



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, 21 October 2010

Time: 3.00pm

Venue: The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00am on Wednesday 21 October 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. Exclusion of Press and Public

To consider excluding the public and press from the meeting during consideration of annex A to agenda item 6 on the grounds that this item contains information which is classed as exempt under Paragraphs 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

3. Minutes (Pages 5 - 14)

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on 16 September 2010.

4. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the working day before the meeting, in this case **5pm on Wednesday 20 October 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.

5. Plans List

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

- a) Stable Block, Chapter House Street, York (10/00621/FUL)**
(Pages 15 - 38)

Conversion of coach house to provide a single dwellinghouse with external alterations including porch, new rooflights and solar panels and alterations to windows and doors. *[Guildhall Ward]*

- b) Stable Block, Chapter House Street, York (10/00622/LBC)**
(Pages 39 - 52)

Conversion of coach house to provide a single dwelling house. *[Guildhall Ward]*

- c) Clifford's Tower, Tower Street, York, YO1 9SA (10/01535/ADV)**
(Pages 53 - 58)

Display of English Heritage logo flag. *[Guildhall Ward]* **[Site Visit]**

- d) 14 St Sampsons Square, York, YO1 8RR (10/01836/FUL)**
(Pages 59 - 66)

Change of use from retail (use Class A1) to mixed use retail and hot food takeaway. *[Guildhall Ward]* **[Site Visit]**

- e) **Decorative Plaster, 136 Boroughbridge Road, York, YO26 6AL (10/01822/FUL)** (Pages 67 - 72)

Conversion of first floor flat and roof space to create 2no flats with first floor rear extension, new pitched roof to existing side extension, rear dormer and conservatory and external alterations including new shop front and rear windows (resubmission)(retrospective). [*Acomb Ward*]

- f) **Os Field 0011, to the NW of Askham Bryan Lane Askham Bryan York (10/01663/FUL)** (Pages 73 - 84)

Erection of farm shop and tea room with associated parking and landscaping. (resubmission) [*Rural West York Ward*] [**Site Visit**]

- g) **Bailey And Gildeners Solicitors 1 Peckitt Street York YO1 9SF (10/01688/ADV)** (Pages 85 - 92)

Display of 1no. lettering sign. [*Guildhall Ward*] [**Site Visit**]

- h) **Bailey And Gildeners Solicitors 1 Peckitt Street York YO1 9SF (10/01689/LBC)** (Pages 93 - 98)

Display of 1no. lettering sign. [*Guildhall Ward*] [**Site Visit**]

6. Enforcement Cases Update (Pages 99 - 196)

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

If Members have any specific queries or questions regarding enforcement cases, please e-mail or telephone Andy Blain, Hilary Shepherd or Matthew Parkinson by **5pm on Tuesday 19 October 2010** if possible so that officers can bring any necessary information to the meeting.

If Members identify any cases on the list which they consider are not now expedient to pursue and / or could now be closed e.g. due to a change in circumstance on site or the alleged breach no longer occurring, please could they advise officers either at the meeting or in writing, as this would be very helpful in reducing the number of cases, particularly some of the older ones.

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

Democracy Officers:

Name: Catherine Clarke and Louise Cook (job share)

Contact Details:

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

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

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

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

Contact details are set out above.

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- 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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Further information about what's being discussed at this meeting

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

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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 20 October 2010

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

TIME (Approx)	SITE	ITEM
11:15	OS Field 0011, N side of Askham Bryan Lane, Askham Bryan	5f
11:50	1 Peckitt Street	5g & 5h
12:00	Cliffords Tower	5c
12:20	14 St Sampsons Square	5d

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City of York Council

Committee Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	16 SEPTEMBER 2010
PRESENT	COUNCILLORS HORTON (CHAIR), REID (VICE-CHAIR), GALVIN, SUNDERLAND, B WATSON, MORLEY, BOWGETT (AS A SUBSTITUTE FOR CLLR CRISP) AND WISEMAN (AS A SUBSTITUTE FOR CLLR GILLIES)
APOLOGIES	COUNCILLORS CRISP, STEVE GALLOWAY AND GILLIES

17. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
English Martyrs RC Primary School, Hamilton Drive	Councillors Galvin, Horton, Reid and B Watson.	As objections had been received and the officer recommendation was for approval.
Temporary Houseboat Mooring, Terry Avenue	Councillors Galvin, Horton, Reid and B Watson	As objections had been received and the officer recommendation was for approval.
Stable Block, Chapter House Street	Councillors Galvin, Horton, Reid, B Watson and Wiseman.	At the request of Councillor B Watson.

