basement level would be adapted to accommodate wheelchairs via a levelled access. The agent has advised that a future assessment of the heating and ventilation of parts of the building will be carried out, and that the mechanical ventilation system will be redesigned (to include the removal of unsightly and prominent ventilation ducts). This detail will be submitted in a future application for listed building consent.

## CONTEXT

1.5 The De Grey Rooms and De Grey House are now owned by the Yorkshire Conservation Trust following their purchase from the City of York Council in 2005. The building is an example of an early Victorian Assembly Room built by private subscription in 1841-2. It is associated with Col Rt Hon Earl De Grey KG and officers of the Yorkshire Hussars who had an annual assembly in York, though the scale of the principal room, reception areas and large kitchens made it suitable for various types of meeting and exhibitions. It was designed by the notable York architect GT Andrews and is a good example of late Regency architectural design. It is listed at grade II\* and it is situated within the Central Historic Core conservation area adjacent to Bootham Bar.

1.6 Councillor Brian Watson has requested that the listed building and planning applications for the works are the De Grey Rooms are referred to the West/ Central Sub- Planning Committee for determination because they relate to an important city centre building.

## 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

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2\*; Tourist Information Centre De Grey Rooms St Leonar 0669

2.2 Policies:

CYGP12

Access to upper floors

CYHE3

Conservation Areas

CYHE4

Listed Buildings

CYGP1

Design

### **3.0 CONSULTATIONS**

#### **3.1 INTERNAL**

Design, Conservation and Sustainable Development ( Design and Conservation )- No objections

Design, Conservation and Sustainable Development ( Archaeology)- No objections but watching brief condition required if permission granted

#### **3.2 EXTERNAL**

Guildhall Planning Panel - No comments at the time of writing

English Heritage- No objections to the principle subject to clarification of lift types and conditions that ensure detailed drawings are submitted for the written approval of the Local Planning Authority. Consider there is significant public benefit in increasing access to the first floor that should be weighed against the less than substantial harm that would result from the proposal.

Public Consultation - No representations have been received.

### **4.0 APPRAISAL**

#### **KEY ISSUES**

- Proposed use
- Visual Impact on the listed building/ conservation area
- Access

#### **RELEVANT PLANNING POLICY**

4.1 National Guidance- Planning Policy Statement 5 " Planning for the Historic Environment " seeks to ensure that the special characteristics of listed buildings and conservation areas are not adversely affected by inappropriate developments.

4.2 Local Plan- Policy HE4 states that consent will only be granted when there is no adverse effect on the character, appearance or setting of listed buildings and Policy HE3 seeks to protect the character and appearance of Conservation Areas. Policy GP12 encourages new proposals, including change of use applications, to facilitate improved access to upper floors from the ground floor.

#### **PROPOSED USE**

4.3 The building has been under-occupied for some time and recently the Visitor Information Service on the ground floor vacated the premises. The management of the York Theatre Royal has a long held aspiration to increase its space and facilities by reusing both De Grey House and the De Grey Rooms, and on an intermittent basis the company has been using the larger spaces within the De Grey Rooms for Youth Theatre workshops. The current proposals would facilitate this use within the De Grey

Rooms where it is intended to accommodate school groups within theatre workshops. The premises would also create further space for a costume making workshop, costume storage and costume hire following relocation from premises in Walmgate. The proposed works would also upgrade the existing WC's provision for the intensified use. The proposal to make the building more accessible for all members of the public by providing a level access to the basement and improved internal access will enhance the building for the proposed and future users.

4.4 Recent national planning policy contained in Planning Policy Statement 5 advises that uses of heritage assets should be viable, not just for the owner but also for the future conservation of the asset. It is considered that the building can accommodate the proposed range of uses without significantly harming the listed building and would be compatible with the long-term conservation of the asset. The existing uses within the building have been relocated elsewhere without losing their contribution to the vitality of the city. The proposed employment numbers would be similar to employment levels for the existing uses. The hours of operation from 09:00- 23:00 would be acceptable in the city centre, and would result in greater use of an important heritage building. The alterations affect the groundwork of the passageway would not obstruct the existing vehicular and pedestrian access to the buildings at the rear.

4.5 The De Grey Rooms make an important contribution to the character and appearance of the conservation area and the intensification of use for the proposed activity would assist in maintaining the building's public role within the conservation area. Its external appearance would be unchanged though further signage might be required. The scheme would satisfy the aims of policy HE3 of the Local Plan and policy HE7.4 of Planning Policy Statement 5. The policy requires local planning authorities to take account of the positive contribution that conservation of heritage assets can make to the maintenance of sustainable communities and to economic vitality in the conservation area.

### VISUAL IMPACT ON THE LISTED BUILDING AND THE CONSERVATION AREA

4.6 The proposals have been designed to have minimal impact on the special significance of the listed building or the wider conservation area. The building would be adapted for the new uses with minimal alteration to the original fabric, and the proposed new works would be sympathetic to the special interests of the listed building. English Heritage support the improved access to the building subject to greater detail being submitted for local planning approval. The details would ensure that the historic fabric of the listed building is not adversely affected. The proposed alterations in the side passageway to improve access to the building would not be visible from public vantage points. It is therefore concluded that there would be no adverse impact on the character and amenity of the conservation area. The proposal would therefore accord with Policy HE4 of the Local Plan.

### ACCESS

4.7 The De Grey Rooms are located in the city centre close to the pedestrianised zone, well served by public transport modes. There is no on-site car parking but there are nearby car parks. It is not anticipated that the proposal would harm highway safety.

## 5.0 CONCLUSION

5.1 The proposed works to the listed building would be acceptable changes that would not detrimentally harm the very special interests of the Grade II\* listed building. They would allow the building to be adapted for a use that is likely to secure the long-term use of the building and increase its significance as a heritage asset. There is the added benefit that members of the general public and visitors to the City would have access to parts of the building for the first time in many years. The proposals would accord with Policies HE3, HE4 and GP12 of the Local Plan, and related national guidance.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 TIME2

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

Drawing No. 0907.6 Received 17 May 2010

Drawing No. 0907.7 Received 17 May 2010

Drawing No. 0907.8 Received 17 May 2010

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

3 Prior to the commencement of the works hereby approved, the following details shall be submitted for the written approval of the Local Planning Authority, and thereafter the works shall be implemented and retained in accordance with the approved details:

a) Details of the extent of alteration to form the ramped access outside the service door within the rear yard, including typical finishes, further lighting provision, handrails etc.

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

## 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 compatibility with surrounding uses, the special interests of the Grade II\*listed building, the character and amenity of the conservation area, and improved access to the building. As such, the proposal complies with Policies HE3, HE4, GP12 of the City of York Development Control Local Plan (2005) and national planning guidance contained in Planning Policy Statement 5 " Planning for the Historic Environment.

### 2. ADVERTISEMENT CONSENT

Please note that advertisement consent/listed building consent may be required for the display of any new signage in association with the use hereby approved. You are therefore advised not to display any advertisements until you have confirmed that express consent of the City of York Council is not required / obtained under the Town and Country Planning ( Control of Advertisements ) Regulations 1992 and the Town and Country Planning Act 1990.

#### Contact details:

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



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**COMMITTEE REPORT**

**Date:** 19 August 2010                      **Ward:** Guildhall  
**Team:** West/Centre Area                      **Parish:** Guildhall Planning Panel

**Reference:** 10/01090/LBC  
**Application at:** De Grey Rooms St Leonards Place York YO1 7HB  
**For:** Internal alterations including disabled access, additional sanitary facilities, insertion of mezzanine floor in Oak Room, and removal of bar, stage and suspended laylight in Ballroom  
**By:** Mr Ian Daniels  
**Application Type:** Listed Building Consent  
**Target Date:** 13 July 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This application and the related planning application were deferred from the previous West Planning Sub- Committee in order to allow Members to visit the site. The agent would like to express his apologies to the Members for the inability to access the premises for the programmed site visit in July. The previous report follows and has been updated to include the consultation responses from English Heritage, the agent's response to the English Heritage response, and comments received from the Council's Archaeologist.

1.2 This application seeks listed building consent for works associated with the proposed change of use of the De Grey Rooms for use as theatre workshops and ancillary theatre uses that include rehearsal space, costume making, costume hire and storage. The proposal would result in the Theatre Royal occupying the building as the sole tenant.

1.3 The proposed works would include:

**INTERNAL PROPOSALS-**

- improved accessibility to the ground and first floors for all users with installation of a platform lift from the side door (basement level) to the ground floor and a stair climber lift fitted to the main staircase to give access to the first floor
- the provision of a wheelchair accessible toilet and baby changing room on the ground floor
- construction of a mezzanine floor in the Oak Room
- removal of a modern 'plastic' suspended ceiling in the ballroom to reveal the glazed lantern
- removal of modern service hoist and restoration of service stair

- removal of internal mechanical ducts
- removal of goods hoist between the basement and former tourist information counter
- upgrade of certain doors to meet fire standards
- removal of bar fittings and modern stage fittings
- refurbishment of existing chandeliers
- two first floor rooms combined as a single office
- removal of modern partitioning in the basement to create a more flexible storage area
- new, larger access to balcony in the ballroom.

#### EXTERNAL PROPOSALS-

- the formation of a level access to an existing side door create a disabled access
- removal of redundant drainage

1.4 The agent has advised that an assessment of the effect of the works on the heating and ventilation of parts of the building will be carried out, and that the mechanical ventilation system will be redesigned (to include the removal of unsightly and prominent ventilation ducts). The related application for planning permission is pending a decision- LPA Ref. 10/01089/LBC.

#### CONTEXT

1.5 The building is an example of an early Victorian Assembly Room built by private subscription in 1841-2. It is associated with Col Rt Hon Earl De Grey KG and officers of the Yorkshire Hussars who had an annual assembly in York, though the scale of the principal room, reception areas and large kitchens made it suitable for various types of meeting and exhibitions. It was designed by the notable York architect GT Andrews and is a good example of late Regency architectural design. It is listed at Grade 11\* and it is situated within the Central Historic Core conservation area adjacent to Bootham Bar.

1.6 Councillor Brian Watson has requested that the listed building and planning applications are referred to the West/ Central Sub- Planning Committee for determination because they relate to an important city centre building.

## **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

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2\*; Tourist Information Centre De Grey Rooms St Leonar 0669

2.2 Policies:

CYHE4

Listed Buildings

### **3.0 CONSULTATIONS**

#### **3.1 INTERNAL**

Design, Conservation and Sustainable Development ( Design and Conservation )- No objections

Design, Conservation and Sustainable Development ( Archaeology)- No objections but watching brief condition required if permission granted

#### **3.2 EXTERNAL**

Guildhall Planning Panel- No objections

English Heritage- No objections to the principle subject to clarification of lift types and conditions that ensure detailed drawings are submitted for the written approval of the Local Planning Authority. Consider there is significant public benefit in increasing access to the first floor that should be weighed against the less than substantial harm that would result from the proposal.

National Amenity Societies- No response at time of writing

### **4.0 APPRAISAL**

#### **KEY ISSUE**

- Impact on the special interests of the listed building

#### **RELEVANT PLANNING POLICY**

4.1 National Guidance- Planning Policy Statement 5 " Planning for the Historic Environment " seeks to ensure that the special characteristics of listed buildings and conservation areas are not adversely affected by inappropriate developments.

4.2 Local Plan - Policy HE4 of the Local Plan states that consent will only be granted when there is no adverse effect on the character, appearance or setting of listed buildings.

#### **ASSESSMENT**

4.3 The majority of interventions proposed are small scale in nature and would not affect the historic or architectural significance of the building. The upper rooms survive intact and several proposals would enhance the building such as taking down the C20th suspended ceiling below the central lantern of the assembly room, removing the cocktail bar fittings from the first floor reception room, detaching the late C20th stage from beneath the minstrel's gallery, and restoring the service staircase by removing the hoist.

#### INTERNAL ALTERATIONS

4.4 The interventions with the greatest impact would affect the "Oak Room" and the main staircase.

##### Oak Room

4.5 In the 1930s, a restaurant and tearoom were created out of the former two-storey kitchen to the rear of the building. The room was relined in plaster with oak strips and a new oak staircase was introduced to give direct access for the public from the ground floor to the basement restaurant. A serving hatch was formed at basement level. It is proposed to reuse this space in the Oak Room for costume making, storage and costume hire and additional floor-space would be formed by inserting a mezzanine floor across the room at ground floor level. This would be a timber floor supported on steel posts (encased) which could be removed without damaging the walls or staircase. Further clarification of the bearing capacity and condition of the original floor would be required to assess whether strengthening work would be required and/or original floor coverings needed protection. The new floor would alter the spatial condition of the original Oak Room but subject to conditions that the protection of any original floor coverings, the harm to this secondary area of the building would be less than substantial with the benefit of being reversible. The additional floor space is required to make the whole scheme more viable and the proposals therefore meet the justification tests of policy HE9.4 (i) & (ii) of Planning Policy Statement 5.

4.6 For safety reasons, additional space is required at the head of the later staircase to the Oak Room and a new partition would replace the existing late C20th partition on a different alignment. This alteration would not be detrimental to the special interests of the listed building.

##### Main Staircase/ Access Improvements

4.7 The main staircase is located off the main entrance to the ground floor and is not noticeable from the front of the building. It is cantilevered and has broad steps with a timber handrail supported by cast-iron vine scroll balusters. It is proposed to introduce a stair lift over the staircase as there is currently no lift provision. This measure is proposed as an interim solution whilst the building operates as a stand-alone facility.

4.8 The stair lift would be a domestic style chairlift consisting of a fold-down seat travelling around the outside of the staircase. Fortunately the installation would favour the side adjacent to the plastered wall away from the decorative balustrade. Whilst the staircase is not immediately apparent on entering the building, the stair lift would have a minor detrimental visual impact on the staircase and its enclosure. However this

intervention is considered to be a reasonable and reversible adjustment to the staircase in order to make the building accessible to the widest number of people and it meets the tests of policy HE 9.4 (ii) of Planning Policy Statement 5.

4.9 Following the queries raised by English Heritage in their consultation response, the agent has confirmed that the access from the side entrance could accommodate a wheelchair lift to the ground floor by adapting the existing service staircase and removing the kitchen hoist. The building would benefit from the reinstatement of the balustrade to the staircase.

#### EXTERNAL ALTERATIONS

4.10 The external changes would affect the elevation of the building to a passageway that provides vehicular access/ parking for properties on High Petergate. The surface of the passageway would be altered by a small graduated increase in its level that would enable wheelchair access to the existing side door. An existing grille in the side elevation of the building would be enlarged to accommodate improved ventilation to the existing male toilets and it is also intended to remove redundant pipework. Altogether the changes would have no detrimental impact on the listed building, eventually improving its appearance.

#### 5.0 CONCLUSION

5.1 The long term future of this nationally important building has been uncertain for a number of years. The measures proposed would greatly enhance the flexibility and usefulness of the building. The magnificent interiors of the major spaces would be unaffected by proposals and they would be available for public use as originally intended. The proposals conform with recently introduced national policies governing the protection of the historic environment such as HE 9.4 of PPS 5. The proposals also accord with Policies HE4 of the Local Plan that reflects national policy guidance and seeks to ensure that the special interest of the listed building is maintained.

#### COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 TIMEL2

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

Drawing No. 0907.6 Received 17 May 2010

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Drawing No. 0907.8 Received 17 May 2010

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

3 Prior to the commencement of the works hereby approved, the following details shall be submitted for the written approval of the Local Planning Authority, and thereafter the works shall be implemented and retained in accordance with the approved details:

a) Method Statement and large scale details showing the new mezzanine floor in context. Details to include a typical edge condition, foundation details, information describing the effect on any historic floors, details of the partition at the top of the C20th staircase showing its integration with the existing higher soffit and any mouldings

b) Large scale details of the following items:

- (i) blocking to basement hatch & ground floor glazed screen
- (ii) restoration of the service staircase on removal of the loft hatch
- (iii) stair-lift in context, including fixing details and manufacturer's literature
- (iv) secondary glazing to assembly room lantern
- (v) ventilation provision for the assembly room lantern
- (vi) making good to the curved rear wall of the first floor reception room
- (vii) new mechanisms for remote control of chandeliers (in context)
- (viii) new doors (proportions and details should match existing doors in similar locations)

c) Measures for upgrading of doors for fire resistance

d) Details of any alterations required to services such as power, light, heating, cooling and ventilation

e) A method statement and details for the first floor reception room explaining the full impact of any measures necessary to make the room suitable for use as an office eg IT outlets, improved lighting, blinds

f) Details of changes to the interior paint scheme

g) Details of the extent of alteration to form the ramped access outside the service door within the rear yard, including typical finishes, further lighting provision, handrails etc.

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

4 Making good shall be carried out to a high standard with materials and details shall match adjacent work

Reason: To ensure that any new works harmonise with the architecture and visual amenity of the listed building.

- 5 Any new partitions shall be scribed around existing details, such as cornices, skirtings etc.

Reason: To ensure that existing features are retained undamaged in the interests of the historic, architectural and visual interests of the Listed Building.

- 6 Any redundant signage, external wiring and external ductwork shall be removed with fixing holes and finishes made good in materials and details that match existing finishes and details.

Reason: The removal of any redundant external attachments to the listed building would remove visual clutter and improve the appearance of the listed building and the wider conservation area in accordance with national and local plan policy.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

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

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the special interests of the listed building. As such, the proposal complies with Policy HE4 of the City of York Development Control Local Plan (2005) and national planning guidance contained in Planning Policy Statement 5 "Planning for the Historic Environment.

#### **Contact details:**

**Author:** Fiona Mackay Development Management Officer (Tues - Fri)

**Tel No:** 01904 552407

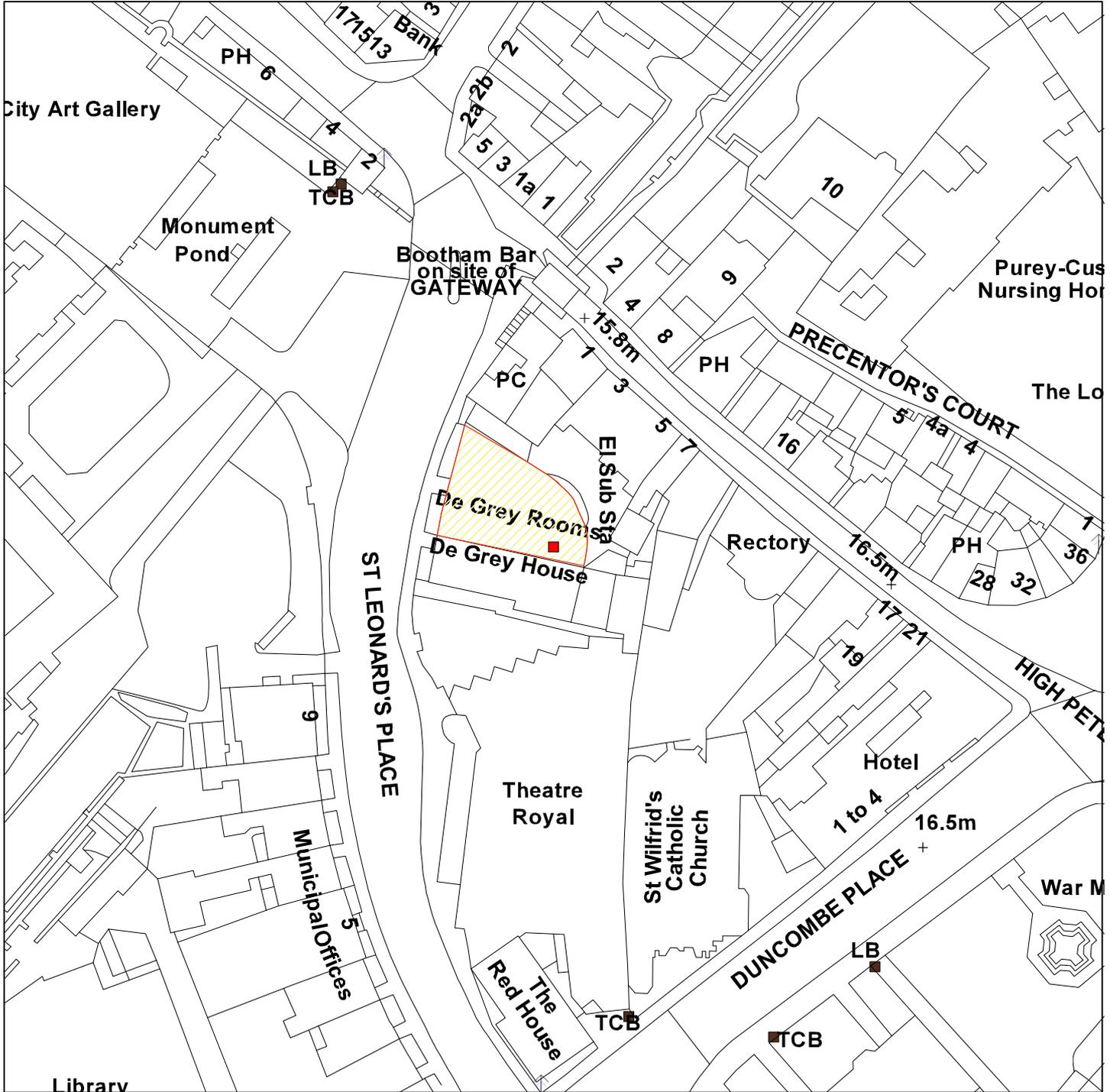
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# De Grey Rooms, St Leonards Place

10/01090/LBC



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application Site
<b>Date</b>	05 August 2010
<b>SLA Number</b>	Not set

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**COMMITTEE REPORT**

**Date:** 19 August 2010                      **Ward:** Micklegate  
**Team:** West/Centre Area                      **Parish:** Micklegate Planning Panel

**Reference:** 10/01094/FULM  
**Application at:** The French House Antiques 74 Micklegate York YO1 6LF  
**For:** Change of use and alterations to create 12no. residential units at property to rear of 74/76 Micklegate and 3 and 4/5 Barker Lane  
**By:** LaRock Construction  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 31 August 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This application relates to No.74 Micklegate, buildings to the rear of 74 and 76 Micklegate and 3 and 4/5 Barker Lane. The buildings are presently used for storage and workshop space in association with the French House, a furniture shop trading at 74 Micklegate. The site is within the Central Historic Core Conservation Area and No. 74 Micklegate is Grade II listed.

1.2 No's 74 and 76 Micklegate have origins in the 18th Century redevelopment of Micklegate and were built as one house. Subdivided into 2 houses in the early 19th century, No.74 housed a shop by 1823 and has been extended with a rear two storey wing. There is a one bedroomed flat to the rear of the first floor of 74 Micklegate and a 3 bedroomed unit occupies the first, second and third floors of the property. The site extends behind No's 74 and 76 Micklegate with two rows of single and two storey vernacular outbuildings facing a narrow yard. These are curtailed by No's 4/5 Barker Lane, a late 19th century metal framed building which has a large open internal footprint and No.3 Barker Lane, which is of domestic scale except for the large service access which provides access from Barker Lane into the enclosed yard. The application site also includes land adjacent to 3 Barker Lane which has been cleared and is currently used as a parking area.

1.3 Permission is sought for the change of use and alterations to the buildings to the rear of 74 and 76 Micklegate and to 3 and 4/5 Barker Lane to form 12 No. residential units. The original scheme had included proposals to alter and subdivide the 2 No. existing units at No.74 Micklegate to form 3 No..residential units, but this has since been deleted from the application. The 12 No. residential units would be let as serviced apartments with a reception area created to the rear of the shop. Both the shop and reception area would be accessed from the existing access on Micklegate via a new corridor separating the residential and retail uses.

1.4 The proposal involves the conversion of 4/5 Barker Lane to provide 5 No. units (2 x 1 bed, 3 x 2 bed) with alterations which include the raising of the roof and the introduction of a lightwell. The one to two storey buildings at the northern corner of the site would be converted to form 3 No.units (3 x 1 bed) with the existing one and a half

storey pitched roof and single storey flat roof to the rear of 74 Micklegate replaced and increased in height to two storeys. The two storey workshops to the rear of 76 Micklegate would be converted to form three one bed units and 3 Barker Lane would be restored to a 2 bed house with a new entrance onto the courtyard opposite 4/5 Barker Lane.

1.5 There is an associated listed building application relating to the proposed works to 74 Micklegate.

### Planning History

1.6 Planning permission (Ref: 07/02353/FUL) was granted in December 2007 for the refurbishment and conversion of 4/5 Barker Lane to form 7 dwellings. Permission (00/02551/FUL) was also granted in 2001 for the change of use of the workshop/storeroom to the rear of 76 Micklegate to form 3 flats.

## **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

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2; 74 Micklegate 0135

Listed Buildings GMS Constraints: Grade 2; 76 Micklegate 0136

2.2 Policies:

CYHE2 Devt in Historic Locations

CYHE3 Conservation Areas

CYHE4 Listed Buildings

CYH4A Housing Windfalls

CYE3B Existing and Proposed Employment Sites

CYGP4A Sustainability

CYL1C Provision of New Open Space in Development

CYED4 Developer contributions towards Educational facilities

### **3.0 CONSULTATIONS**

#### **INTERNAL**

#### **Design, Conservation and Sustainable Development**

##### **Conservation Architect**

3.1 The revised scheme has not yet successfully demonstrated that the historic character of the buildings will be preserved. Revised plans are anticipated which preserve the buildings character through the revisions to openings, windows, doors and the landscaped courtyard.

##### **Ecologist**

3.2 A bat scoping survey was carried out on the buildings in April this year which included internal inspections of the buildings where access was possible. Having read the survey report, and visited the site myself, I would concur with the findings and recommendations made here. No evidence of bats roosting within any of the buildings was discovered, although most buildings were considered to have a medium to high potential for supporting roosting bats. For this reason, and as the scoping survey was carried out early on in the season, an emergence survey should be carried out in order to establish whether there is any evidence of occupancy and to more fully assess the potential impacts the proposals may have on bats in this area.

##### **Archaeologist**

3.3 The site lies in the Area of Archaeological Importance, in the Central Historic Core and within the proposed World Heritage Site boundary. It lies in an area which has produced archaeological features and deposits (designated and undesignated heritage assets) which are of local, regional, national and international significance. The applicant has submitted a desk-based assessment (DBA), which provides a good basis for assessing the impact of this development on sub-surface heritage assets (ie archaeological features and deposits).

3.4 With regard to the below ground archaeology the DBA concludes that the site will contain significant archaeological remains dating from the Roman period to the present day. It suggests that medieval remains, including features and deposits associated with the medieval church of St Gregory which occupied this site, may be present within 300mm of the modern ground surface. The development will consist of the conversion of existing buildings. These operations may have relatively little impact on sub-surface archaeological deposits. It is recommended that an archaeological watching brief must be required on any groundworks (underpinning, service connections, etc) which might arise during the construction of the development.

3.5 The DBA identifies that the site includes above-ground designated and undesignated heritage assets. These include the listed building at 74 Micklegate and the unlisted industrial and workshop buildings. With reference to the undesignated industrial buildings, On-Site Archaeology (OSA) have produced a detailed appraisal of the above-ground heritage assets which will be affected by the application. If the

proposed changes are deemed acceptable and this application is approved, then a condition requiring the applicant to secure the implementation of an agreed programme of archaeological work (metrical survey and written description and photographic recording and analysis of the designated and undesignated heritage assets), is recommended.

#### Highway Network Management

3.6 No highway objections. It is recommended that this site be removed from qualification for inclusion in the respark zone due to zone R15SC Micklegate being under pressure. The costs associated with the amendment would be charged to the applicant.

#### Environmental Protection Unit

3.7 No objections. Request an informative to remind the developer of their obligations in regards to environmental concerns.

#### Adults, Children and Education

3.8 Due to a shortage of primary school places in the area, request a contribution of £12, 588.

#### Lifelong Learning and Leisure

3.9 An off site open space commuted sum should be paid to the Council for amenity open space, play space and sports pitches.

#### Drainage

3.10 Engineering Consultancy objects as insufficient information has been provided by the Developer to determine the potential impact the proposals may have on the existing drainage systems.

EXTERNAL

#### Conservation Areas Advisory Panel

3.11 The panel felt that this was overdevelopment of the site and objected to the domestication the former industrial buildings. The panel also objected to the alterations of the roofscape, the shop and the elevational treatment. The panel felt strongly that the whole shop unit with its frontage onto Micklegate should be respected. The number of units within the building should be scaled down. The panel further objected to the proposed demolition and opening up of space.

#### Micklegate Planning Panel

3.12 We do not object to the conversion in principle. However, we would like to see a condition imposed that an adequate number of cycle racks are provided.

English Heritage

3.13 No response received.

Publicity

3.14 The application was publicised by site notice and letters of neighbour notification. The deadline for comments was 7.7.2010 and no response has been received.

**4.0 APPRAISAL**

4.1 Key issues

- Principle of conversion to residential/loss of employment land
- Design and impact on the conservation area
- Residential amenity
- Highway safety
- Sustainability
- Contributions

Principle of conversion to residential/loss of employment land

4.2 The proposed scheme is for a serviced apartment development, whereby in place of sale or lease, the accommodation would be let on a short or medium term basis and linen, cleaning services and heating and lighting would be incorporated into the rental charges. The accommodation is aimed at occupiers such as house hunters and short term contract workers. It falls within Use Class C3 (residential) and as such PPS3 and Local Plan policy H4a apply.

4.3 Paragraph 36 of PPS3: Housing advises that Government's policy is to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. This should be achieved by making effective use of land. The priority for development should be previously developed land, in particular vacant and derelict sites and buildings.

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

4.5 Policy E3b states that any sites or premises either currently or previously in employment use, will be retained within their current use class. This includes class B8 (distribution and storage). Planning permission for other uses will only be given where a) there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in both quantitative and qualitative terms, and b) unacceptable environmental problems exist, or c) the development of the site for

other appropriate uses will lead to significant benefits to the local economy, or d) the use is ancillary to an employment use.

4.6 The proposed development is a conversion; it proposes efficient use of an existing building in a sustainable city centre location. In this respect residential development of the site is considered to accord with the principles of PPS3 and policy H4a of the Draft Local Plan.

4.7 No. 4 Barker Lane was split around 2002-2003 when the part of the building to the northwest, which fronts Barker Lane and Tanner Row, was converted into office use. This was granted planning permission in February 2002. The remainder of the 4 Barker Lane site and the rest of the land and buildings within the application site, with the exception of the upper floors of 74 Micklegate and the adjoining two storey building, are used as storerooms or workshops associated with the retail use at 74 Micklegate or are vacant. Approximately 5 people are employed by the antiques business. The applicant proposes to relocate to premises at Huntington in order to secure a more efficient display space in a location that provides easier access for delivery vehicles.

4.8 Supporting data submitted by property consultants confirms that in their existing condition, the only viable use of the buildings would be for storage. The report states that as accommodation for manufacturing/light assembly, there is no demand for this type of building split over two floors. The demand for industrial space is for periphery and out of town locations in units of modern construction. The upper floors of the building would be almost redundant and access for loading and unloading would be problematic. With reference to conversion to office accommodation, the report advises that given the costs that would be incurred converting the building into office space and the modest rental value this building would attract, a significant negative residual land value would result and therefore conversion to office use would be unlikely to occur. The property consultants have attached details of existing office accommodation in the immediate vicinity, which have been marketed for in excess of 12 months which have not secured occupiers.

4.9 Officers consider the existing mix of uses within the application site continues the characteristic pattern of the historic city and consider its loss in favour of residential accommodation throughout the site to be regrettable. Notwithstanding this, it is noted that the buildings are currently underused and that conversion would bring them back into active use, to the benefit of the area. The supporting information relating to the viability of conversion to employment purposes is accepted and also noted are the reasons behind the relocation of the business. Furthermore, it is accepted that the principle of the residential use of 4/ 5 Barker Lane, which occupies the same footprint as eight of the twelve units proposed in this application, has been established with the December 2007 permission.

4.10 A retail unit would be retained at 74 Micklegate with a reception area for the serviced apartments created to the rear of the shop.

#### Design/impact on conservation area

4.11 Local Plan Policy HE3 states that within Conservation Areas, proposals will only be permitted where there is no adverse effect on the character and appearance of the area. Policy HE2 states that within conservation areas and in locations which affect the setting of listed buildings development must respect adjacent buildings and settings and have regard to local scale proportion detail and materials.

4.12 With the exception of the frontage properties onto Micklegate and Barker Lane, the interior of the site is mostly hidden from public views. Nevertheless, with the loss of the mix of uses, which is a characteristic pattern of development in the historic city, it is important to preserve evidence of the previous uses in the fabric of the existing buildings during works of conversion.

4.13 The revised plans have addressed some of the concerns relating to the impact of the proposed conversion on the character of the buildings and the wider Conservation Area, for example through the retention of the basement lightwell and retaining the retail unit as existing. Yet Officers remain of the view that the treatment of the proposed elevations would lead to a loss of character of these utilitarian buildings. For example, the early 20th century steel framed building now appears as 3 No. modern townhouses. The revised drawings also fail to show the intended character of the yard. Revised plans have been requested, which amend the design of windows and doors, which omit areas of render, and which work up the treatment of the yard and give it a simple, robust character. Also of concern, is whether the height of 4/5 Barker could be increased without losing the rivetted framed structure, which is of interest in its own right. A method statement by a qualified structural engineer has been requested and Members will be updated at the meeting.

### Residential amenity

4.14 In accordance with policies GP1 and H4A of the Local Plan, residential amenity for surrounding occupants should be maintained and levels of amenity for future occupants reasonable. It is proposed to raise the building heights of 4/5 Barker Lane and the property to the rear of 74 Micklegate. This would not overshadow neighbouring buildings, which includes the Gregory Mews residential development sited to the north east. There would also be no overlooking into surrounding buildings. Outlook for future occupants would be into the shared yard with Unit 7 also having a terrace on the second floor. As such there would be adequate outlook for future occupants bearing in mind the city centre context of the site and there would be a neutral effect on the amenity of existing residents as a consequence of the proposed use.

### Highway Safety

4.15 The car park adjacent to the north eastern elevation of 3 Barker Lane would be resurfaced and one parking space would be provided for use in association with the scheme. The one and a half storey building to the rear of 74 Micklegate would be converted to a covered cycle store and a recycling and bin store. This minimal provision of parking follows the thrust of current planning policy, which seeks to promote alternative means of transport to the private car, and is acceptable in the city centre.

4.16 The Highways Officer notes that the site lies within a Respark Zone, which currently has 39 spaces and 49 permits issued and as such is considered to be under pressure. It is therefore a recommendation that this site be removed from qualification for inclusion in the respark zone.

### Sustainability

4.17 GP4a states all proposals should have regard to the principles of sustainable development.

4.18 Proposed is the conversion of an existing building. It would be required to be developed to building regulations standard thus would perform adequately in terms of energy efficiency and insulation. The development conserves the appearance of the conservation area (a requirement of GP4a), and is located/developed so to deter car use, by locating residential units close to jobs, services and transport links and providing secure covered cycle storage. A Sustainable Construction statement has also been submitted which includes details on materials and energy efficiency measures. The scheme includes provision of rooftop solar panels to provide hot water to some units.

### Impact on existing education and open space provision

4.19 Policy L1c states developments for all housing sites will be required to make provision for the open space needs of future occupiers. Policy ED4 states that in considering proposals for new residential development, any consequences for existing educational facilities will be assessed in accordance with the approved supplementary planning guidance. Where additional provision is necessary as a direct result of the proposal, developers shall be required to make a financial contribution toward the provision of such facilities.

4.20 The applicant has been informed that this development would require a contribution of £8,730 towards open space and £12,588 towards education.

## **5.0 CONCLUSION**

5.1 Subject to the receipt of revised plans retaining the character of the buildings, and drainage information, the proposal is considered to be appropriate in this city centre location and would have an acceptable impact on the character and appearance of the conservation area and nearby historic buildings.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

- 1 TIME2 Development start within three years
- 2 PLANS 1
- 3 No development shall commence unless and until details of provision for public

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

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

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £8,730.

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

4 No development shall commence unless and until a scheme to ensure the provision of adequate additional foundation and secondary school places within the local catchment area has been submitted to and approved by the local planning authority.

Reason: The education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in the interests of the sustainable development of the city in accordance with Policy C6 of the Development Control Local Plan and the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

INFORMATIVE:

The provisions 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, The obligation should provide for a financial contribution calculated at £12,588. The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

No development can take place on this site until the condition has been has been discharged and you are reminded of the Local Planning Authority's enforcement powers in this regard.

5 ARCH2 Watching brief required

6 No alterations or demolitions shall take place until the applicant has secured the implementation of an agreed programme of archaeological work (metrical survey and written description and photographic recording and analysis of the designated and undesignated heritage assets) which has been agreed in writing by the Local Planning

Authority and submitted a report and copies of the survey and record to the Local Planning Authority and these have been agreed in writing by the Local Planning Authority.

Reason: The buildings on this site are of archaeological and historic interest and must be recorded prior to alteration or demolition

7      HWAY10      Vehicular areas surfaced, details reqd

8      HWAY18      Cycle parking details to be agreed

9      HWAY19      Car and cycle parking laid out

10     No gate, door or window shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

11     Prior to the commencement of the relevant part of the development details of the refurbishment of the lightwell in Micklegate shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the works are fit for purpose and carried out in an acceptable manner in the interest of highway safety.

12     NOISE7      Restricted hours of 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 to:

- principle of conversion / loss of employment land
- design / impact on the conservation area
- residential amenity
- highway safety
- sustainability
- contributions

As such the proposal complies with Policies HE2, HE3, HE4, H4A, E3B, GP4A, L1C and ED4 of the City of York Development Control Local Plan.

### **2. WORKS IN THE HIGHWAY**

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless

alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 171 - Stuart Partington (01904) 551361

### 3. REMOVAL OF THE DEVELOPMENT FROM THE RESPARK ZONE

The applicant is advised that, as a consequence of the development, then the application site is recommended to be removed from qualifying for inclusion in the R15SC Micklegate Respark Zone and any costs associated with the necessary amendments to the Local Traffic Regulation Order controlling the zone will be charged to the applicant.

### 4. 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 followed, 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

#### **Contact details:**

**Author:** Rachel Tyas Development Management Officer (Wed - Fri)

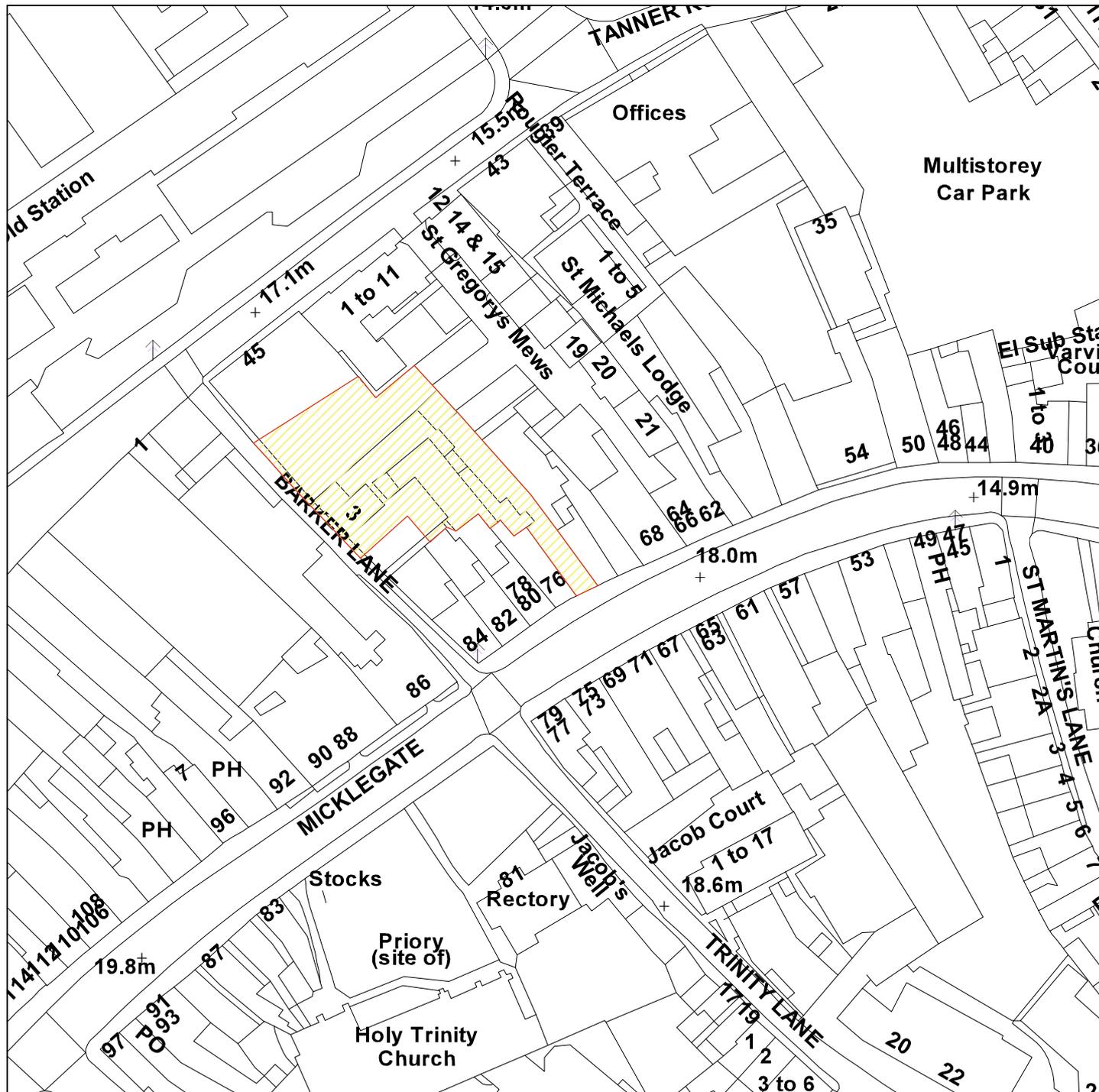
**Tel No:** 01904 551610

# Rear of 74/76 Micklegate, 3 and 4/5 Barker Lane

10/01094/FULM



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application Site
<b>Date</b>	05 August 2010
<b>SLA Number</b>	Not set

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**COMMITTEE REPORT**

**Date:** 19 August 2010                      **Ward:** Micklegate  
**Team:** West/Centre Area                      **Parish:** Micklegate Planning Panel

**Reference:** 10/01116/LBC  
**Application at:** The French House Antiques 74 Micklegate York YO1 6LF  
**For:** Internal and external alterations  
**By:** LaRock Construction  
**Application Type:** Listed Building Consent  
**Target Date:** 22 July 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This application seeks consent for internal and external alterations to No.74 Micklegate, a Grade II listed building located within the Central Historic Core Conservation Area. No.74 Micklegate accommodates a retail unit, "The French House", on the basement and ground floors with two flats on the upper floors.

1.2 The alterations are required in association with a proposal for the change of use and alterations to the buildings to the rear of 74 and 76 Micklegate and 3 and 4/5 Barker Lane to create 12 No. residential units. Full details of this proposal are contained under the previous item ( 10/01094/FULM).

**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

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2; 76 Micklegate 0136

Listed Buildings GMS Constraints: Grade 2; 74 Micklegate 0135

2.2 Policies:

CYHE4  
Listed Buildings

**3.0 CONSULTATIONS**

INTERNAL

## Design Conservation and Sustainable Development

3.1 The proposals have been revised to retain the inherited characteristics of the building which has special architectural and historic interest. An update will be reported at the sub-committee meeting.

### EXTERNAL

Micklegate Planning Panel

3.2 No response received to date.

### Publicity

3.3 The application was publicised by site notice. No responses have been received.

## **4.0 APPRAISAL**

### 4.1 Key Issues

- impact on the character and special interest of the Grade II listed building.

4.2 Local Plan policy HE4 states that consent will only be granted for internal or external alterations where there is no adverse effect on the character, appearance or setting of the listed building.

4.3 No's 74 and 76 Micklegate have origins in the 18th Century redevelopment of Micklegate and were built as one dwelling. Subdivided into 2 houses in the early 19th century, No.74 housed a shop by 1823. Both dwellings were altered again around 1900 when the new shopfronts were introduced. A rear two storey wing adjoins No.74 Micklegate, which unfortunately no longer reveals signs of the Regency work referred to by The Royal Commission on Historical Monuments.

4.4 The ground floor, basement and rear extension of No. 74 Micklegate is being used as a shop with display area in relation to the storage and workshop situated in outbuildings to the rear. The upper rooms of the house form one dwelling with a separate access from a new staircase within the rear yard. There is an additional flat on the upper floor of the linked two storey wing. Proposals would convert the building for use as "serviced apartments" in connection with a wider proposal to introduce this type apartment into the site as a whole. The apartments would be accessed through the frontage building.

4.5 The original submission had included proposals to alter and subdivide the 2 No. existing units at 74 Micklegate to form 3 No. units and had proposed to significantly reduce the size of the retail unit and divide it from the residential use. Officers considered that the works did not respect the architectural or historic character and fabric of the building and demonstrated a lack of understanding of the buildings significance.

4.6 The revised plans have deleted these works and incorporate a number of amendments in accordance with comments made by the Conservation Officer. The revised proposals include such works as providing a new compartment around the base of the reinstated lower section of the staircase, providing WC facilities in the basement, removing the metal steps to the basement lightwell, providing a timber security screen across the opening to the basement lightwell and the part removal of the roof covering to the attached single storey outbuilding.

4.7 The proposals have been revised to retain the inherited characteristics of the building, which is of special architectural and historic interest. Subject to the receipt of a further set of revised drawings, which provide clarification and which confirm the retention of existing features, it is recommended that listed building consent be granted. A list of recommended conditions will be circulated at the meeting.

## **5.0 CONCLUSION**

5.1 The revised proposals are largely considered to retain the inherited characteristics of the building, which is of special architectural and historic interest. Subject to the receipt of a further set of revised drawings, it is recommended that listed building consent be granted. A list of recommended conditions will be circulated at the meeting.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

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

## **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 Grade II listed building. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan.

### **Contact details:**

**Author:** Rachel Tyas Development Management Officer (Wed - Fri)

**Tel No:** 01904 551610

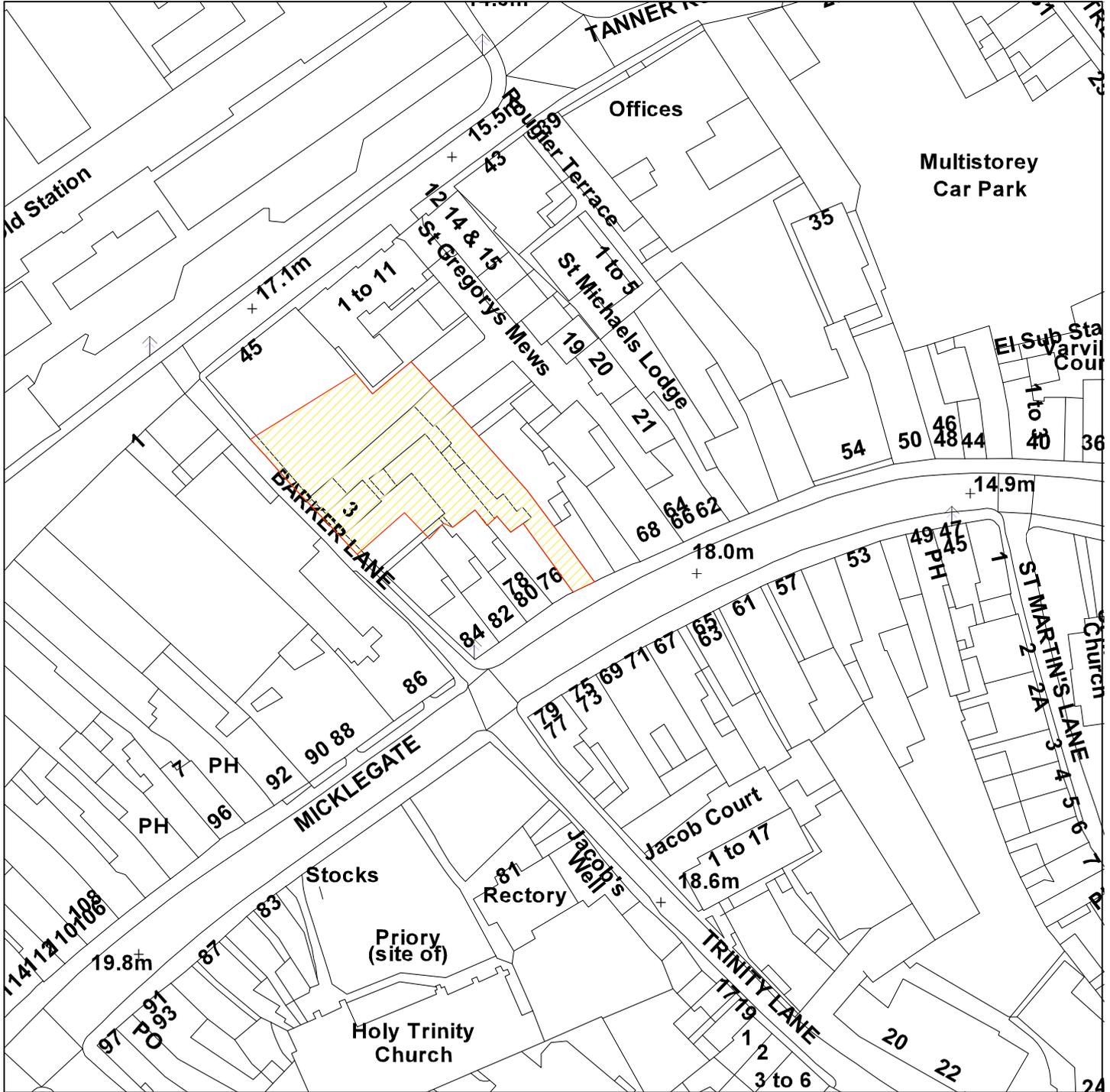
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# 74 Micklegate, YO1 6LF

10/01116/LBC



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application Site
<b>Date</b>	05 August 2010
<b>SLA Number</b>	Not set

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**COMMITTEE REPORT**

**Date:** 19 August 2010                      **Ward:** Holgate  
**Team:** West/Centre Area                      **Parish:** No Parish

**Reference:** 10/00646/FUL  
**Application at:** 39 St Pauls Square York YO24 4BD  
**For:** Erection of detached two-storey dwelling with front and rear dormer windows to side of 39 St Pauls Square  
**By:** Mr And Mrs Gardiner  
**Application Type:** Full Application  
**Target Date:** 29 June 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application site is approximately 429 square metres in size and is related to a group of service buildings to the rear of a large house (No.128) on Holgate Road. Currently used as a vegetable garden, the site has a frontage to the one way access road linking Holgate Road to St. Paul's Square.

1.2 Located to the south west of St. Paul's Square, the front boundary comprises a low brick retaining wall surmounted with original railings approximately 1 metre above pavement level. Immediately adjacent to the southern boundary is No.40 St. Pauls Square, a single storey dwelling converted from a former workshop. To the north, are a pair of Grade II listed 19th Century houses and on the western boundary, lies No.1 Enfield Crescent, a two storey dwelling converted from a 19th century coach house. The site lies within the Holgate Road / St. Paul's Square conservation area.

1.3 It is proposed to erect a two storey dwelling with accommodation in the roof, in line with the front elevation of No.39 St. Paul's Square. The existing front boundary walls and railings would be refurbished such that no vehicular access / off street parking would be provided.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: St Paul's Square / Holgate Road CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

Schools GMS Constraints: St. Paul's CE Primary 0229

2.2 Policies:

CYGP4A Sustainability

CYGP15 Protection from flooding

CYT4 Cycle parking standards

CYH4A Housing Windfalls

CYH5A Residential density

CYL1C Provision of New Open Space in Development

CYGP1 Design

CYGP10 Subdivision of gardens and infill devt

CYHE2 Development in historic locations

### **3.0 CONSULTATIONS**

#### INTERNAL

#### Design Conservation and Sustainable Development

3.1 It is agreed that a variety of design approaches could have been adopted, however, I am satisfied that in this revised form, and subject to any conditions which may be attached, the proposed dwelling reflects the character of houses in St. Paul's Square.

#### Highway Network Management

3.2 The proposal is to construct a new 6 bedroomed dwelling fronting St. Paul's Square. It is not proposed to provide any off-street parking for the property. Experience demonstrates that such a large property is likely to attract multiple car ownership. Due the size of the dwelling coupled with it's location it is not considered reasonable to expect that future residents will rely on non-car modes of transport.

3.3 Whilst it is accepted that CYC parking standards are to a maximum provision in line with national guidance contained in documents such as PPG13(Transport) it is considered that in the absence of any off street provision such parking demands will be displaced onto the adjacent public highway. Site visits have demonstrated that the local highway is already under pressure from on-street parking and this is exacerbated by the proximity to a local school.

3.4 Officers are of the opinion that such a displacement of parking onto the public highway will be detrimental to the free flow of traffic and safety of highway users and as such are recommending refusal of the application on these grounds.

Environmental Protection Unit

3.5 No objections. In relation to contaminated land, a contamination assessment has now been submitted which raises no issues. Due to the close proximity to other residential dwellings, recommend informatives relating to demolition and construction noise and dust.

Lifelong Learning and Culture

3.6 As there is no on site open space, commuted sums should be paid to the Council for amenity open space, play space and sports pitches.

York Consultancy (Drainage)

3.7 Object to original submission on the grounds of insufficient information. Comments awaited with respects to additional information received.

EXTERNAL

Conservation Areas Advisory Panel

3.8 The panel felt that a contemporary building on this site set back from the street and retaining the railings would be a more appropriate development on this site. The panel had strong objections to the dormer and felt that the scale of any new build should be no more than was proposed.

Publicity

3.9 Adjacent neighbours were consulted by letter and the application advertised by site and press notice. Consultations expired on 29 July 2010. Letters have been received from the St. Paul's Square Association and from the occupants of No. 39 and No.40 St. Paul's Square. The points raised can be summarised as follows:

- A level survey is required. The streetscape elevation is not accurate as No. 39 leans significantly
- Concern re proximity to gable of No.39
- St. Paul's Square has a history of poor ground conditions and No.39 has been piled to 12 metres. Concern re consequences on the structure of No.39 and No.40. Request desk top survey and engineering comments. Impact on basement and foundations particularly given that there is only a 1.2 metre gap to the gable wall of No.39 and No.40, which having previously been a single storey workshop, is thought to only have minimal foundations.
- Safe maintenance and access would be impossible with a 1.2 metre gap to the gable wall.
- Archaeological and ecological assessment required
- Drainage information required
- A six bed dwelling would increase pressure on the limited kerbside parking on the approach road and in the Square
- Concerned re the 1.8 metre high close boarded boundary fence

- The proximity and detail of the proposed building is significant as it immediately adjoins listed buildings and the scheme does not respond to this context.
- Should avoid the approach of imitating the design of existing houses in the Square and should be a more modest house.
- The gable end facing No.40 seems over fenestrated. The upper of the two large windows may result in overlooking of the courtyard of No.40.

3.10 A letter has also been received from the occupant of 1A Enfield Crescent (the property to the rear of the site) stating no objection in principle but concerned about future access.

#### **4.0 APPRAISAL**

4.1 The key issues are considered to be:

- principle of residential development
- sustainability
- impact on conservation area / setting of listed building
- highway safety
- residential amenity
- flood risk and drainage
- impact on local facilities

#### **POLICY CONTEXT:**

4.2 Relevant Central Government guidance is contained in the following documents:

Planning Policy Statement 1: Delivering Sustainable Development (PPS1) places sustainable development as the core principle underpinning planning. It seeks a spatial planning approach with high quality development through good and inclusive design and the efficient use of resources. It considers that design, which is inappropriate in its context and fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

Planning Policy Statement 3: Housing (PPS3) was re-issued in June 2010 to accommodate two main changes: the exclusion of private residential gardens from the definition of previously developed land and the deletion of a national indicative density of 30 dwellings per hectare. The objectives of the document remain the same. That is, to make effective and efficient use of land and achieve high quality mixed housing that is suitably located.

Planning Policy Statement 5: Planning for the Historic Environment (PPS5) aims to conserve the historic environment and its heritage assets.

Planning Policy Statement 25: Development and Flood Risk (PPS25) aims to avoid inappropriate development in areas at risk of flooding and direct development away from areas at highest risk. It sets out a risk-based approach with the submission of flood risk assessments and a sequential approach for determining site suitability.

4.3 Local planning policies contained in City of York Draft Local Plan (incorporating 4th set of changes), which has been adopted for Development Control purposes, are outlined in section 2.2 and are material to the consideration of this application.

#### PRINCIPLE OF DEVELOPMENT

4.4 The site comprises the historic garden curtilage of a dwelling house that fronts onto Holgate Road. The site constituted brownfield land at the time the application was submitted, but the recent changes to PPS3 have removed private residential gardens from the definition of previously developed land. However, the garden to 126 Holgate Road is large, extending behind the rear of 40 St. Paul's Square, and has a frontage to the road linking Holgate Road with St. Paul's Square. The development would constitute infilling of an underused plot located within the urban area of the City, in a largely residential area and with good access to public transport routes and local facilities.

4.5 The density of development is considered to be acceptable and compatible with the surrounding area, taking into account the various site constraints of flood zones, protected trees, conservation area status, and residential amenity. As a result, it is considered that the principle of development of the site for one dwelling would be appropriate in terms of the aims of PPS1 and PPS3 and policy H4A and GP10 of the local plan.

#### SUSTAINABILITY

4.6 The application is supported by a sustainability assessment, albeit brief, which refers to the accessibility of the site and the intention to minimise pollution and the use of non renewable resources. The agent states that solar panels are to be considered as a renewable source of energy and conditions would be attached to the approval to ensure compliance with the requirements of the Council's Interim Planning Statement on Sustainable Design and Construction, which seeks dwellings to meet as a minimum Code for Sustainable Homes Level 3 and for a minimum of 5% of the energy demand for the development to be met through on site renewable generation for heat and/or electricity.

#### IMPACT ON CONSERVATION AREA

4.7 The application site is located in the St. Paul's Square / Holgate Road Conservation Area and is sited to the south west of the square. It is quite distinct in character from the formal square, instead related to a group of service buildings to the rear of the large house on Holgate Road. The service buildings, attractive boundary wall and railings and the relationship of the use to the main house are considered to make a positive contribution to the character of the conservation area. Due to the distinct character of the site, it is recognised that its development could have a significant impact on the surrounding area and consider that a high quality design and materials are essential, particularly as the character of the site is to be changed with a dwelling designed to be more reflective of the formality of the square. Policy HE2 of the local plan requires that within conservation areas development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

4.8 The proposed dwelling has been designed to reflect the prevailing neo-classical style of the majority of the dwellings within the square. Officers consider the proposal, which has been revised since its original submission, to be a significant improvement as it neither defers to, nor dominates the scale of its neighbours. The eaves and ridge height now correspond more closely to those of the neighbouring property and the articulation of the front elevation reflects the rhythm of both the neighbouring pair of dwellings and the prevailing pattern in the square. The existing front boundary wall and railings would remain, which is welcomed. Some rebuilding of the wall would be necessary as the wall is in parts in poor condition and adaptations would be necessary to accommodate the new pedestrian entrance. Details of the front boundary would be the subject of a planning condition.

4.9 The Conservation Officer has raised concerns with respects to the detailed design of the windows, which appear rather flat and uninteresting, and with the corbelled brackets at either end of the gutters, which are uncharacteristic of the prevailing style in the square. It is considered that these issues can be addressed through the imposition of planning conditions.

#### HIGHWAY SAFETY

4.10 The proposed 6 bedroomed dwelling would have no off street parking, instead a proposed garden shed would provide storage for up to 4 No. cycles which is in accordance with policy T4 of the local plan. Officers in Highways Network Management are concerned that such a large property would attract multiple car ownership, which, with the sites location, would be unlikely to lead to future residents relying on non-car modes of transport. The Highways Officer therefore objects to the application on the basis that in the absence of any off-street parking provision, parking demands would be displaced onto the adjacent public highway, which is already under pressure from on street parking, which in turn would be detrimental to the free flow of traffic and safety.

4.11 Although the applicant would be willing to provide a parking space to the southern side of the dwelling, it is considered that not only do the front boundary walls and railings contribute to the historic character of the street but that no other properties in the "formal" square incorporate frontage parking. This is considered to be a defining characteristic of this part of the conservation area, which the proposed development seeks to preserve. Off street parking is only found at sites which back onto the formal square. Whilst parking could be accommodated at the rear or at the side of the dwelling, this would involve a significant reduction in the floorspace of the dwelling, which would not necessarily be beneficial in townscape terms. The property could not be moved closer to No.39 St. Paul's Square and the resulting narrower, detached property would be considered to appear anomalous in the streetscene.

4.12 In considering the harm which would be caused to the character of the conservation area through the provision of off street parking, Officers have also considered whether a lack of off-street parking for such a large dwelling would be sufficient grounds to refuse the application. On balance, and given that the proposal relates to one dwelling in a sustainable location within the urban area, Officers consider it would be difficult to sustain an objection on these grounds.

## RESIDENTIAL AMENITY

4.13 The proposed dwelling would be built 1.2 metres from the southern elevation of 39 St. Paul's Square, a Grade II listed semi detached Victorian property. There is one small window to the gable end of this property, set high up within the roof area, but due to the height of the window in relation to the roof pitch of the proposed dwelling, the reduction in both sunlight and daylight to this window would be minimal. Due to the orientation of the properties and to the fact that the rear elevation of the proposed dwelling aligns with the main rear elevation of No.39 St.Paul's Square, there is no significant impact on the potential daylight and sunlight enjoyed by its occupants.

4.14 With reference to the distance to the gable wall of 39 St. Paul's Square and concerns with respects to the consequences of the build on the structure of No.39 and on No.40, the applicant has confirmed that due to ground conditions, the proposed building would use either a raft foundation or a piled/ring beam solution. Both methods are less disruptive in the ground than conventional strip foundations. All ground works remain subject to control by the Building Regulations, work method statements, conditions surveys of adjacent properties and party wall agreements.

4.15 No. 40 St. Paul's Square, a single storey converted coach house, lies on the southern boundary of the application site. With the exception of two rooflights, no windows overlook the application site. Furthermore, a cross section drawing has been submitted to illustrate that the staircase landing windows of the proposed dwelling would not overlook the courtyard of No.40. No.1 Enfield Crescent comprises a two storey converted coach house on the western boundary of the application site. This property, which would be sited approximately 14 metres from the two storey element of the rear elevation of the proposed dwelling, has a half glazed door feature and window at ground floor and a single window at first floor, all of which, by agreement with the owners are obscure glazed and would remain so. Rights of access to allow maintenance of 1 Enfield Crescent would be a private matter.

4.16 In terms of its impact on residential amenity the proposal is considered to accord with the requirements of policy GP1 which states that development proposals will be expected to ensure that residents living nearby are not unduly affected by overlooking, overshadowing or dominated by overbearing structures.

## FLOOD RISK AND DRAINAGE

4.17 The development is in low risk Flood Zone 1 and should not suffer from river flooding. With reference to the impact of the proposal on the existing drainage systems, additional information has been requested. It is anticipated that this information, together with comments from Council's Drainage Engineer, will be available at the meeting.

## IMPACT ON LOCAL FACILITIES

4.18 The site would be able to access the existing local facilities that are within easy walking distance. As the application is for only one dwelling, in accordance with policy ED4 and the SPG 'Developer Contributions to Education Facilities' there is no

requirement for a contribution towards education facilities in the area. Under policy L1c there would be a requirement for either the provision off-site or a financial contribution in lieu of the provision of public open space on-site. A financial contribution of £3,888 is required for five bedroomed dwellings, which the applicant has confirmed they would meet through condition.

## 5.0 CONCLUSION

5.1 The proposal is considered to comply with Central Government guidance in Planning Policy Statement (PPS) 1: Delivering Sustainable Development, PPS3: Housing, PPS5: Planning for the Historic Environment and PPS25: Development and Flood Risk and policies GP1, GP4A, GP10, GP15A, HE2, HE11, T4, H4A, H5A and L1C of the City of York Development Control Local Plan.

5.2 This recommendation is on the basis of the receipt of satisfactory information in relation to drainage.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Dwg Y81:783.14A (site plan & sections) dated 9 July 2010

Dwg Y81:783.13A (plans & elevations) dated 9 July 2010

Dwg Y81:783.15A (details) dated 9 July 2010

Dwg No: 604-01 (proposed drainage layout) dated 25 June 2010

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

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

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

## INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country

Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £3,888.

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

4 ARCH2 Watching brief required

5 The development hereby approved shall be constructed to at least Level 3\* of Code for Sustainable Homes (CSH) standard. A formal Post Construction stage assessment, by a licensed CSH assessor, shall be carried out and a formal Post Construction stage certificate shall be submitted to the Local Planning Authority (LPA) prior to occupation of the building. Should the development fail to achieve level 3\* of the Code a report shall be submitted for the written approval of the LPA demonstrating what remedial measures shall be undertaken to achieve Level 3 of the code. The remedial measures shall then be undertaken within a timescale to be approved in writing by the LPA.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction'

6 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority, to demonstrate how the development will provide 5% of the predicted energy requirements from on-site renewable resources. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development.

Reason: To ensure that the development is sustainable and accords with Policy GP4a of the Draft City of York Local Plan and the City of York Interim Planning Statement on Sustainable Design and Construction.

7 NOISE7 Restricted hours of construction

8 Cycle parking provision in accordance with the approved plans must be provided before the use commences and thereafter retained for the use of the occupants of, and their visitors to, the development hereby approved.

Reason: To comply with the Local Planning Authority's parking standards and to maintain and promote cycle usage.

9 VISQ8 Samples of exterior materials to be app

10 VISQ7 Sample panel ext materials to be approv

11 Full details of the rooflights, including the leadwork, 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. The rooflights shall be set flush with the roof covering.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the character and appearance of the conservation area.

12 Notwithstanding the submitted details of the front boundary treatment, full details of the works to the existing wall, copings and railings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the character and appearance of the conservation area.

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

- i 1:10 drawings of gateposts, gate and sections of abutting railings
- ii 1:10 sectional drawings through mid point of doorcase to front door indicating cornice, fanlight, frame and door
- iii Notwithstanding Dwg No: Y81:783.15A, 1:10 section and elevation drawings of windows and dormers, including sills, cornices and window head detail
- iv Notwithstanding the proposed guttering/corbelled brick brackets to front elevation, revised elevations and sections for guttering at 1:10 scale.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the character and appearance of 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 not cause undue harm to interests of acknowledged importance, with particular reference to:

- principle of the development;
- sustainability
- impact on conservation area
- affect on residential amenity;
- highway safety;
- flood risk and drainage

-impact on local facilities

As such, the proposal complies with Central Government guidance in Planning Policy Statement (PPS) 1: Delivering Sustainable Development, PPS3: Housing, PPS5: Planning for the Historic Environment and PPS25: Development and Flood Risk and policies GP1, GP4A, GP10, GP15A, HE2, HE11, T4, H4A, H5A and L1C of the City of York Development Control Local Plan.

## 2. DEMOLITION AND CONSTRUCTION

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

(i) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(ii) 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.

(iii) 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.

(iv) 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.

(v) There shall be no bonfires on the site

### Contact details:

**Author:** Rachel Tyas Development Management Officer (Wed - Fri)

**Tel No:** 01904 551610

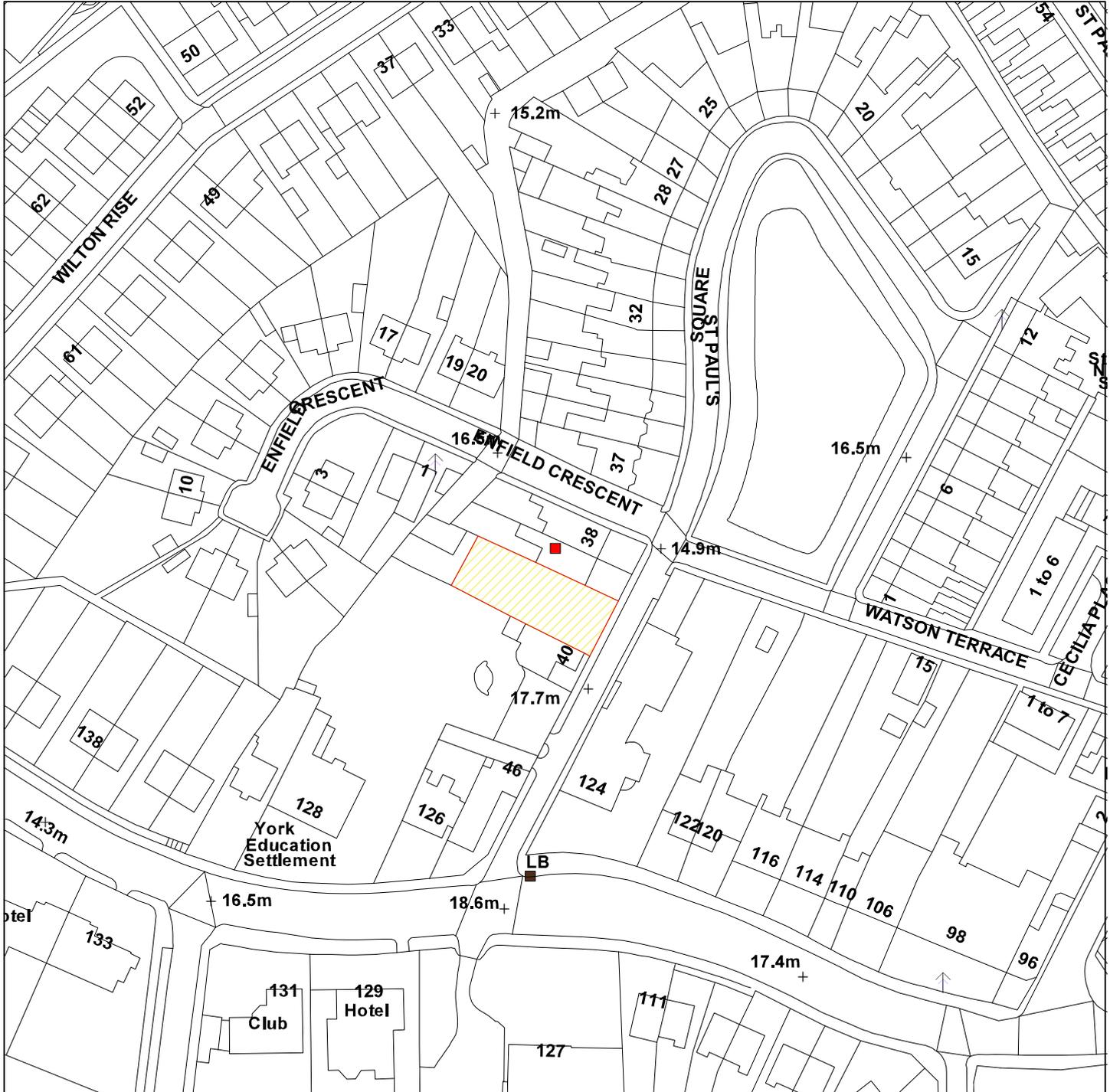
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# Adj to 39 St Pauls Square, YO24 4BD

I10/00646/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application Site
<b>Date</b>	05 August 2010
<b>SLA Number</b>	Not set

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## COMMITTEE REPORT

**Date:** 19 August 2010                      **Ward:** Micklegate  
**Team:** West/Centre Area                      **Parish:** Micklegate Planning Panel

**Reference:** 10/01316/FUL  
**Application at:** Reel Cinema Blossom Street York YO24 1AJ  
**For:** Infill of alleyway to create retail unit.  
**By:** Mr K C Suri  
**Application Type:** Full Application  
**Target Date:** 11 August 2010  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application relates to the Reel Cinema building. The building is an Art Deco styled, grade 2 listed building, built in 1937. The site is in the Central Historic Core Conservation Area.

1.2 The south side of the building has 2-storeys and provides 4 shop units at ground floor level. There is an alleyway between the units and the main cinema complex. Due to issues with security, it is proposed to infill this gap. The resultant space will provide a small retail unit. The approach to filling the gap involves a recessed shopfront on the front elevation, comprising of an entrance door and sidelight with transom windows above. At the rear a continuation of the existing brickwork is proposed, and a single sized entrance door, these would be recessed also.

1.3 The companion application for listed building consent is 10/01317/LBC.

1.4 The application is reported to sub-committee at the request of Councillor Brian Watson because of the listed building issue.

### 2.0 POLICY CONTEXT

2.2 Policies:

- CYHE3 Conservation Areas
- CYHE4 Listed Buildings
- CYGP1 Design
- CYP7B York City Centre and Central Shopping Area

### 3.0 CONSULTATIONS

#### Design, Conservation and Sustainable Development

3.1 Officers support the scheme in principle. However the detailing of the works need to respect the listed building. Officers suggest that either copying the detail of one of the original shopfronts, or introducing a virtually frameless, glazed structure, with signage inside is preferable for the front elevation. The rear of the unit should also be

recessed. This would assist in achieving a successful junction between the high quality banded brickwork of the original wall and the new brickwork, and could be understood as evidence of the former opening.

#### Environmental Protection Unit

3.2 No objection. Advise that the developer be made aware of the requirements for the control of noise on construction sites, as established in the Control of Pollution Act 1974.

#### Highway Network Management

3.3 No objection.

#### Micklegate Planning Panel

3.4 No objection.

#### Publicity

3.5 One letter has been received. It asked about the recent development of installing the additional screen, within unit 1 at ground floor level. A condition of that consent required that the existing external poster frames be relocated behind the window, which was to be blocked from inside, to allow the internal environment required for the extra screen. This has yet to occur (although the condition does only require this to occur before the screen becomes operational).

### **4.0 APPRAISAL**

#### 4.1 Key issues

- Principle of the proposed development
- Impact on the listed building and the conservation area
- Any amenity issues

#### Relevant planning policy

#### SP7b: York City Centre and the Central Shopping Area.

4.2 The policy states that the city centre shall be the focus for commercial, leisure, tourism, and retail development. Planning permission will be given for proposals which enhance the attractiveness and vibrancy of the city centre, where they accord with other policies of the plan.

#### PPS5: Planning for the Historic Environment

4.3 PPS5 requires that in determining applications affecting listed buildings, local planning authorities should take into account: the desirability of sustaining and enhancing the significance of heritage assets and the positive contribution that conservation of heritage assets and the historic environment generally can make to sustainable communities and economic vitality.

#### The Planning (Listed Buildings and Conservation Areas) Act 1990).

4.4 The act makes it a statutory requirement for LPA's to pay 'special' attention to at least preserve a listed building or its setting or any features of special architectural or

historic interest which it possesses and the character and appearance of conservation areas.

### Other policies of the DLP

4.5 GP1: Design covers all development proposals and requires that development does not have an adverse impact on visual and residential amenity. Policies HE3 and HE4 seek to preserve the character and appearance of conservation areas and listed buildings.

### Principle of the proposed development

4.6 The site is within the defined city centre, as allocated in the DLP (Draft Local Plan), where retail use is appropriate according to policy SP7b of the DLP.

### Impact on the listed building and the conservation area

4.7 There is reasonable justification for the development, as required by PPS5, in that it will overcome issues regarding crime and anti-social behaviour. The development will not have an adverse impact on the function of the building, and due to its location and scale, provided the detailed design is suitable, there would not be an adverse impact on the historic and architectural interest of the listed building. As such the development fits the criteria established in PPS5 in that it would not unduly harm the appearance/character of the listed building, it would improve its economic viability and the general character of the area.

4.8 It is proposed the shopfront is recessed within the gap. Originally this area was an alleyway and each of the shop units appeared as punched openings around their brick framing, there was glazing above the shopfront windows and doors, not large fascia panels. Preference is to restore this appearance, which is integral to the overall architecture of the building. The original drawings have been amended so transom windows are above the entrance door and sidelight but officers consider work is still required on the proportions of framing and the soffit between the glazing and brickwork. However, the large scale detailing can be agreed through a condition. At the rear the brickwork that would infill the gap will be recessed, to identify the change and as it is unlikely the brickwork/mortar joints will exactly match.

4.9 Subject to agreement of details, the works respect the appearance of the main building, and would not detract from the appearance of the conservation area. The character of the immediate environment would be enhanced by infilling the alley, which presently has a detrimental impact in terms of its unsightly appearance and as it is a security risk.

### Any amenity issues

4.10 The shop is for retail purposes, and in an area where there is activity through the day and evening. The nearest residential premises would not experience a material change in amenity as a direct consequence of the proposed scheme. A retail premises would not typically generate any undue noise or activity that would materially affect neighbouring premises.

## 5.0 CONCLUSION

5.1 The scheme is welcomed as it improves the economic viability of the listed building and positively enhances the environment around it. The development can be accommodated without adversely affecting the architectural and historic interest of the grade 2 listed building. Overall the scheme accords with the relevant policy : PPS5 and GP1, HE3, HE4 and SP7b of the DLP.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 PLANS1 Approved plans

3 Details at a scale of 1:10 of the shopfront, to include front elevation and section drawings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

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

4 VISQ8 Samples of exterior materials to be approved

5 VISQ6 Infill brickwork to match

## 7.0 INFORMATIVES:

### 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 listed building and the conservation area and residential amenity. As such the proposal complies with Policies SP7, GP1, HE3, and HE4 of the City of York Development Control Local Plan.

## DEMOLITION AND CONSTRUCTION

Your attention is drawn to the requirements for the control of noise on construction sites, as established in the Control of Pollution Act 1974. This includes times of demolition, construction works, and ancillary operations, and operation of machinery.

### Contact details:

**Author:** Jonathan Kenyon Development Management Officer

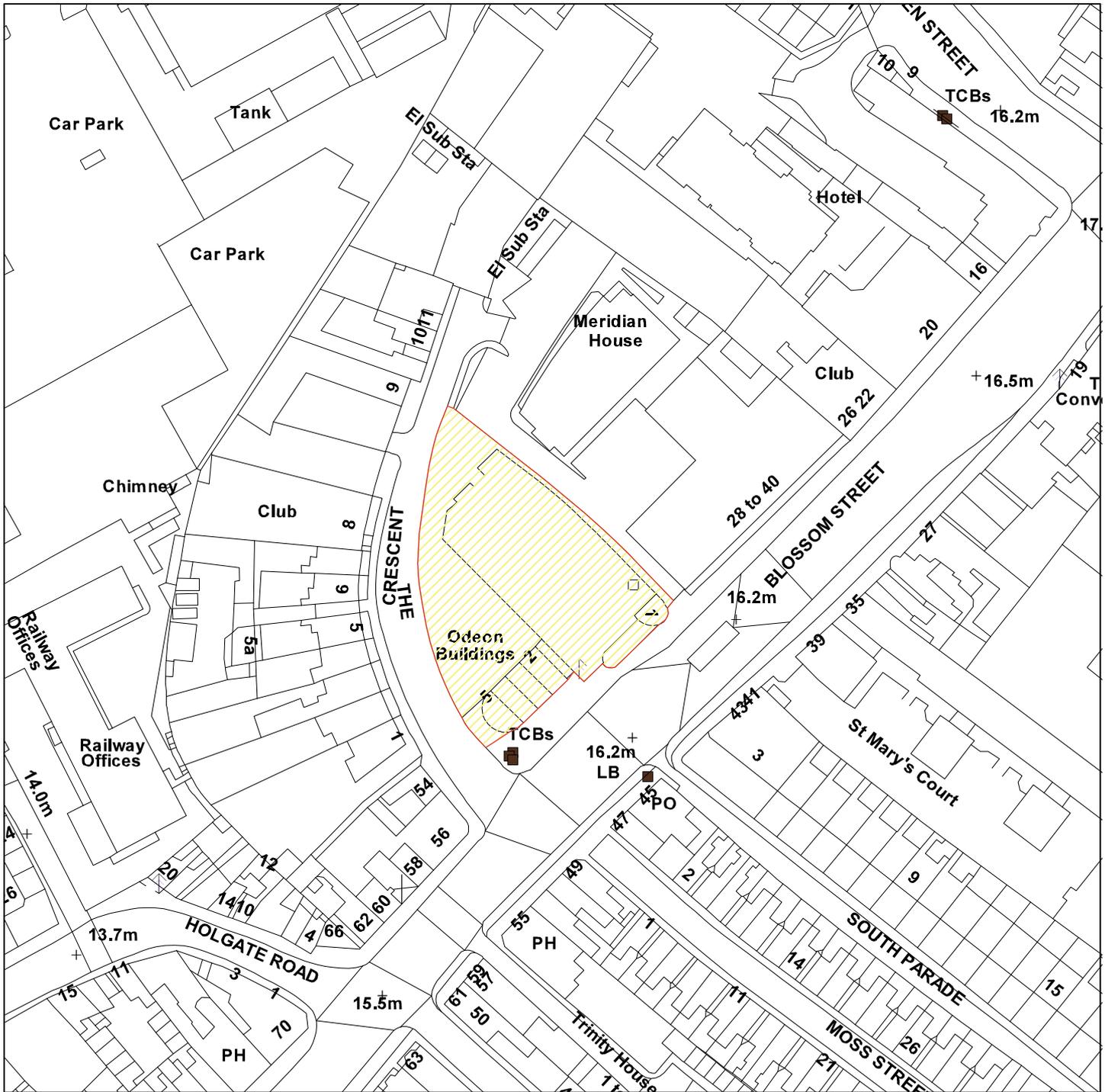
**Tel No:** 01904 551323

# Reel Cinema, Blossom Street

10/0316/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application Site
<b>Date</b>	05 August 2010
<b>SLA Number</b>	Not set

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**COMMITTEE REPORT**

**Date:** 19 August 2010                      **Ward:** Micklegate  
**Team:** West/Centre Area                      **Parish:** Micklegate Planning Panel

**Reference:** 10/01317/LBC  
**Application at:** Reel Cinema Blossom Street York YO24 1AJ  
**For:** Infill of alleyway to create retail unit.  
**By:** Mr KC SURI  
**Application Type:** Listed Building Consent  
**Target Date:** 11 August 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application relates to the Reel Cinema building. The building was originally an Odeon cinema. It is of an Art Deco style, grade 2 listed, and built in 1937.

1.2 The south side of the building has 2-storeys and provides 4 shop units at ground floor level. There is an alleyway between the units and the main cinema complex. Due to issues with security, it is proposed to infill this gap. The resultant space will provide a small retail unit. The approach to filling the gap involves a recessed shopfront on the front elevation, comprising of an entrance door and sidelight with transom windows above. At the rear a continuation of the existing brickwork is proposed, and a single sized entrance door, these would be recessed also.

1.3 The application is reported to sub-committee at the request of Councillor Brian Watson.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Policies:

- CYHE4 Listed Buildings

**3.0 CONSULTATIONS**Design, Conservation and Sustainable Development

3.1 Officers support the scheme in principle. However the detailing of the works need to respect the listed building. Officers suggest that either copying the detail of one of the original shopfronts, or introducing a virtually frameless, glazed structure, with signage inside is preferable for the front elevation. The rear of the unit should also be recessed. This would assist in achieving a successful junction between the high quality banded brickwork of the original wall and the new brickwork, and could be understood as evidence of the former opening.

Micklegate Planning Panel

3.2 No objection.

Publicity

3.3 No objections made.

**4.0 APPRAISAL**

Key issues

4.1 The key issue is the impact on the listed building.

Relevant policies

PPS5: Planning for the Historic Environment

4.2 PPS5 advises that there is a presumption in favour of conservation when dealing with listed buildings. Alterations must be justified. It is recognised that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term. Changes can be supported when any harm is outweighed by the recognised benefits. Such benefits can involve development which:

- Sustains or enhances the significance of a heritage asset and the contribution of its setting.
- Secures the optimum viable use of a heritage asset in support of its long term conservation.
- Makes a positive contribution to economic vitality and sustainable communities.
- Is an appropriate design for its context and makes a positive contribution to the appearance, character, quality and local distinctiveness of the historic environment.

The Planning (Listed Buildings and Conservation Areas) Act 1990).

4.3 The act makes it a statutory requirement for LPA's (Local Planning Authority) to pay 'special' attention to at least preserve a listed building or its setting or any features of special architectural or historic interest which it possesses. This is reiterated in policy HE4 of the DLP (Draft Local Plan).

Impact on the listed building.

4.4 There is reasonable justification for the development in that it will overcome issues regarding crime and anti-social behaviour and enhance the environment around the building. Also it will assist the economic viability of the overall building.

4.5 It is proposed the shopfront is recessed within the gap. Originally this area was an alleyway and each of the shop units appeared as punched openings around their brick framing, there was glazing above the shopfront windows and doors, not large fascia panels. Preference is to restore this appearance, which is integral to the overall architecture of the building. The original drawings have been amended so transom windows are above the entrance door and sidelight but officers consider work is still required on the proportions of framing and the soffit between the glazing and brickwork. However, the large scale detailing can be agreed through a condition. At the rear the brickwork that would infill the gap will be recessed, to identify the change and as it is unlikely the brickwork/mortar joints will exactly match.

## 5.0 CONCLUSION

5.1 Subject to agreement of the detailing to the shopfront, the works would respect the architectural importance and character of the listed building. Furthermore the character of the immediate environment / setting of the listed building would be enhanced by infilling the alleyway which presently has a detrimental impact in terms of its unsightly appearance and as it is a security risk. The scheme complies with PPS5 and policies of the DLP listed in 2.1, it is recommended consent be granted.

**6.0 RECOMMENDATION:** Approve

- |   |        |   |
|---|--------|---|
| 1 | TIMEL2 | Development start within 3 yrs (LBC/CAC)  |
| 2 | PLANS1 | Approved plans                            |
| 3 | VISQ2  | Large scale details of shopfront required |
| 4 | VISQ8  | Samples of exterior materials to be app   |
| 5 | VISQ7  | Sample panel ext materials to be approved |

## 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 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 Management Officer  
**Tel No:** 01904 551323

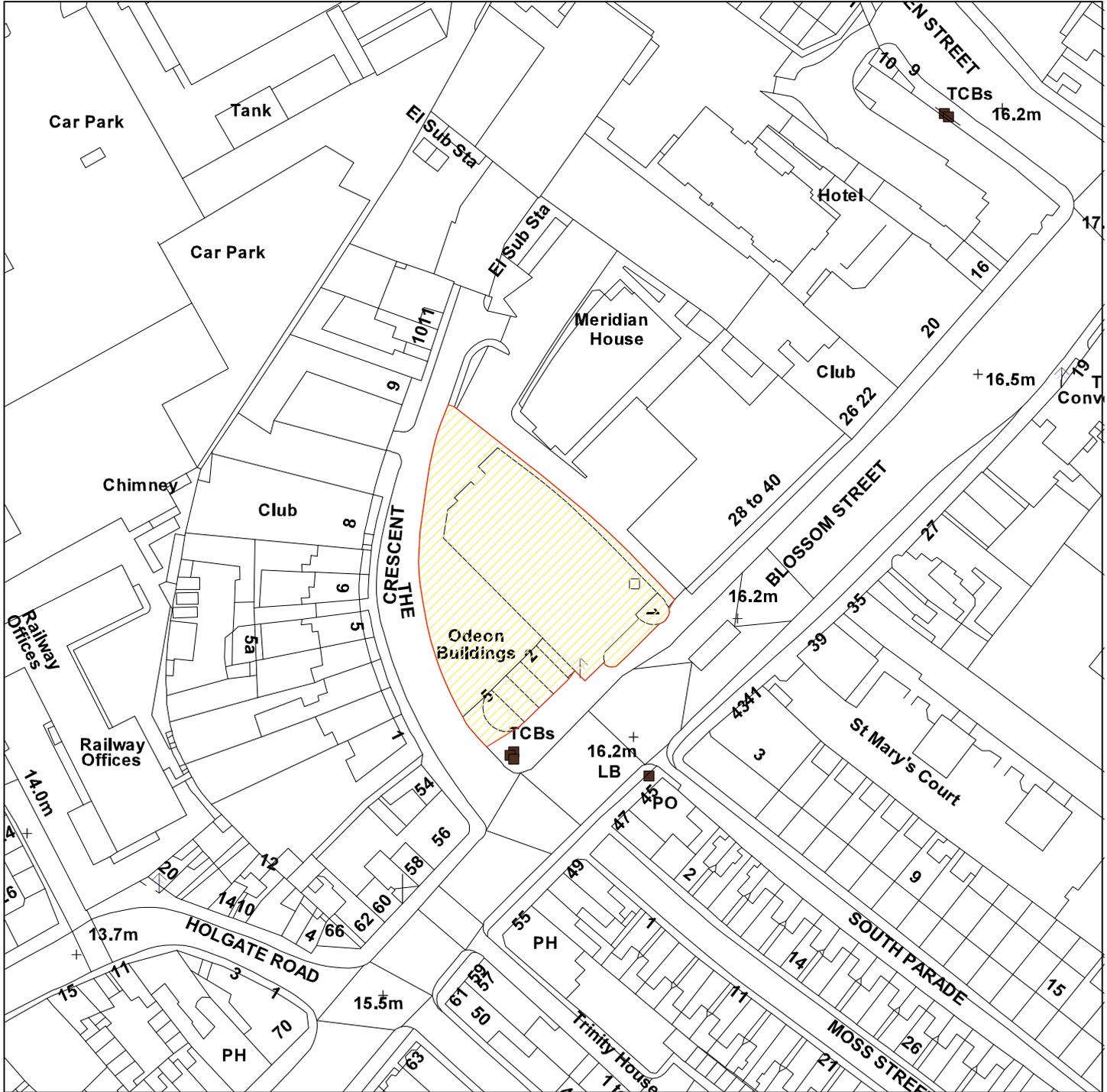
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# Reel Cinema, Blossom Street

10/01317/LBC



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application Site
<b>Date</b>	05 August 2010
<b>SLA Number</b>	Not set

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**COMMITTEE REPORT**

**Date:** 19 August 2010                      **Ward:** Micklegate  
**Team:** West/Centre Area                      **Parish:** Micklegate Planning Panel

**Reference:** 10/01174/FUL  
**Application at:** Knavesmire Primary School Trafalgar Street York YO23 1HY  
**For:** Siting of mobile classroom unit  
**By:** Mr Colin Macdonald  
**Application Type:** Full Application  
**Target Date:** 29 July 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application relates to the Knavesmire Primary School, which is located to the north of Campleshon Road, between Trafalgar Street to the east and Lorne Street to the west.

1.2 Due to demand for places in the school, temporary planning permission is sought for a single storey building which would accommodate two classrooms. This building would be located in the southeast corner of the site. It would be 3m high, timber clad and 9m by 15m in area. This is proposed as a short-term measure, as it is intended to construct a permanent extension to the school.

1.3 The application is brought to committee at the request of Councillor B Watson, as such applications are usually either only given temporary planning permission, or are refused as temporary classrooms are not seen as the preferable solution.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Schools GMS Constraints: Knavesmire Primary 0206

2.2 Policies:

CYGP23      Temporary planning permission

CYED1      Primary and Secondary Education

**3.0 CONSULTATIONS**Landscape Architect

3.1 The landscaped play area (of which part would be removed to accommodate the classroom) is an attractive feature of the playground and it is a shame to lose any of it

as a natural play facility and because of the view of the attractive group of young Scots Pine trees that can currently be appreciated from Trafalgar Street will be lost. It appears the trees should not have to be removed to enable the development, therefore they should be adequately protected with fencing during the development operations.

3.2 The canopy of the trees on the corner of Trafalgar Street and Campelshon Road overhang the proposed unit by a considerable distance. Therefore the trees would need crown lifting and reducing before the unit could be installed. Such tree works would not be objected to. Details of how the unit will be installed, since craning it directly in may not be feasible because of the existing mature and young trees, are required.

#### Highway Network Management

3.3 No objection.

#### Micklegate Planning Panel

3.4 Ask for how long temporary permission is required, and what plans are in place, if necessary, for a permanent solution.

#### Publicity

3.5 No written representations have been made.

### **4.0 APPRAISAL**

#### Key issues

4.1 The key issues are whether there is a need for the proposed facility and secondly whether it has an appropriate visual impact on its setting and amenity.

#### Policies of the Draft Local Plan (DLP)

4.2 Policy GP23 relates to temporary planning permission and states such permission shall only be granted provided: there would be no loss of amenity; there is no viable permanent alternative immediately available; where appropriate plans are brought forward for permanent development; and if temporary permission is required as a trial period to allow an assessment of the development.

4.3 ED1: Primary and Secondary Education states planning applications for new/extended education facilities will be granted permission, provided that they would a) meet a recognised need, b) are of an appropriate scale and design, c) sufficient open space and playing fields are provided, d) where facilities could also be capable of use by the community, this is incorporated into the design.

Need for the proposed facility

4.4 Officers are advised that demand for places at the school exceeds capacity. In the longer term it is intended to add a permanent extension to the school. However the short-term solution is the temporary classroom block proposed. In accordance with GP23, there is justification for the proposal and a long-term solution is proposed.

Impact

4.5 The proposed classroom would be to the southeast of the main building. Part of the grassed play area would need to be removed to accommodate the classroom although officers have been advised the classroom can be accommodated without affecting any trees. The proposed building would very much be cramped into this area of the site, and as such it would detract from the setting. Predominantly the visual impact would be restricted to within the school grounds due to the trees along the south boundary, and the impact from the public realm would be limited to views from Trafalgar Street.

4.6 Officers preference would be to place the building to the west side of the site, possibly where the boundary wall would screen it from Lourné Street. However the school are of the opinion this may lead to conflict with neighbouring residents, and this option is not preferable on operational grounds (for example for supervision of pupils).

4.7 Officers accept that overall the visual impact is acceptable on the grounds that the building is only required for a temporary period, as no damage to trees would occur and as from the public realm there would not be an undue impact on the appearance of the area. As only two classrooms are proposed, there would not be a material impact on residential amenity due to noise and due to the position and height of the building, it would not be overbearing or overdominant.

**5.0 CONCLUSION**

5.1 The proposed classroom is deemed to be acceptable for a temporary period only, until a permanent alternative is delivered - 5 years is suggested, as there would be no undue harm to visual and residential amenity. The lifespan of the permission, and the protection of trees onsite (as they make a positive impact on the visual amenity of the setting) will be required through conditions.

**6.0 RECOMMENDATION:** Approve

1 PLANS1 Approved plans - 0008.002 and 004

2 TEMP1 Temporary consent for building - 01.09.2015

3 Before the commencement of development including demolition, site clearance, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be

retained shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing to the trees on-site to be shown on a plan, and to ensure that the trees as existing would not be damaged/affected during works, a method of installation of the building hereby approved, including how it would be moved into position/erected onsite, site access, type of construction machinery/vehicles to be used (including delivery and collection lorries), arrangements for loading/off-loading, parking arrangements for site vehicles, locations for storage of materials, location of site cabin and marketing cabin as appropriate.

The protective fencing line shall be adhered to at all times during development operations to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation, parking or manoeuvring of vehicles. Within the exclusion zone there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches or services or drains. The fencing shall remain secured in position throughout the development process including the implementation of landscaping works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

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

4 Should any works to trees, as a consequence of the development hereby approved, be required, details of such shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Reason: To ensure protection and maintenance of existing trees which make a significant contribution to the amenity of the 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 visual and residential amenity. As such the proposal complies with Policies GP23 and ED1 of the City of York Development Control Local Plan.

### **Contact details:**

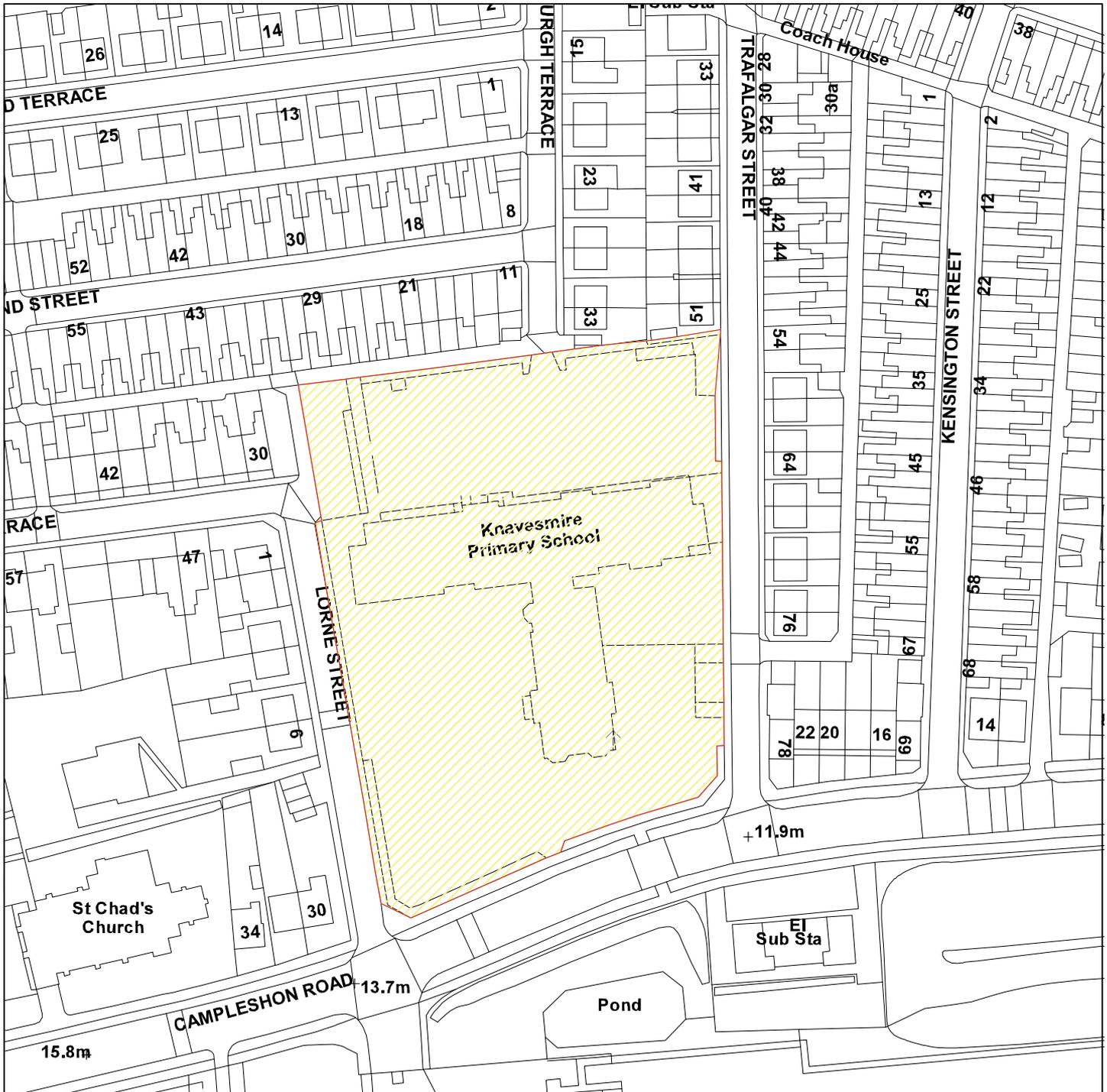
**Author:** Jonathan Kenyon Development Management Officer  
**Tel No:** 01904 551323

# Knivesmire Primary School, Trafalgar St

10/01174/GRG3



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application Site
<b>Date</b>	05 August 2010
<b>SLA Number</b>	Not set

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of use will result in less permits being issued for one dwelling and therefore less demand on the zone.

- The site is in close proximity to the city and public transport network
- No cycle storage has been proposed, however it is the CYC policy that 2 cycle storage spaces are provide for 3 plus bedroom dwellings. Would like covered and secure cycle storage conditioned.

#### EXTERNAL CONSULTATIONS/REPRESENTATIONS

MICKLEGATE PLANNING PANEL - No objections

### **4.0 APPRAISAL**

#### KEY ISSUES

1. Proposed use/ Loss of residential units
2. Impact on the character of the area
3. Residential amenity
4. Highway Safety

#### ASSESSMENT

##### PROPOSED USE/LOSS OF RESIDENTIAL UNITS

4.1 The site is a mid terrace dwelling dating from the 19th century. The front elevation is white brick and the rear elevation is red brick. The dwelling was originally a single dwelling and has been converted to three separate units.

4.2 There are no specific local plan policies that refer directly to the reinstatement of an original dwelling from a flatted property. The proposed change of use would result in the loss of 3 No. flats, and a net loss of 2 No. residential units. Policy H9 seeks to ensure that there is a ready supply of housing stock within the city to meet the demand for housing and that the loss of 2 flat units would be contrary to this policy. Since the publication of the Local Plan, the Council has updated information as shown in the Strategic Housing Market Assessment (2007) that indicates a demand for housing in preference to flats in the area. It is considered that the proposed dwelling would meet this perceived need and would be in character with the area.

##### IMPACT ON THE CHARACTER OF THE AREA

4.3 The majority of the terraced houses appear to be in single ownership although there are some flat conversions in the street. The proposed conversion to a single unit would be appropriate and in keeping with the prevailing character of the area and as such there is no objection to the size/type of housing proposed. All the alterations proposed are internal, and do not affect the contribution the building makes to the character of the street and area

##### RESIDENTIAL AMENITY

4.4 There are no additional windows proposed. The ground floor would be altered internally to provide primary rooms - two reception rooms, and a kitchen in the rear offshoot. The window to the proposed kitchen would be in the side elevation. There is a wall around the rear yard and thus preventing overlooking to the neighbouring property. The removal of the kitchen and living room to create bedroom and bathroom (secondary rooms) on the first floor is not considered to result in a further overlooking and loss of privacy to the neighbouring dwellings.

#### HIGHWAY SAFETY

4.5 No on-site car parking is proposed. There is some on-street car parking available to the front of the property in Residents Parking Zone R16 and the proposed change of use from 3 No. flats to a dwelling may reduce the demand on the parking zone. The dwelling is also close to the city and public transport networks that encourages the use alternative means of transport, which is consistent with national planning policies and the objectives of York's Draft Local Plan. Highways have requested that covered and secure cycle parking be conditioned. The proposed dwelling would have a private yard and garden to the rear giving space and scope for the storage of cycles, however it is considered unreasonable to request specific cycle parking in this case.

#### 5.0 CONCLUSION

5.1 The proposed change of use from 3 flats to 1 dwelling would result in a loss of 2 residential units. However the change of use to 1 dwelling would be in keeping with the prevailing character of the area and the terrace. The proposed change of use is not considered to impact on the residential amenity of the occupants of the neighbouring dwellings neither is it considered to unduly impact on the character and appearance of the building or the area.

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

#### 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 loss of residential units, the impact on the character of the area, residential amenity and highway safety. As such the proposal complies with Policies GP1 of the City of York Development Control Local Plan(2005).

##### Contact details:

**Author:** Victoria Bell Development Management Officer

**Tel No:** 01904 551347

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# 46 Scarcroft Road, YO23 1NF

10/01427/FUL



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<b>Organisation</b>	City of York Council
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<b>Comments</b>	Application Site
<b>Date</b>	05 August 2010
<b>SLA Number</b>	Not set

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- City Boundary GMS Constraints: York City Boundary 0001DC Area Teams GMS Constraints: Central Area 0002
- Floodzone 2 GMS Constraints: Flood zone 2

## 2.2 Policies:

- CYGP1 Design
- CYSP8 Reducing dependence on the car
- CYGP4B Air Quality
- CYHE2 Development in historic locations

## 3.0 CONSULTATIONS

### Design, Conservation and Sustainable Development

3.1 During the 2006 application conservation officers "flagged up" concerns about the level of detail provided for designing within such a tight envelope. This application arises in part as additional detailed information has now been obtained in relation to levels and due to Building Regulations requirements, the approved scheme required modification.

3.2 The amended scheme closely represents the intentions of the approved design, whilst also solving practical problems associated with the "on site" situation. Subject to conditions on details, the scheme would appear to preserve the character and appearance of the conservation area. With regards the change to the bay windows officers advise that:

- An additional window bay has been inserted to suit the new internal layout. Although this creates a weaker relationship with the existing frontage at ground level, the deep balustrade provides visual separation and the overall effect within the street is compatible with the diverse rhythm of windows and bays within the street.
- The bay windows and also the upper windows appear more elongated and glazing bars have been modified to suit. A detailed section has been produced to show how these would sit in relation to the cornice, front wall and existing balustrade. Further details should be conditioned at large scale to ensure a high level of design quality as the bay windows form such an important part of the architectural expression onto Clifford Street.

### Archaeology

3.3 An archaeological excavation of the basement has been completed by Field Archaeology Specialists. However, the subsequent analysis, publication and deposition of the archive has not been completed. It is essential that this work is completed, as the site is in the city centre area of archaeological importance, and this should be secured through a condition.

### Education Officers

3.4 No contribution toward education facilities, as the primary school in the catchment area - Fishergate - has a surplus of spaces.

## Environmental Protection Unit

### Construction

3.5 The site is in close proximity to existing residential properties. Officers ask that hours of construction are restricted to daytime hours, and not on Sundays, to protect amenity.

### Noise

3.6 For future occupants there is concern regarding noise from the nightclub opposite and the fire station. Noise reports previously submitted for this site have indicated that a glazing scheme of 10mm - 200mm - 6mm (glass-space-glass) will be needed to achieve acceptable internal noise levels, and this should be secured through condition.

### Air Quality

3.7 Clifford Street forms part of the Air Quality Management Area (AQMA). Monitoring of nitrogen dioxide concentrations has taken place at Clifford Street, since July 2000. At the Clifford Street/Castlegate Junction (outside proposed development) levels have risen from 37.53ug/m<sup>3</sup> (2003), to 41ug/m<sup>3</sup> in 2009.

3.8 The annual average nitrogen dioxide objective is 40ug/m<sup>3</sup>, which is not being met at the area close to the proposed development. Presently the area around the development site is relatively open when compared to the rest of Clifford Street. There are concerns that increasing the height of the host building will increase the canyonised nature of Clifford Street and lead to a further deterioration in air quality.

3.9 Whilst there are air quality concerns, these must be balanced with the fact that this is a car free development close to the city centre, which is the type of development that needs to be encouraged in terms of reducing the amount of commuter traffic in the city. To make this application acceptable in terms of air quality, it will be necessary for the development to have non-openable windows on the facade over looking Clifford Street. Satisfactory internal living conditions can be achieved by the provision of a mechanical ventilation system, but this may require the provision of a plant room that could affect the final design of the building.

### Highway Network Management

3.10 No objection. Advise that in the cycle store, cycles should be lockable to the frame, and not to wheels, as this has lead to damage to cycles in other shared spaces. It is also asked that conditions be used to secure the resultant condition of the highway outside the site, and safety during construction.

### English Heritage

3.11 No response to date.

### Guildhall Planning Panel

3.12 No comment as unable to read plans online. Officers comment - clearer plans have now been made available, the planning panel were advised of such, but no further comments have been made.

Publicity

3.13 No written representations have been made.

**4.0 APPRAISAL**

Key Issues

4.1 This application is made as the building has not been constructed in accordance with the plans that were approved in the 2006 application. Due to the variation in the front elevation, the alterations were not deemed to be of a minor nature, and a fresh application was made.

4.2 The issues to re-visit are the implications of the alterations to the design in terms of visual impact of the building, and its contribution to its conservation area setting, and:

- Air quality, whether air quality has changed since 2006; as it would be desirable to have openable windows.
- Open space and education provision in the area; whether there is demonstrable need for such.
- Sustainable construction; given the sustainable construction document, approved for development control purposes in 2007.

Design

4.3 The original scheme was centred on the brick pediment, between the break in the balustrade at the top of the original building. There would have been an overall symmetry in the building, between the existing, new upper floors and roof, with two entrance doors below the pediment, windows spaced equally to each side on the new upper floors and the roof addition directly above.

4.4 The brick pediment is now rectangular (was gable shaped) due to structural safety reasons and the second new door at ground floor level (which would have been a false door) is no longer proposed. In the revised scheme the symmetry is in the new upper area, with the 2-storey tall five oriel bays on the front elevation spaced symmetrically below the roof extension (which has also altered). Although this amendment creates a weaker relationship between the existing building and the extension, this does not unduly detract from the appearance of the proposed building as the deep balustrade provides visual separation between old and new. Also within the street scene there is a diverse rhythm of windows and bays and it is common for buildings to vary in appearance between the ground and upper floors, for example where shops are accommodated at ground floor level.

4.5 The key issue in determining whether this building would have an acceptable visual impact on its setting lies in the detailed design and materials of the oriel windows. These windows would be the key feature of the building. The design has been based on the type of windows on schemes designed by the original architect elsewhere in the city centre - Westgate apartments on Leeman Road and Merchant Exchange at Ouse Bridge (this appears to have been the original intention based on the original drawings and images). Also the bays would curve round, following the line

of the street, as in the original approved scheme. Final details through large scale drawings, which we would expect to receive through conditions of approval, are required.

4.6 The other changes are as follows:

- The roof addition is slightly wider, lower in height and the vents have been reduced in height. It would be detailed with lead panelling and incorporate louvres. The dimensions are dictated by the requirement to accommodate the lift over-run and stairs. The alterations from the approved scheme are considered not to have a material impact on the appearance of the building and the contribution it makes to its setting.
- It is not possible, due to structural reasons, to position the corner windows at 2<sup>nd</sup> floor level below the bay where they were previously shown. In considering the appearance of the building alone, it may have been preferable to subsequently omit the windows, as they appear slightly awkward on plan. However without the windows there would be a significant loss of outlook from the affected living room and therefore they have been retained.
- The conservatory onto the side terrace has been omitted in favour of folding doors. The doors would not be visible from the street and alone this variation in design would be considered a non-material change to the approved scheme.

4.7 Subject to agreement of large scale details of the oriel/bay windows, to ensure a high level of design quality of this key element officers consider the alterations to the approved scheme do not materially detract from the contribution the proposed building would make to its historic setting. The amended design thus complies with PPS1: Delivering Sustainable Development, PPS5: Planning for the Historic Environment, PPS3: Housing and of the DLP policies GP1 and HE2.

#### Air Quality

4.8 Air Quality in the area has not improved since the previous approval. The existing levels of Nitrogen Dioxide do not meet Government objectives for air quality. As such it is necessary, for the health of future occupants, that windows, in particular those in living rooms and bedrooms are not openable. The plans submitted show openable windows for purge ventilation. Building Control officers advise it is not essential that purge ventilation is provided by means of opening windows, other approaches can be adopted and this can be required through an appropriate condition.

#### Contributions

4.9 In accordance with policy L1c of the Local Plan, a contribution toward open space is required. Education officers advise there is space within schools in the catchment area and subsequently a contribution toward education facilities is not required.

#### Sustainable construction

4.10 The council's interim planning document on sustainable design and construction requires that new dwellings achieve a code for sustainable homes 3 \* rating and that a minimum of 5% of the energy demand for the development is met through on site renewable generation for heat and/or electricity. There is scope for renewable energy generation via either solar or photovoltaic panels on the roof, and these requirements are proposed to be secured through conditions.

## 5.0 CONCLUSION

5.1 The alterations to the design in relation to the approved scheme are considered not to have a material visual impact. In the interests of the health of future occupants it remains necessary to have non-openable windows on the Clifford Street elevation. In relation to the previously approved scheme additional conditions are also proposed to reflect the present standards for sustainable construction. Otherwise officers consider this application, which would enable the scheme to be completed and occupied, should be supported.

## 6.0 RECOMMENDATION: Approve

1 PLANS1 Approved plans - FCR 232-001-100 to 102, 200 and 301 stamped 9.7.2010

2 Apart from the bricks and roof tiles, notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

3 Large scale details (at 1:5 or 1:10 scale) of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the pertinent development and the works shall be carried out in accordance with the approved details.

- a) External windows and doors, including glazing details and other materials.
- b) Notwithstanding the detailed section provided, 1:20 and 1:5 plan and section drawings of a typical bay window (with materials annotated on and submitted for approval under condition 2). The capping detail shall be recessed rather than overhanging (not as shown in the submitted drawings). The bay windows shall be aligned to follow the curve of the bay with their front windows tangential to the elevation at their centre points.
- c) Cornice detail.
- d) The abutment of the development with the adjacent building, in both section and plan form, covering roof positions (verge, ridge and chimney) and also floor levels.

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

4 Prior to their installation, full details of all rainwater goods, including materials

and colour to be used, shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance to the development.

5 Details of any soil and vent stacks, heating and air conditioning plant etc, including fume extraction and odour control equipment, with details of any external ducting, shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to protect the amenities of occupants of adjoining properties.

6 Prior to occupation of the development hereby approved details of the layout and means of secure fixing for cycles, in the communal cycle parking areas, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained for such use thereafter (It is preferred a means of securing cycles by the frame, opposed to the wheels is proposed).

Reason: To promote use of cycles in accordance with PPG13: Transport and the aspirations of the Local Plan.

7 The development hereby approved shall be constructed to at least Level 3\* of Code for Sustainable Homes (CSH) standard. A formal Post Construction stage assessment, by a licensed CSH assessor, shall be carried out and a formal Post Construction stage certificate shall be submitted to the Local Planning Authority (LPA) prior to occupation of the building. Should the development fail to achieve level 3\* of the Code, a report shall be submitted for the written approval of the LPA demonstrating what remedial measures shall be undertaken to achieve Level 3 of the code. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development, in accordance with the requirements of policy GP4a of the Draft Local Plan and the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction.

8 Prior to occupation of the building hereby approved, details shall be submitted and approved in writing by the Local Planning Authority, to demonstrate how the development will provide 5% of the predicted energy requirements from on-site renewable resources. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable and accords with Policy GP4a of the Draft City of York Local Plan and the City of York Interim Planning Statement on Sustainable Design and Construction.

9 The building envelope facade looking onto Clifford Street shall be constructed so as to provide sound attenuation against external noise of not less than 49 dB(A),

with windows shut and other means of ventilation provided. The detailed scheme shall be approved by the local planning authority and fully implemented prior to occupation.

Reason: To protect the amenity of future occupants of the proposed development.

10 All openings in the building overlooking Clifford Street, apart from entrance doors, shall be non-openable. No alterations to the external walls, facades, windows, doors, roof or any openings in the building(s) shall be undertaken (including the closing up or removal of openings) without the prior written approval of the local planning authority.

Reason: To prevent the exposure of future occupants of the development to an unacceptable standard of air quality, and to avoid the need to include the site within the Air Quality Management Area.

11 A scheme of mechanical ventilation shall be installed that will serve all the rooms overlooking Clifford Street. The ventilation scheme shall draw air from the rear of the building (away from Clifford Street) and shall be approved in writing by the local planning authority and fully implemented before the use hereby approved is occupied.

Reason: To prevent the exposure of future occupants of the development to an unacceptable standard of air quality, and to ensure adequate levels of ventilation.

12 Prior to the commencement of the development, proposals for the inclusion of features suitable for wildlife in the building hereby approved, in particular bats and swifts, shall be submitted to and approved in writing by the Local Planning Authority. The approved features shall be incorporated into the building unless otherwise agreed in writing with the Local Planning Authority.

Reason: To enhance the biodiversity of the area.

13 The development hereby approved shall not be occupied until a contract detailing the implementation of a programme of archaeological post-excavation work (analysis, publication and archive deposition) on the archaeological excavation archive from this site has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site lies in the Area of Archaeological Importance and within the proposed World Heritage Site and the archaeological project commenced under a previous approval must be completed, as required by policy HE10 of the Local Plan.

14 S106OS Section 106 Open Space - 5,040

15 All construction and demolition or refurbishment works and ancillary operations, including deliveries to the site and despatch from the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and Bank Holidays.

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

**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 the historic setting.
- Archaeology
- The amenity of future occupants
- Sustainability

As such the proposal complies with Policies GP1, GP4a, HE2, HE3 and HE10 of the City of York Local Plan Deposit Draft.

**Contact details:**

**Author:** Jonathan Kenyon Development Management Officer  
**Tel No:** 01904 551323

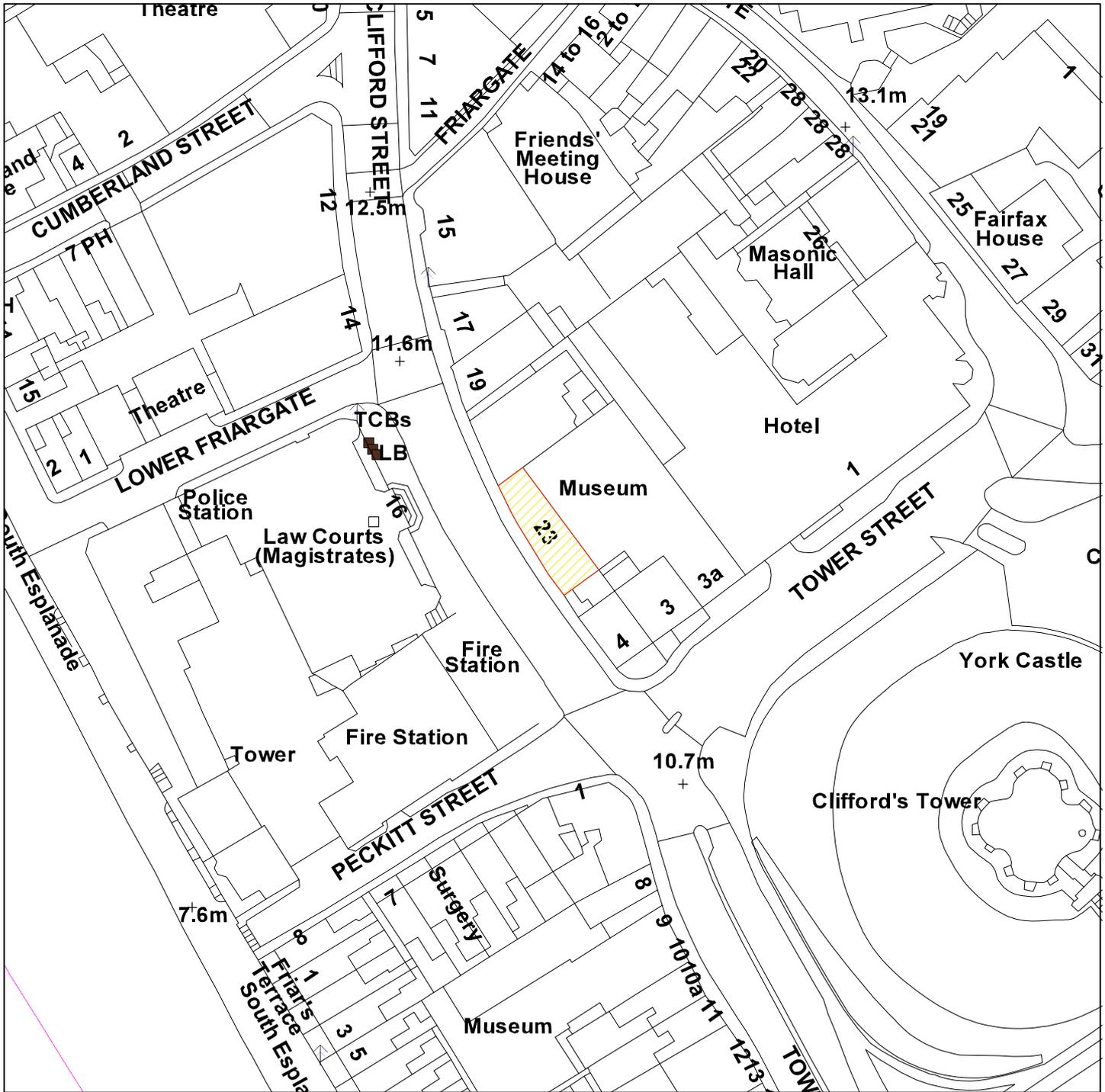
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# 23 Clifford Street, YO1 9RG

10/01401/FULM



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application Site
<b>Date</b>	05 August 2010
<b>SLA Number</b>	Not set

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**COMMITTEE REPORT**

**Date:** 19 August 2010                      **Ward:** Micklegate  
**Team:** West/Centre Area                      **Parish:** Micklegate Planning Panel

**Reference:** 10/01310/FUL  
**Application at:** Bank Guest House 9 Southlands Road York YO23 1NP  
**For:** Change of use from a guest house (use class C1) to a house in multiple occupation (sui generis)  
**By:** Brothers Property Ltd  
**Application Type:** Full Application  
**Target Date:** 10 August 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application site is 9 Southlands Road. Planning permission is sought for a house in multiple occupation (HMO) as 7 of the rooms in the building are rented out, on an assured shorthold tenancy agreement basis. The application is retrospective, made by the new owners of the premises. The former lawful (planning) use of the premises was a guesthouse. Planning permission was refused in 2006 (06/00312/FUL) for a change of use from guesthouse to hostel. It appears that rooms were rented out after 2006 by the former owner, for homeless persons and full time residents.

1.2 The application for hostel use was refused due to the social conditions and disturbance experienced by neighbours as a consequence of the proposed hostel, and the cumulative impact, given other hostels or similar facilities in the area (at that time these being at 1 Southlands Road, rooms used at 34/36 Millfield Road, 114 Bishopthorpe Road, and the YACRO (facilities for care and resettlement of offenders) properties in Scarcroft Road and Nunnery Lane. The premises were also deemed unsuitable for hostel use, due to lack of on-site supervision, limited indoor and outdoor amenity space, and due to the tight-knit character of the immediate area.

1.3 The application has been requested to be determined at committee by Councillor Fraser, due to the history of the site, and to consider the amenity of neighbouring residents, and impact on residents parking.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

2.2 Policies:

CYH8                      Conversion to flats/HMO/student accommodation  
CYGP1                      Design

**3.0 CONSULTATIONS**

### City Development

3.1 Advise officers are currently investigating policy with regards HMO's, in particular with regards to student housing. Material considerations regarding HMO's are: visual amenity of the street, impacts on parking and storage provision for household waste.

### Highway Network Management

3.2 No objections. Consider demand for residents parking permits would not be materially different from the former guesthouse use. Under the former use, the guesthouse would have been able to apply for 5 permits. Highway Network Management advise they would now provide permits, if required, to the 7 occupants of the building. Ask for details of cycle parking to be provided.

### Micklegate Planning Panel

3.3 No objection.

### Publicity

3.4 Eleven letters in objection received. Grounds of objection are as follows:

- Lack of consultation with local residents.
- Adverse impact on the residential character of the area. Already Foundation House and b and b premises are in the street, a HMO would dilute the residential character.
- Development would lead to social problems. There is already one social housing project (Foundation) in the street. Problems in the past have resulted from occupants of no.1 socialising with, and visiting no.9 (which also previously accommodated homeless persons).
- Noise and anti-social behaviour that would occur. There were problems in the street when the premises was used as hostel, and again such events could occur. One letter advises there has been a noticeable reduction in disturbance during the last 2 years.
- Parking. There are extant parking problems in the street (in R45 permit zone but now residents with permits for zone R40 can park in the street), in particular at weekends, due to guesthouses. This could worsen if area were populated further.

## **4.0 APPRAISAL**

### 4.1 Key issues

- Impact on the character of the area
- Impact on residential amenity
- Amenity for occupants of the application premises

### Assessment against planning policy

4.2 The Town and Country Planning (Use Classes) Order 1987 was amended in 2010. The old C3 class - dwellinghouses - was split into three parts, and a new C4 class introduced for houses in multiple occupation (HMO). The C4 class covers small shared dwelling houses, occupied by between 3 and 6 people who share basic amenities. Circular 05/2010 which explains these changes advises that large houses in multiple occupation do not fall into the C4 category, but would be regarded as sui generis. A large HMO is defined as where there is a material change of use to a small HMO, where the total number of residents has increased to the point where it can be said that the use had intensified so as to change the character of the building, or where the residents do not live as a single household.

4.3 At 9 Southlands Road there are 7 bedrooms each with locks on the door and en-suite bathroom facilities. The only communal areas being the circulation areas, a kitchen/dining room, bin store/utility room and the rear yard. The occupant of each room has their own tenancy agreement. In officers opinion this arrangement does not fall within the C4 use class, as the occupants are not living as a single household. The use is considered as a large HMO.

4.4 In determining whether the proposal is acceptable in planning terms, the relevant policy of the DLP (Draft Local Plan) is H8, which relates to the conversion of premises for HMO's or flats. H8 states that for such uses, planning permission will only be granted where criteria a to e, as listed below, is met.

a. The dwelling is of sufficient size (4 bed) and the internal layout is shown to be suitable for the proposed number of households or occupants and will protect residential amenity for future occupiers.

4.5 The building has been converted from a former guesthouse. Whilst not overly spacious each room has its own bathroom facilities and a reasonable amount of space for occupancy. There is a shared kitchen and dining room of reasonable size for cooking and dining. It is also noted that at this time individuals have different working patterns and are therefore unlikely to use these facilities simultaneously.

b. External alterations to the building would not cause harm to the character or appearance of the building or area.

4.6 No additional works are proposed.

c. Adequate off and on street parking and cycle parking are incorporated.

4.7 Car parking is controlled by the residents permit parking scheme in this area. Occupants would have to apply, and pay, for a permit if desired. Given the location of the premises, and as it is offering low cost accommodation it is likely that demand for vehicle parking will be lower than the previous use (guesthouse). However each occupant would be able to apply for a permit for the res-park zone. Highway Network Management consider the res-park area has sufficient capacity to accommodate this development.

4.8 Cycle storage is available in the back yard and utility room at the rear. Presently cycles are stored informally in the uncovered yard area. The minimum requirement in

the DLP is 1 covered and secure space per unit. The utility room is covered, but there is no means of locking cycles and there is not enough space to comfortably accommodate 7 cycles. As such the development does not fully accord to criteria c of policy H8.

d. It would not create an adverse impact on neighbouring residential amenity, particularly through noise disturbance or residential character of the area by virtue of the conversion alone or cumulatively with a concentration of such uses.

4.9 The former lawful use of the premises was a guesthouse. Survey plans from a 2006 application at the site show 6 guestrooms and a staff room at ground floor (in the back room). In considering the impact on the residential amenity of neighbours (in particular no.8 which is a single dwelling), consideration should be given as to whether the intensification of the use would have a material impact. In relation to the previous guesthouse use, officers consider the intensification is not to a material extent in this case.

4.10 Along Southland Road on the north side, between Nunmill Street and Russell Street are two blocks of terraces. Within the 14 premises are 6 guesthouses and Foundation House at no.1, which is a staffed, supported housing scheme, accommodating young persons on shorthold tenancy agreements. As the host premises were formerly a guesthouse, the change to a HMO would not dilute the residential character of the area.

e. Adequate provision is made for the storage and collection of refuse and recycling.

4.11 Bins are collected from the area on a weekly basis. There is a single litter bin, and recycling facilities within the utility area. This is adequate provision and does not, due to its location, detract from the visual amenity of the street.

4.12 Policy L1c of the DLP requires a contribution toward open space to be made, for all residential development. There is no open space on-site and in accordance with L1c this application triggers the need for a contribution to be made of £3,888.

## **5.0 CONCLUSION**

5.1 The proposed HMO offers low cost rented accommodation, which is not unsuitable in terms of space for occupation. However there is limited cycle storage. As the site's former use was as a guesthouse, there would not be a material impact on the amount of activity at the site due to the number of occupants. As a residential use is being introduced, the scheme would not dilute the residential character of the street. Many of the objections relate to the previous use of the building, as a hostel. This application is not for a hostel, residents are not occupying the premises on a short term basis (i.e. weekly/overnight) and are not placed by the Local Authority as with a hostel. Officers consider that the proposed use can be accommodated in the building, without undue harm to residential amenity and the character of the street. As such approval, subject to a condition requiring an open space contribution is recommended.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

- 1 PLANS1 Approved plans - LHL floorplans dated 15.6.2010.
- 2 S106OS IN Section 106 Open Space - 3,888
- 3 Within one month of the date of this permission the existing guest house sign at the front of the premises shall be fully removed.

Reason: In the interests of the character and amenity of the street.

## 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 amenity of occupants of the host premises and surrounding properties, the residential character of the street and highway safety. As such the proposal complies with Policies H8 and GP1 of the City of York Development Control Local Plan.

### Contact details:

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**Tel No:** 01904 551323

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# Bank Guest House, 9 Southlands Road

10/01310/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application Site
<b>Date</b>	05 August 2010
<b>SLA Number</b>	Not set

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- CYL1C Provision of New Open Space in Development
- CYHE2 Development in historic locations
- CYGP15 Protection from flooding

### **3.0 CONSULTATIONS**

#### Design, Conservation and Sustainable Development

3.1 In officers opinion it is essential that public views through the site to the Listed Building (Aldersyde House) from the southeast be retained as part of any development proposal in this location. It is considered this is achieved due to the shallow roof pitch, ridge height and scale of the proposed dwelling house. As such the proposed bungalow is unlikely to significantly harm the setting of the Listed Building.

3.2 However, officers consider the proposed bungalow is of a dull, bland, uninspired design, as expressed in the shallow roof pitch, hipped roof details and low mass of the building that takes little reference from the architectural character of Aldersyde House.

3.3 The landscape architect does not object to the application, provided the trees to the east of the site are protected during construction, and subject to agreement of a landscaping scheme.

3.4 The mature trees along the eastern boundary have a large root protection area and shade the site. As such the scope for development is limited but officers consider the proposal for one bungalow that has a choice of aspects throughout the day is acceptable. With regards landscaping, officers suggest that the building connects with the outdoors by way of garden rooms overlooking suitably landscaped areas. Trees T7 (Laburnum) and T8 (Juniper), to the west of the house, due to their proximity to the house would affect the occupants outlook and amenity. They are of low amenity value and replacement planting could be secured. The eastern area underneath the Horse chestnuts should remain as grass and the boundary hedge, which provides a suitable green edge to the site, in character with the area, should be retained, opposed to introducing fencing.

#### Environmental Protection Unit

3.5 Officers have concerns over levels of noise that would be experienced in the garden of the application site. Noise levels in similar proximity to Tadcaster Road on the opposite side of the road were in noise exposure category (NEC) B. (PGG24: Planning and Noise advises that noise exposure should be taken into consideration when determining applications in such locations). It is suggested either a noise report be submitted, or an acoustic fence installed at the east boundary.

3.6 Having been informed of the history of the site officers confirm it is unlikely there is ground contamination.

#### Highway Network Management

3.7 No objections.

### Lifelong Learning and Culture

3.8 Ask for a contribution toward open space. This would be used to improve sites within the local area e.g. Chapman's pond, play space at Nelsons Lane and sports pitches within the West Zone of the Sport and Active Leisure Strategy.

### Drainage Engineers

3.9 It is proposed surface water run-off be dealt with via soakaways. Soakaways should be shown to work through an appropriate assessment carried out under BRE Digest 365, to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself. Should the application be approved, a test, witnessed by council officers, would be required prior to works commencing. If the soakaway proves to be unsuitable then in accordance with PPS25 and policy GP15 of the Local Plan, peak run-off from the development should be attenuated to 70% of the existing rate.

### Dringhouses and Woodthorpe Planning Panel

3.10 Object on the following grounds:

- Scheme does not make a positive contribution to the setting of the listed building, Aldersyde House, contrary to PPS5: Planning for the Historic Environment.
- Design of the building does not relate to its neighbours in terms of mass and design, and leads to a loss of open space, detrimental to the amenity of neighbours.
- No room for additional planting onsite.
- Site is overlooked by neighbours.

### Publicity

3.11 Twelve letters in objection have been received. Grounds as follows:

- Adverse impact on the living conditions of neighbours in the flats to the north. Living rooms are on this side of the building, and occupants enjoy sitting in the surrounding gardens. This scheme will have a detrimental impact on occupants of the flats, many of which have retired and spend time enjoying their house and garden. They would suffer an adverse impact due to the loss of light and outlook that would occur. The building would also be overdominant, appearing oppressive due to its close proximity to the flats and its overall height.
- Visual impact. The scheme constitutes overdevelopment of the area, contrary to the established building line and pattern of development in the area. Due to the location, scale and architecture of the building it would not compliment its setting, but appear out of place and detrimental to the environment. Concern that the hedge between the application site and Aldersyde Court would be removed to accommodate the proposed house, due to its proximity.
- Loss of on-street parking, due to the proposed dropped kerb. There are high levels on street parking, partially due students of the nearby college. Due to the proximity of the access to Tadcaster Road, there would be an adverse impact on highway safety.
- Drainage - concern surrounding occupants will be affected if the proposed soakaways fail (Aldersyde Court is on lower ground than the application site). Concern there is a drain which serves Aldersyde Court that's runs through the site, and that disruption may occur as a consequence of the proposed development.

- Previous reasons for refusal which still apply.
- Question the need for the proposed house, when other for sale and developed nearby.

## **4.0 APPRAISAL**

### 4.1 Key issues

- Principle of development
- Impact on visual and residential amenity
- Sustainable development
- Highway safety
- Site drainage

### Relevant planning policy

#### National planning policy

4.2 PPS1 states that it is the Government's objective to "ensure high quality development through good and inclusive design" (paragraph 5). It goes on to state (paragraph 34) this applies to all development and that good design should contribute positively to making places better for people. Design which is inappropriate to its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted.

4.3 PPS3: Housing states that the planning system should deliver high quality housing that is well designed and built to a high standard. Development should be distinctive, maintain character and make efficient and effective use of land. Government policy is to deliver housing that is: of high quality, a mix of housing types, a sufficient quantity (meeting identified need and demand), in suitable locations, and which makes an effective use of land.

4.4 PPS5: Planning for the Historic Environment advises that Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.

#### Policies of the Draft Local Plan (DLP)

4.5 GP1: Design 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 open spaces, vegetation and other features which contribute to the quality of the local environment; retain, enhance, or create urban spaces and other townscape features which make a significant contribution to the character of the area; provide and protect amenity space; provide space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from overdominant structures.

4.6 Policy GP10: Subdivision of Gardens and Infill Development states that permission will only be granted for the development or subdivision of gardens areas where it would not be detrimental to the character and amenity of the local environment.

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

4.8 HE2: Development in historic locations states that within locations which affect the setting of listed buildings development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regards to local scale, proportions, details and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character or appearance of the area.

4.9 NE1 states that trees, woodlands and hedgerows, which are of landscape, amenity, nature conservation, or historic value will be protected.

4.10 Policy L1c of the LP is concerned with the provision of new open space in developments and states that for sites of less than 10 dwellings a commuted sum will be required towards off site provision.

#### Principle of development

4.11 As required by PPS3 York has produced a Strategic Housing Market Assessment (SHMA) to identify housing need and demand. The SHMA identifies a demand for new households, in particular 2-bed sized houses. The application site is in an urban area and meets the location related criteria in H4a of the DLP. To this extent the site can in principle accommodate housing. The remaining test is therefore whether, by virtue of the overall design, the development is suitable to the application site.

#### Impact on visual and residential amenity

4.12 The key consideration in terms of the impact on the setting is the overall design of the proposed building, its impact on the street scene, and its relationship with Aldersyde Court and Aldersyde House (a grade 2 listed building). The mature trees on the east side of the site make a positive contribution to this setting. The footprint of the house has been determined so no adverse works or removal of these trees is required.

4.13 The building proposed would be low lying, and discreet in its setting, predominantly only the roof of the building would be seen from the public realm. This massing attempts to mitigate the impact of building in-front of Aldersyde Court and the key views of Aldersyde House; of its timber framed upper floors and ornate chimney stacks would be retained. Overall officers consider the building would not appear unduly incongruous and it would respect the setting of Aldersyde House.

4.14 The applicants have asked that materials be conditioned. There are a variety of brick colours in the area, although a resemblance to the red brick at Aldersyde House is preferable. Again roof tiles vary in the area. Concrete tiles are used on Aldersyde House (pantiles) and Aldersyde Court. Pantiles are, according to the listing description later additions to Aldersyde. Officers consider red pantiles (to relate to Aldersyde House), slate or rosemary tiles would be appropriate to the setting, considering the materials and appearance of the houses along this part of Tadcaster Road.

4.15 The detailing and design of windows and doors is also to be agreed, although the wider impact of these elements is limited as they would be screened from public view by the hedge that surrounds the site.

4.16 Overall officers consider that the building can integrate into its setting without being detrimental to the character and appearance of the area. The footprint and massing of the building have been chosen to allow the elements which form the key characteristics of the area's appearance; the mature trees at the east side of the plot, views of Aldersyde House and the surrounding hedge to be retained (trees and hedge can be secured through condition). Generally only the roof of the building would be seen from the public realm and due to its scale and subject to agreement of materials, this addition would not unduly detract from the area's appearance.

#### Residential amenity

##### Overdominance / overbearing

4.17 Applications made in the 1970's were refused due to the impact a building on this site would have on the outlook from, and setting of, Aldersyde Court. There is no evidence on the files as to the appearance of the area at that time. The area is now enclosed by surrounding hedges and the grass is somewhat overgrown. Presently it is not clearly open space directly associated with Aldersyde Court due to it being physically separated by the hedge.

4.18 There is no right to a private view that the planning system is required to protect. As such that the residents would have to overlook the proposed house and garden, opposed to a grassed space and views beyond, is not grounds to refuse the application. However whether the development would be unduly overdominant or overbearing is a material consideration, having regard to matters such as the orientation, height and the suggested materials of the proposal.

4.19 Due to the staggered building line of Aldersyde Court, the proposed building would be 12m or 10m from that building. It would be directly south of 2 living room windows at ground floor level. The proposed building would be single storey; 2.5m high to eaves level, 4.4m to the ridge of the pitched roof. From the existing boundary hedge, the proposed building would be 2m further away from Aldersyde house; it would be 1m higher than the hedge to the eaves level. Due to the height, footprint, and separation distances involved, officers consider there would not be an undue effect on residents outlook, and the building would not appear unduly overbearing to the extent that refusal of the application could be sustained.

#### Loss of light

4.20 The BRE (Building Research Engineers) provide guidelines for measuring the effect of development on daylight and sunlight. When buildings directly face affected windows, the 25 degree approach can be utilised to assess whether a loss of daylight would occur. Any extension or buildings that do not obstruct a vertical line of 25 degrees, taken from the centre of the lowest window would not lead to a loss of daylight. The proposed development would pass this test, and despite it being to the south of Aldersyde Court, there would not be a material loss of daylight suffered.

#### Occupants of the proposed dwelling

4.21 The garden of the proposed house would be overlooked by 1-6 Aldersyde Court. However some overlooking of garden areas is not uncommon in suburban locations, and due to the position of the house, there is garden space to the front, and to both sides, thus mitigating the feeling of being overlooked. Levels of outlook, and internal space are acceptable, and there is storage space for cycles and bins. The Environmental Protection Unit have asked for an acoustic fence to be erected at the site boundary, to mitigate against traffic noise, that may be detrimental to the enjoyment of the garden. This has not been required as it would potentially detract from the appearance of the setting. Officers consider future occupants would be aware of potential noise from traffic and if in future it was found to be an issue, they could come to the LPA and the possibility of erecting a fence appraised at that stage.

#### Sustainable development

4.22 The council's interim planning document on sustainable design and construction requires that new dwellings achieve a code for sustainable homes 3 \* rating and that a minimum of 5% of the energy demand for the development is met through on site renewable generation for heat and/or electricity. A pre-construction analysis has been provided to show this is achievable. The rating would need to be demonstrated post-construction, which can be required through a condition.

#### Highway safety

4.23 Off street parking is provided with the curtilage of the application site. Cars would have to either enter or leave the site in a reverse gear. The entrance is some 25m from the junction between Old Moor Lane and Tadcaster Road, and this arrangement does not pose a material risk to highway safety. The loss of on-street parking would not compromise highway safety, and not have a material impact on residential amenity, thus it is not grounds to refuse the application.

#### Site drainage

4.24 Policy GP15a: Development and Flood Risk requires that sustainable drainage is encouraged. Otherwise discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced.

4.25 It is proposed that soakaways are used to deal with surface water run-off. The applicants have successfully tested this approach on-site and advise it operates adequately also where new houses have been built on Aldersyde to the west.

Soakaways are a form of sustainable drainage, as they do not involve surface water going into the sewage system. However prior to soakaways being agreed to, proposed ground levels would need to be agreed, and the soakaways demonstrated to work in accordance with BRE (Building Research Establishment) standards. Drainage details would be agreed through a planning condition. As a fallback, should soakaways not adequately deal with surface water, a storage system could be installed onsite, that would control surface water discharge, reducing existing levels. The approach is proposed to be agreed as a condition of approval.

4.26 Residents at Aldersyde Court have also enquired about Yorkshire Water sewers that may be below the application site. The applicants are of the opinion this is not the case as they are not shown on Yorkshire Water maps. These maps are not definitive however as they do not show how Aldersyde Court is connected to the sewerage network. Should it be found that a sewer does run through the site, it could be diverted, if necessary.

## 5.0 CONCLUSION

5.1 Officers support the scheme as it is considered the proposed house can be accommodated without undue harm to its setting and the amenity of surrounding residents. Surface water drainage can be controlled so no flooding of surrounding land, as a consequence of this development, would occur.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

- |   |        |   |
|---|--------|---|
| 1 | TIME2  | Development start within three years      |
| 2 | PLANS1 | Approved plans (revision F)               |
| 3 | VISQ8  | Samples of exterior materials to be app   |
| 4 | VISQ7  | Sample panel ext materials to be approved |

5 Details at a scale of 1:10 of windows and doors, including cross section, materials and manufacturers literature (if applicable) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the proposed building and the impact on its setting, which includes a grade 2 listed building.

6 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed hard and soft landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs

(including replacement planting for any trees to be removed). This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

7 The hedge that surrounds the application site, as shown on the approved plans, shall be retained at a height of at least 1.5 metres taken from ground level.

Reason: In the interests of the appearance of the area, the setting of Aldersyde and the amenity of neighbours.

8 Before the commencement of development including demolition, site clearance, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing to be shown on a plan; phasing of works; site access during demolition/construction; type of construction machinery/vehicles to be used (including delivery and collection lorries); arrangements for loading/off-loading; parking arrangements for site vehicles; locations for storage of materials; location of site cabin and marketing cabin as appropriate. The protective fencing will also include as much of the existing grassland shown to be retained around the trees as practicable.

The protective fencing line shall be adhered to at all times during development operations to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation, parking or manoeuvring of vehicles. Within the exclusion zone there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches or services or drains. The fencing shall remain secured in position throughout the development process including the implementation of landscaping works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and make a significant contribution to the amenity of the area.

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

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the proper drainage of the site, and to comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk).

INFORMATIVE:

The proposed soakaway surface water system shall be shown to work through an appropriate assessment carried out to BRE 365 standards, to prove that the ground has sufficient capacity to accept surface water discharge and to prevent flooding of the site and surrounding land. Should the soakaway test fail an alternative means of drainage shall be required.

The submitted details to incorporate the following:

- Existing and proposed ground levels and drainage routes.
  
- Peak surface water run-off from the development shall be attenuated to 70% of the existing rate, in accordance with a scheme to reduce run-off to be submitted to and agreed in writing by the Local Planning Authority (based on 140 l/s/ha of connected impermeable areas). The scheme submitted shall include storage volume calculations, using computer modelling, allowing for a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model shall also include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. Details of run-off rates including calculations of both the existing and proposed rates shall also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

10 The development hereby approved shall be constructed to at least Level 3\* of Code for Sustainable Homes (CSH) standard. A formal Post Construction stage assessment, by a licensed CSH assessor, shall be carried out and a formal Post Construction stage certificate shall be submitted to the Local Planning Authority (LPA) prior to occupation of the building. Should the development fail to achieve level 3\* of the Code, a report shall be submitted for the written approval of the LPA demonstrating what remedial measures shall be undertaken to achieve Level 3 of the code. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development, in accordance with the requirements of policy GP4a of the Draft Local Plan and the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction.

11 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority, to demonstrate how the development will provide 5% of the predicted energy requirements from on-site renewable resources. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development.

Reason: To ensure that the development is sustainable and accords with Policy GP4a of the Draft City of York Local Plan and the City of York Interim Planning Statement on Sustainable Design and Construction.

12 PD1A Removal of specific PD rights - A, B, C, D, E, F

- 13 HWAY19 Car and cycle parking laid out
- 14 S106OS Section 106 Open Space - 1,242

**7.0 INFORMATIVES:  
Notes to Applicant**

1. INFORMATIVE:

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

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington  
(01904) 551361

2. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the setting of Aldersyde, a grade 2 listed building, the appearance of the locality, residential amenity, highway safety and flood risk.

As such the proposal complies with Policies GP1, GP10, H4a, HE2, T4, GP15 and L1c of the City of York Development Control Local Plan.

**Contact details:**

**Author:** Jonathan Kenyon Development Management Officer  
**Tel No:** 01904 551323

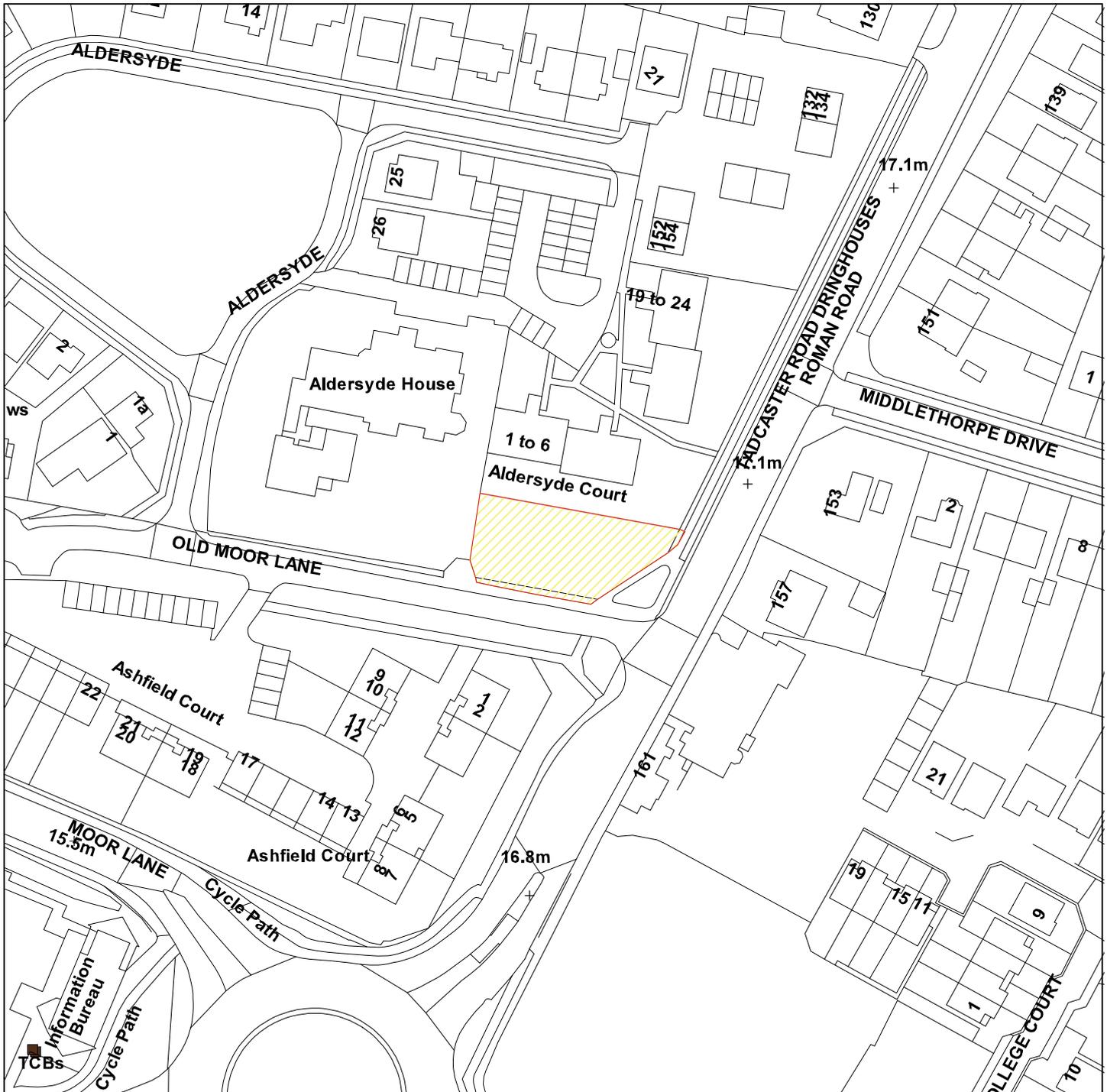
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# Land at Tadcaster Road and Old Moor Lane

10/01305/FUL



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application Site
<b>Date</b>	05 August 2010
<b>SLA Number</b>	Not set

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**COMMITTEE REPORT**

**Date:** 19 August 2010                      **Ward:** Rural West York  
**Team:** West/Centre Area                      **Parish:** Copmanthorpe Parish Council

**Reference:** 10/01159/FUL  
**Application at:** 1 Main Street Copmanthorpe York YO23 3ST  
**For:** Change of use from shop (A1) to cafe/teashop (A3)  
**By:** Mr R Dearlove  
**Application Type:** Full Application  
**Target Date:** 28 July 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application seeks permission for the change of use of a vacant shop (A1) to a cafe/tearoom (A3) at 1 Main Street Copmanthorpe.

1.2 The application is being brought to committee at the request of Cllr Healey because of the Parish Council objection.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Conservation Area Copmanthorpe CONF

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYHE3 Conservation Areas

CYS6 Control of food and drink (A3) uses

CYS9 No loss of local or village shops

**3.0 CONSULTATIONS**

INTERNAL

3.1 CITY DEVELOPMENT - Policy S9 should be taken into account when assessing the application. An assessment of the local provision within the area should be provided to identify whether there are any alternative facilities within easy walking

distance. It is noted that the premises is currently vacant. Evidence of persistent or long term vacancy or attempts to let, lease or sell a unit for retail use on reasonable terms should be taken into account. Policy S6 should also be taken into account in terms of the change of uses impact upon the amenities of surrounding occupiers in respect of traffic, noise, smell or litter.

3.2 HIGHWAY NETWORK MANAGEMENT - No objections

3.3 ENVIRONMENTAL PROTECTION UNIT - No objections

EXTERNAL

3.4 COPMANTHORPE PARISH COUNCIL - Object on the following grounds:

- Land immediately to the front forms part of the car park for the Royal Oak public house and at least three car parking spaces would be lost if this development were to proceed
- The property is in a conservation area
- There is no footpath as the edge of the car park is the boundary with the highway, and access would be directly from the car park with customers having to walk between the parked cars
- Insufficient information is given in the application on Health and Safety aspect of what is proposed
- No details are provided about car parking

3.5 NEIGHBOURS - One letter received objecting on the following grounds:

- The property is located at a blind spot and would cause a hazard to traffic as customers will park there
- It will also cause congestion in the privately owned car park
- There is already one tea shop/cafe

#### **4.0 APPRAISAL**

4.1 Key Issues

- Loss of shop
- Highway Implications
- Impact upon amenity

4.2 The relevant City of York Council Draft Deposit Local Plan Policies are HE3, S6 and S9. Policy HE3 states that within conservation areas, proposal for the following type of development will only be permitted where there is no adverse effect on the character and appearance of the area: demolition of a building (whether listed or not); external alterations; changes of use which are likely to generate environmental or traffic problems.

4.3 Policy S6 states that planning permission for the extension, alteration or development of premises for A5 uses (food and drink) will be granted provided: any likely impact on the amenities of surrounding occupiers as a result of traffic, noise, smell or litter would be acceptable; the opening hours are to be restricted where this is necessary to protect the amenity of surrounding occupiers; car and cycle parking

meets the standards; acceptable external flues and means of extraction have been proposed.

4.4 Policy S9 states that planning permission will only be granted for a change of use that would result in the loss of a local or village shop where it can be demonstrated that: a local need for the shopping facility no longer exists; or appropriate alternative facilities exist within the local area.

4.5 The application site is located within Copmanthorpe Conservation area. The premises forms part of a series of buildings attached to the existing Royal Oak public house with car parking spaces to the front. The premises retains a shop front but has not been used for at least 10 years. The application seeks permission to change the premises to A3, to be used as a cafe, but is not seeking any major exterior alterations, only a replacement door similar to the existing. The applicant has stated that initially they would look at opening between the hours of 09.00 to 14.00 Tuesday to Saturday with a view of extending this if demand necessitated it.

#### LOSS OF SHOP

4.6 Policy states that permission will only be granted for the change of use where a local need for the facility no longer exists or an alternative facility exists within the local area. Approximately 50 metres from the application site is a small shopping complex which contains, amongst other units, a post office, take-aways, bakers, chemist, newsagents, cafe and hairdressers. As such it is considered that the loss of this unit would not have a detrimental impact upon the character of the area or result in an important retail unit being lost. Furthermore, the application site has been vacant for in the region of 10 years and has been boarded up for the majority of this period. The opening of these premises would bring a dead frontage back into active use, which would benefit the character of the conservation area.

#### HIGHWAY IMPLICATIONS

4.7 Concerns have been raised in connection with highway and parking implications. The area to the front of the premises and neighbouring attached buildings is marked out as car parking spaces, being provided nose/tail in. Concerns are raised that the three spaces to the front of the premises would be lost as parking for the existing public house. The parking area to the front of these buildings is public highway and as such is not allocated to any particular user but by nature of their location would primarily be used by the public house and attached units. There is no intention or right for these spaces to be marked as being for the cafe use only and as such would still be available. Furthermore, a large car park is available to the front of the existing shopping parade, 35 metres from the proposed cafe, if additional parking for the cafe or public house were required.

4.8 Additional concerns are raised that if these spaces were occupied visitors to the cafe would have to walk on the road and in between the parked cars to access it. It is considered that, from officer's site visits, the area to the front of the unit is not heavily used by parking vehicles, which appear to park within the more formal car park area. However, pedestrians to the cafe would have to negotiate any vehicle parked to the front of the premises but as the situation already arises with pedestrians entering and

leaving the public house it is considered that this application would not alter an already existing situation. Furthermore, the proposed use is located centrally within Copmanthorpe and it is considered that a proportion of the clients would arrive by foot.

#### IMPACT UPON AMENITY

4.9 The cafe is proposing to open, initially, between the hours of 09:00 to 14:00 but is seeking opening hours from 08:00 to 18:00 on a daily basis. The premises are located along the main road through Copmanthorpe and is located at a distance to residential properties. The nearest dwelling is located to the opposite side of the main road, behind a large boundary wall and is at a distance of 16m. It is considered that as the cafe is seeking limited daytime opening hours and does not intend to serve food to take away there would be no detrimental impact upon residential amenity.

#### 5.0 CONCLUSION

5.1 It is considered that the proposed change of use would be acceptable in policy terms. Adequate alternative shopping facilities are available within easy walking distance and car parking is provided nearby. The opening hours would be limited with a view to closing at 18:00 at the latest. As such there would not be any loss of amenity to nearby residential properties in terms of noise disturbance.

#### COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Site location plan received 3rd August 2010

Floor plan received 24th May 2010

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

3 The hours of opening shall be confined to 08:00 to 18:00 Monday to Saturday and 10:00 to 18:00 Sundays and bank holidays

Reason: In the interests of the amenities of nearby residential properties

4 Any extraction system fitted in association with the use hereby approved must be adequate for the treatment and extraction of fumes so that there is no adverse impact on the amenities of nearby occupants by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the Local Planning Authority for approval. The extraction system shall be installed in accordance with the approved plans, appropriately maintained thereafter

and fully removed once its use has ceased.

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

5 No waste or recycling bins shall be stored or located outside of the premises except for immediately preceding their collection by the waste disposal contractor.

Reason: In the interests of the character and amenity of the local environment and conservation area in accordance with policy S6.

## **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 of the area, loss of amenity to neighbouring properties, highway safety or the loss of a local shop. As such the proposal complies with Policies HE3, S6 and S9 of the City of York Development Control Local Plan.

#### 2.

Any external attachments to the building not shown on the approved drawings will require planning permission in their own right or a minor amendment to this permission depending on their scale and appearance.

#### **Contact details:**

**Author:** Heather Fairy (Mon - Wed) Development Management Officer

**Tel No:** 01904 551352

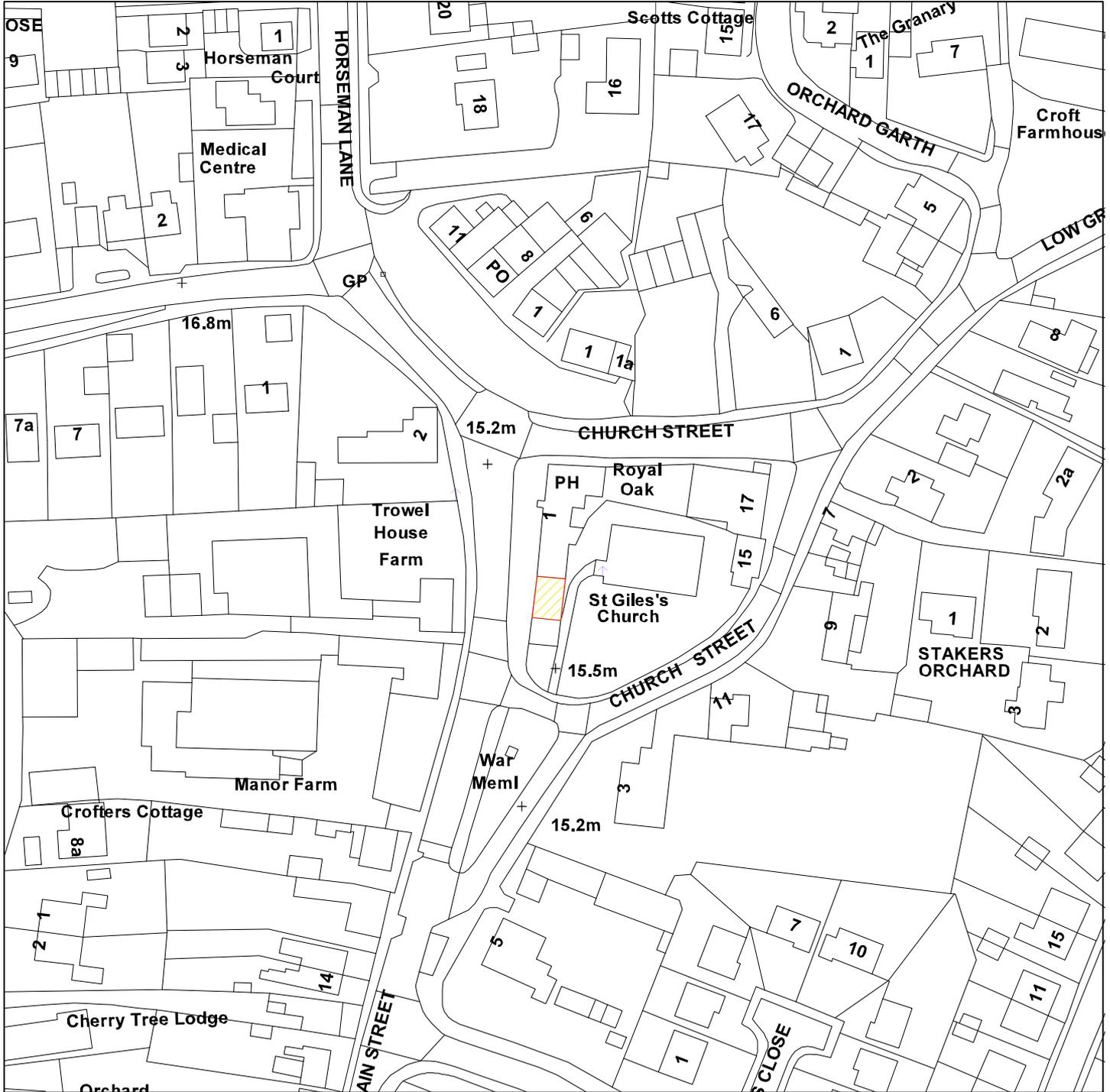
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# 1 Main St, Copmanthorpe

10/01159/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application Site
<b>Date</b>	05 August 2010
<b>SLA Number</b>	Not set

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**COMMITTEE REPORT**

**Date:** 19 August 2010                      **Ward:** Rural West York  
**Team:** Householder and Small Scale Team      **Parish:** Upper Poppleton Parish Council

**Reference:** 10/01344/FUL  
**Application at:** The Old Coach House Boroughbridge Road Upper Poppleton York YO26 6QB  
**For:** First floor extensions to side and rear, pitched roof dormers to front and side, porch to front, conversion of garage and external alterations to windows, doors and vehicle access  
**By:** Mr G Howe  
**Application Type:** Full Application  
**Target Date:** 20 August 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application seeks permission for the erection of various first floor pitched roof extensions, dormers to front and side, porch to the front and conversion of the existing garage. The application site is located on the outskirts of Upper Poppleton but still within the settlement limits. It is accessed off the A59, opposite the Garden Centre, along a narrow driveway. The building is set well back from the highway and is surrounded by mature landscaping, making it difficult to see from public or private spaces. The building is an old coach house, which has been lived in but is in need of repair. It is predominantly single storey with some first floor living accommodation within the raised roof.

1.2 The application is being brought to committee, as the applicant is a Council employee.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

DC Area Teams GMS Constraints: West Area 0004

York North West Boundary GMS Constraints: York North West Boundary CONF

2.2 Policies:

CYNE1 Trees, woodlands, hedgerows

CYH7 Residential extensions

### **3.0 CONSULTATIONS**

#### **3.1 INTERNAL**

HIGHWAY NETWORK MANAGEMENT - No objections in principle. The widening of the access will benefit the site providing better visibility splays and making it easier for vehicles to manoeuvre. Suggest conditions.

#### **3.2 EXTERNAL**

UPPER POPPLETON PARISH COUNCIL - No objections

NEIGHBOURS - No comments received

### **4.0 APPRAISAL**

#### **4.1 KEY ISSUES**

- Design
- Impact upon neighbour's amenity
- Existing trees

4.2 The relevant City of York Council draft Deposit Local Plan Policies are H7 and NE1. Policy H7 'Residential Extensions' of the City of York Local Plan Deposit Draft sets out a list of design criteria against which proposals for house extensions are considered. The list includes the need to ensure that the design and scale are appropriate in relation to the main building; that proposals respect the character of the area and spaces between dwellings; and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy.

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

4.4 Design Guideline 12 of the Poppleton Village Design Statement states that the size scale and massing of new extensions should harmonise with neighbouring properties and spaces. Guideline 19 encourages the use of pitched roofing with coverings to match adjacent roof materials.

#### **DESIGN AND IMPACT**

4.5 The main elements of the scheme are confined to the rear elevation of the property. At present the rear elevation comprises of a projecting one and a half storey gable end, with living accommodation within the roof, and a set back hipped roof element which has a lower ridge. It is proposed to extend this hipped roof element into the site by 1.6m, raise the ridge height by 800mm and construct it with a gable end to match the existing. The ground floor element would create a walkway

and porch to the back door and the first floor section would form the master bedroom with en-suite. Large glazed windows would be located within the gable end, which would open inwards into the master bedroom. A large flat roofed valley would be formed between the two gable end elements, which would include roof lights to allow added light into the ground floor. This flat roof section would not be visible from outside of the building. A previous pitched roof extension is present to the rear elevation. It is proposed to remove the roof to this extension and create a gable end to match the design of the original property.

4.6 It is considered that the works to the rear elevation are acceptable. The gable ends would match the existing property and sit comfortably within the site. The large first floor windows would look out onto the site boundary at a distance of 7.5m. The neighbouring property is at a distance and it has substantial grounds around. The site boundary is also densely planted making any views into the neighbour's garden unlikely.

4.7 Addition works to the property involve alteration to existing dormer window to the side elevation. At present two flat roof dormers exist which are in a poor condition. It is proposed to replace these with pitched roof dormers of a slightly larger size. An existing central pitched roof dormer would be refurbished and matching windows installed. Patio doors would be installed to the ground floor. The dormer windows accord with policy in terms of design and they sit well within the roof slope. The design relates better to the host building than the existing flat roof dormers do. These dormer look down the existing 90m garden and as such would not have any impact upon neighbour's amenity.

4.8 Further works involve the installation of a small timber porch to the front elevation and the erection of a small pitched roof dormer within the existing roof slope. The dormer would project up above the existing ridgeline of the host dwelling. This is as the ridge of the dormer is a continuation of the new ridge created as a result of the works to the rear elevation. The dormer would not look awkward and is of a design to match those proposed to the side elevation. The porch is small scale and considered to be in keeping.

4.9 The existing attached garage is to be converted to additional living accommodation and large patio doors are proposed to replace the existing garage doors. There is an existing timber garage on site which is proposed to be relocated within the site with a view of applying for planning permission in the future for a more permanent structure.

## EXISTING TREES

4.10 The proposal also seeks permission to widen the vehicular access to the site and re-align the existing driveway. At present the access is very narrow and visibility is poor. The straight access gives views of the dwelling and the applicant wishes to sweep the driveway in order to prevent these views from the public highway. The land either side of the drive is densely planted with semi-mature trees and shrubs. The applicant has supplied a report which indicates that the trees to be removed are in a poor condition and are mainly Lombardy Poplars which are not worthy of retention and which are known to become extremely prone to limb/crown failure

(especially in maturity) and rapidly decay where areas of heartwood have become exposed. The applicant has agreed to replanting on the site to compensate for those trees which will be lost.

## 5.0 CONCLUSION

5.1 It is considered that the proposed works are acceptable. The site is surrounded by mature landscaping and is not visible from outside of the site and as such there would be limited impact upon neighbouring residents amenity. The extensions and alterations are all in keeping with the property and do not detract from its character. The new access route would involve the removal of some existing trees but no objections are raised as these are unsafe and not worthy of retention and the applicant has proposed additional landscaping.

## 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing numbers 209/01, 02, 03, 04, 05, 06, 10, 11, 12, 13 and 14 received 21st June 2010

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

3 VISQ1 Matching materials

4 Before the commencement of and during building operations, adequate measures shall be taken to protect the existing planting on this site. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials or the commencement of building works and retained until the completion of the building works.

Reason: The existing planting is considered to make a significant contribution to the amenities of this 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 character or the area, the character of the dwelling,

neighbours residential amenity or the existing mature trees. As such the proposal complies with Policies NE1 and H7 of the City of York Development Control Local Plan, the Poppleton Village Design Statement and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

**Contact details:**

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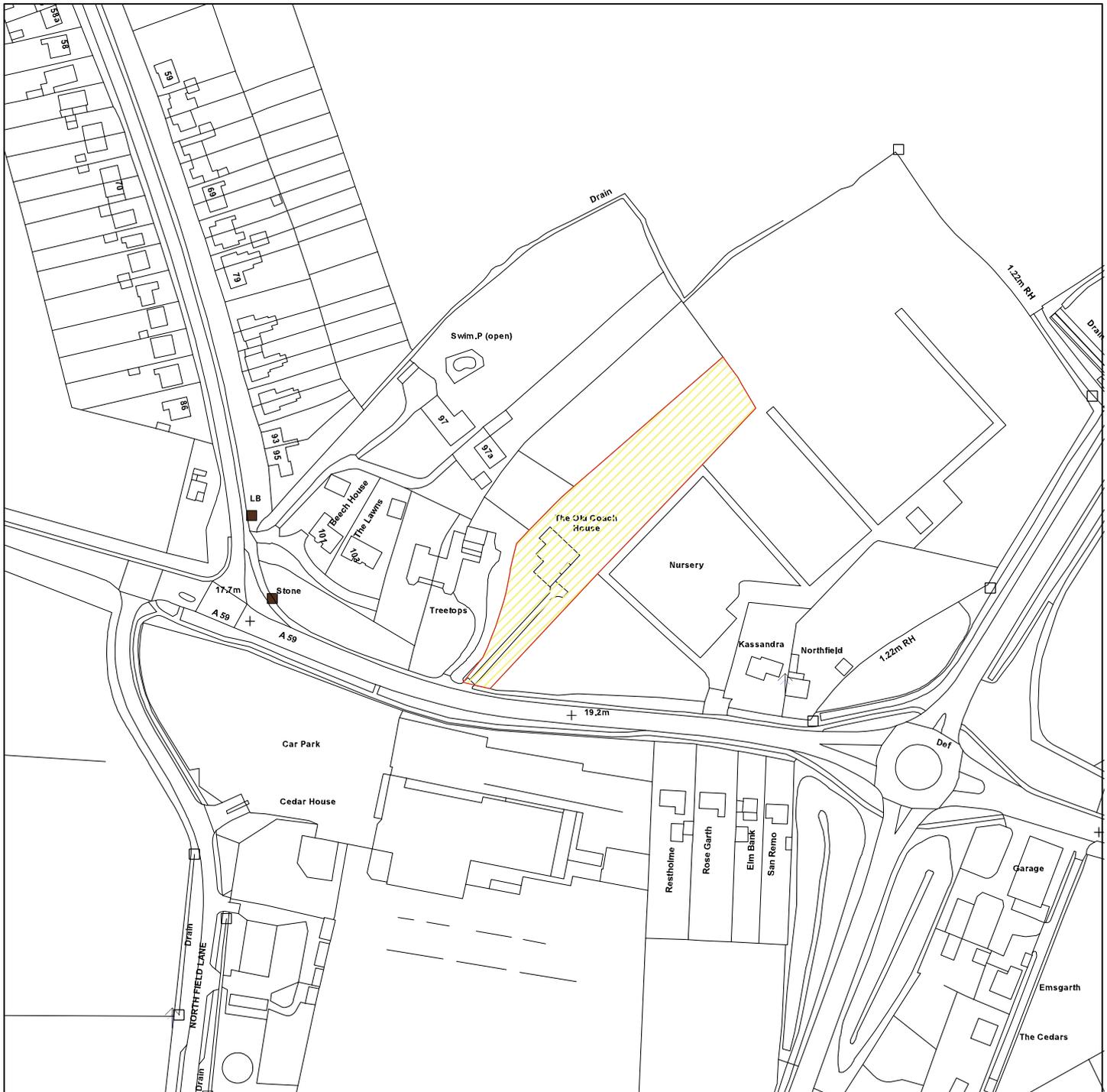
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# The Old Coach House, Upper Poppleton

10/01344/FUL



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Scale : 1:2500

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application Site
<b>Date</b>	05 August 2010
<b>SLA Number</b>	Not set

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CYGP10

Subdivision of gardens and infill devt

### **3.0 CONSULTATIONS**

#### **INTERNAL:-**

3.1 Highway Network Management express concern in respect of the suggested driveway design and configuration. The submitted plan has however subsequently been amended to address these concerns.

3.2 Structures and Drainage Engineering Consultancy object to the proposal on the grounds that insufficient information has been submitted in respect of the proposed surface water drainage system for the scheme.

3.3 Environmental Protection Unit raise no objection to the proposal subject to any permission being made subject to an informative covering construction noise.

#### **EXTERNAL:-**

3.4 Acomb Planning Panel were consulted in respect of the proposal on 9th July 2010. No response has been received to date.

3.5 21 Letters of objection have been received in respect of the proposal. The following is a summary of their contents:-

- \* Concern that an existing problem of on-street parking on Turnberry Drive would be exacerbated;
- \* Concern that the design and layout of the proposed buildings would relate poorly to the other properties in the area;
- \* Concern that the proposal would have an adverse impact upon the proposal for a cycle lane serving Beckfield Lane;
- \* Concern that the proposal would increase traffic movements to the detriment of highway safety;
- \* Concern that the proposal by virtue of increasing the area of impermeable surfacing would lead to problems of surface water drainage for neighbouring properties.

### **4.0 APPRAISAL**

#### **KEY CONSIDERATIONS:-**

##### **4.1 KEY CONSIDERATIONS INCLUDE:-**

- \* Impact upon visual amenity of wider street scene;
- \* Impact upon on-street parking and traffic generation in the wider area;
- \* Impact upon the local pattern of surface water drainage.

## IMPACT UPON THE WIDER STREET SCENE

4.2 Policies GP1 and GP10 of the York Development Control Local Plan set a clear policy framework in respect of small scale infill developments of former garden areas such as that currently under consideration. Permission is only expected to be forthcoming where new development would not be detrimental to the character and amenity of the local environment. The current scheme envisages the erection of two blocks of two semi-detached houses of conventional brick and pan tile construction fronting onto Beckfield Lane and on to Turnberry Drive. Each would be some 8 metres high to the ridge and the rear first floor windows of the plots within Turnberry Drive would be obscure glazed in accordance with the terms of the previous Outline Planning Permission. That fronting onto Beckfield Lane broadly reflects the existing building line as well as the indicative scheme submitted as part of the application for Outline Planning Permission. The block within Turnberry Drive is set somewhat further forward of the main building line than envisaged in the indicative scheme, however the properties within Turnberry Drive are set at various locations within their respective plots whilst generally tending to sit further back within their plots at greater distance from the junction with Beckfield Lane. However, the effect of setting the current proposal further back would be to establish the front gardens of the two plots affected as the principal amenity space serving the properties whilst at the same time creating an adverse impact upon the amenity of the occupier of 74 Beckfield Lane by virtue of overlooking and a loss of privacy to its rear garden area. On balance therefore it is felt that the impact of the proposal upon the wider street scene is acceptable when balanced against wider amenity considerations. Impact would be further mitigated by the retention of two 11 and 5.5 metre sections of the existing mature boundary hedge within Turnberry Drive.

## IMPACT UPON ON-STREET PARKING AND TRAFFIC GENERATION WITHIN THE WIDER AREA

4.3 A significant body of concern has been expressed in relation to the impact of the proposal on the volume of on-street parking in the vicinity and the volume of additional vehicular traffic generated. There is some evidence of on-street parking in the vicinity at particularly limited times of day. There is however no evidence that the current proposal would exacerbate the problem in any way. Concern has also been expressed in relation to the distance of the access drives from Turnberry Drive and the junction with Beckfield Lane, however the distance to the closest drive from the junction is 25 metres which is well within the acceptable standards for residential highway design. Similarly there is no evidence that the proposal would result in significant quantities of additional vehicular traffic to the detriment of neighbouring properties. Planning permission for 4 dwellings was granted at outline stage, in terms of the impact on the highway the current reserved matters proposal is in line with that outline permission.

## IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE

4.4 The issue of surface water drainage was previously considered at some length in relation to determination of the application for Outline Planning Permission. At that stage it was identified that the site could be satisfactorily drained and a requirement for a surface water drainage scheme was included as a condition within the

decision issued. The detail of the scheme will then be addressed as part of a submission to discharge the conditions attaching to the Outline Planning Permission.

## 5.0 CONCLUSION

5.1 76 Beckfield Lane presently comprises a disused bungalow circa 1920 set within large grounds at the junction of Beckfield Lane and Turnberry Drive. Outline Planning Permission for construction of two blocks of two semi-detached houses on the cleared site was given on 19th February 2010. The current application for determination of Reserved Matters relates well to the approved Outline Permission and in terms of its design, massing and palette of materials the remainder of the housing within Turnberry Drive. The building line of the proposed scheme within Turnberry Drive diverges somewhat from the Outline scheme, however to recess the properties further into the plot would adversely impact upon the residential amenity of the occupier of 74 Beckfield Lane and lead to a significant impact upon the amenity space available to the properties themselves. On balance the proposed scheme is felt to be acceptable, leading to a pattern of development reflecting that in place over the remainder of Turnberry Drive and approval is therefore recommended.

## 6.0 RECOMMENDATION: Approve

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

Drawing Refs:- 10:35:03 and 10:35:02. Date Stamped 28th June 2010 and 10:35:01 Rev A. Date Stamped 3rd August 2010.

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

- 2 VISQ8 Samples of exterior materials to be app
- 3 VISQ4 Boundary details to be supplied

## 7.0 INFORMATIVES: Notes to Applicant

### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the visual amenity of the wider street scene, impact upon on-street parking and traffic generation in the wider area and impact upon the local pattern of surface water drainage . As such the proposal complies with Policies GP1, GP4a), GP10, GP15a), H4a) and L1c) of the City of York

Development Control Local Plan.

**2. DEMOLITION AND CONSTRUCTION:-**

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays

ii) The work shall be carried out in such a manner 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.

**Contact details:**

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**Tel No:** 01904 551416

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# 76 Beckfield Lane, YO26 5RJ

10/01422/REM



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application Site
<b>Date</b>	05 August 2010
<b>SLA Number</b>	Not set

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**West and City Centre Area Planning Sub Committee -  
19 August 2010.**

**Update : The French House Antiques, 74 Micklegate 10/1094/FULM**

**Amended plans** have been received which address concerns relating to the impact of the conversion on the character of the buildings and the wider Conservation Area. A method statement by a structural engineer has also been submitted in relation to the proposal to increase the height of 4/5 Barker Lane. The Conservation Architect is satisfied with the information submitted which confirms that most of the existing structure can be retained and re-used. Please see additional conditions (No's 1 – 8)

**Bat survey**

A bat survey emergence report has been submitted, which found that no bats were seen to emerge from or return to any roosts within any of the buildings on site nor was any evidence of occupancy found during the internal inspections of the buildings. The Ecologist agrees that no further survey work is required. Condition recommended (please see additional condition No.9)

**Drainage**

Comments received from the Drainage Engineer, which confirm that on the basis that the proposed development does not represent an increase in impermeable area and therefore no increase in surface water runoff, no objections are raised to the application.

**Additional Conditions**

1. Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Bricks and slates should be carefully dismantled, cleaned and stacked for reuse on site. Rain water goods should be cast iron. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

2. "Making good" shall be carried out to a high standard in materials, methods and details to match surrounding surfaces.

Reason: In the interests of retaining the character and appearance of the buildings

3. A door and window schedule shall be provided to describe both new and adapted joinery. The schedule shall include a description of thresholds, cills, reveals and lintols with the drawings to supplement the text a minimum scale of 1:20. The schedule shall be submitted to and

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

Reason: In the interests of retaining the character and appearance of the buildings

4. Full details of the solar panels shall be submitted (manufacturer's literature and sizes) and this should include a typical section showing them in relation to the roof coverings. The solar panels onto Barker Lane should be specified in full, giving maximum dimensions. The details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Reason: In the interests of retaining the character and appearance of the buildings

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

- a. new railings around the basement lightwell
- b. timber infill screen to basement lightwell
- c. external canopies
- d. protective balustrading to openings at high level
- e. new gates onto Barker Lane
- f. new wall and railings onto car-park

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

6. Full details of the rooflights and verges of the raised north – light rooflight shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

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

7. A method statement shall be provided describing how the dismantling and construction of the raised north- light rooflight will be carried out to avoid damage to surrounding structures within the confined environment. The statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

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

8. Prior to the development commencing, full details of the landscape proposals showing levels (if different from existing), hard and soft materials, samples of materials and details of external lighting, shall be submitted and approved in writing by the Local Planning Authority. The existing cast iron drain covers should be reused. The development shall be carried out in accordance with the approved details.

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

### Bats

9. No development shall take place until full details of what measures for bat mitigation and conservation are proposed and have been submitted to and approved by the Council.

The measures should include :

- (i) A plan of how work is to be carried out to accommodate the possibility of bats being present.
- (ii) Details of what provision is to be made within the new building to replace the features lost through the conversion of the original structures. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts and should at least replace or substitute for what is existing.
- (iii) The timing of all operations

The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Council.

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

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

### Removal of Permitted Development Rights

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B,C, D,E and F of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of retaining the character of the existing buildings and the wider Conservation area, 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.

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**West and City Centre Area Planning Sub Committee -  
19 August 2010.**

**Update : The French House Antiques, 74 Micklegate 10/1116/LBC**

**Amended plans** have been received which address concerns relating to the impact of the proposal on the character and appearance of the listed building. Please see list of additional recommended conditions.

**Additional Conditions**

1. Standard plans list condition
2. "Making good" shall be carried out to a high standard in materials, methods and details to match surrounding surfaces.

Reason: In the interests of retaining the character and appearance of the listed building

3. Blocking of openings in the external masonry walls shall be in solid brickwork to match adjacent walls. Reclaimed bricks shall be used where exposed. Cills, lintols and reveals shall match existing.

Reason: In the interests of retaining the character and appearance of the listed building

4. A door and window schedule shall be provided to describe both new and adapted joinery (internal and external), secondary glazing and any other works to existing windows and doors. The schedule shall include a description of thresholds, cills, reveals and lintols with the drawings to supplement the text drawn at 1:20 and 1:5 as appropriate. The schedule shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Reason: In the interests of retaining the character and appearance of the buildings

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

- new staircase enclosure and door on ground floor
- any amendments to lower part of main staircase
- basement timber infill to lightwell (to include vents)
- basement timber blocking to interior of rear door
- new railings around the basement lightwell
- new first floor rear window (details to match existing multi-pane windows)
- door canopies

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

6. Full details of measures for achieving additional fire protection shall be provided, for example, intumescent paint for doors, smoke detection system. The details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Reason: In the interests of retaining the character and appearance of the listed building

7. Full details of measures to improve thermal performance shall be provided, for example, increased loft insulation, secondary glazing and solar panels. The details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Reason: In the interests of retaining the character and appearance of the listed building

8. Full details of measures for enhancing acoustic performance shall be provided. These measures should be non invasive. The details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Reason: In the interests of retaining the character and appearance of the listed building

9. The central chimney at first floor level in the attached two storey building shall not be altered without prior written consent from the Local Planning Authority.

Reason: In the interests of retaining the character and appearance of the listed building

10. Rainwater goods shall be in cast iron and painted to match the existing.

Reason: In the interests of retaining the character and appearance of the listed building

11. No development shall take place until the applicant has submitted a repair schedule. This shall include details of repairs to the pavement light and a method statement for cleaning out the rear basement lightwell. The details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Reason: In the interests of retaining the character and appearance of the listed building

12. Notwithstanding the Historic Buildings Evaluation which has been provided, a full set of photographs showing the existing condition of the interior and exterior of the buildings prior to works commencing on site, shall be provided on CD, to be cross referenced to the existing plans (Ref: English Heritage Guidance: Understanding Historic Buildings – recording at level 1)

Reason: In the interests of recording the special characteristics of the listed building.

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**West and City Centre Area Planning Sub Committee –  
19 August 2010  
Update : Land adjacent to 39 St. Paul's Square – 10/646/FUL**

**CAAP comments to revised plans**

The panel felt that large scale details were required in order to achieve the quality of design required in this location. The choice of brick is particularly important in this area. The panel would like clarification of the design for the railings.

**Drainage**

The Drainage Engineer has confirmed the submitted information to be sufficient and proves that the development will drain properly. Condition recommended. Please see additional condition detailed below.

**Further letter of objection**

A letter has been received from the occupants of 24 St. Paul's Square objecting to the application for the reasons of:

- (i) Increased pressure on parking. As a consequence of existing pressure the yellow line restrictions are ignored with heightened risk to emergency services accessing the Square and the nursery in particular.
- (ii) Subsidence in the area now suggests that excavation at No 39 would further increase risk to foundations at No's 38 and 40.
- (iii) The tall house will threaten the privacy of neighbours.

**Additional / Amendment to conditions;**

Drainage

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

Details to include:

1. Separate foul and surface water sewers shall be provided.
2. Surface water attenuation tank providing a minimum 4m<sup>3</sup> of storage.
3. Surface water flow control manhole and devise limiting the surface water discharge to maximum 0.5 l/sec.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site to comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk)

Removal of PD rights

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, D, E and F of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents and the character of the Conservation Area, the 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.

Amendment to Condition 13

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

- i 1:10 drawings of gateposts, gate and sections of abutting railings
- ii 1:10 sectional drawings through mid point of doorcase to front door indicating cornice, fanlight, frame and door
- iii Notwithstanding Dwg No: Y81:783.15A, 1:10 section and elevation drawings of windows and dormers, including sills, cornices and window head detail.

Note to applicant:

Mullions to canted bay on the submitted plans are excessively thick.  
The joint between the window frames and surround (to canted bays) should be relieved with mouldings.  
Meeting rails to window frames scale up to 50mm: 35-40 would be more appropriate  
Side windows to canted bay to be 1 over 1, not 2 over 2 panes.  
Mouldings should be added to bargeboard of front dormer  
Add vertical glazing bar to side windows of front dormer

- iv Notwithstanding the proposed guttering/corbelled brick brackets to front elevation, revised elevations and sections for guttering at 1:10 scale. The corbelled brackets at either end of the gutter should be omitted and a boxed timber gutter, including square brackets should be detailed.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the character and appearance of the conservation area.

**West and City Centre Area Planning Sub Committee -**  
19 August 2010

**Committee Update:- 10/01422/REM Reserved Matters for  
Erection of Four Two Bedroomed Dwellings on Land at 76  
Beckfield Lane.**

Since the Committee Report was prepared a further five individual representations have been received. The issues raised have been covered by previous correspondents and have been addressed in the Committee Report except in respect of the issue of developing the former garden of 76 Beckfield Lane which is raised by two of the additional correspondents. The current application asks for the Determination of Reserved Matters, Outline Planning Permission ref:-09/02103/OUT was recently given in respect of the overall development at which time the issue of development of the former house garden and Policy GP10 of the Draft Local Plan was given full consideration.

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