18. DECLARATIONS OF INTEREST

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

Councillor Wiseman declared a personal non prejudicial interest in agenda items 4 d, e, f and g (Stable Block, Chapter House Street) as she had sat on the Licensing Panel which determined an application for a premises licence at Grays Court.

19. MINUTES

RESOLVED: That the minutes of the meetings of the West and City Centre Area Planning Sub Committee held on 15 July and 19 August 2010 be approved and signed as a correct record.

20. PUBLIC PARTICIPATION

There were no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

21. PLANS LIST

Members considered a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views and advice of consultees and officers.

21a English Martyrs RC Primary School, Hamilton Drive, York, YO24 4JW (10/01460/FULM)

Members considered a major full application (13 weeks) by Dr J Whiston for the erection of a school building with associated parking and landscaping and the construction of a multi-use games area following the demolition of the existing school building (resubmission).

Officers advised the Committee that the description in the report should read "erection of school building with associated parking and landscaping, construction of multi-use games area, and part demolition of the existing school building (resubmission)". They also advised that any references in the report to "Hamilton Road" should read "Hamilton Drive" They advised Members of the need for an additional condition for a travel plan and stated that condition 23 should be removed as the content was covered by another condition and that condition 26 be revised.

Representations were received from the Head of Our Lady's and English Martyrs' Federation in favour of the application. He explained that the two schools had a long history between them but a few years ago the task of recruiting new heads for both schools had proved problematic and the federation was created. He stated that the new combined school building would provide the opportunity for increased community engagement and would become a great asset to the community as well as preparing children well for their future through a sound catholic education.

Members agreed that the proposed new building was exciting, which, including outdoor classrooms and garden/allotment areas, would provide the space and environment which would enthuse children to learn.

They noted the objection from a neighbour on the grounds of overlooking from the balcony but were of the opinion that the school boundary by the beck to the property in question was high and fairly densely planted so any overlooking shouldn't be any different than at present.

They expressed their main concern as traffic. They noted that the area was already busy at school drop off/collection times and acknowledged that with it being a catholic school it attracts children from further a field who would not necessarily be able to walk or cycle to school. However they agreed that with a travel plan and appropriate traffic regulations in the vicinity of the school, traffic problems would be no worse than at other schools.

RESOLVED:

That the application be approved subject to the conditions listed in the report, the removal of condition 23 as listed in the report and the amended and additional conditions listed below.

Amended Condition

All areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with a timescale to be submitted to and approved in writing by the Local Planning Authority.

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

Additional Condition

The development hereby permitted shall be carried out in accordance with the School Travel Plan Framework Revision B received 9 July 2010. The submitted travel plan shall be implemented in accordance with the timescale within the travel plan. Within 12 months of occupation of the site a first year travel survey shall have been submitted and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

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

REASON:

The proposal, subject to the conditions listed in the report and the amended and additional conditions above, would not cause undue harm to interests of acknowledged importance, with particular reference to the principle of the proposal, design and landscape considerations, highway issues, impact on the amenity of the occupants of the surrounding dwellings, playing field provision and community use, drainage/flood risk, sustainability. As such the proposal complies with Policies GP1, GP3, GP4a, GP9, GP11, GP15a, NE1, NE7, T13a and ED1 of the City of York Council Development Control Local Plan, and national planning guidance set out in PPS1 and PPS25.

**21b Catering Support Centre, St Maurices Road, York, YO31 7JA
(10/01391/FULM)**

Members were advised that this application, for the erection of a 3 storey building and part retention of existing building to comprise a 26 bed hotel with restaurant and associated car parking to the rear of 4 Monkgate, had been withdrawn by the applicants, S A Properties, prior to the meeting.

21c Temporary Houseboat Mooring, Terry Avenue, York (10/01011/FUL)

Members considered a full application from Mr Richard Musk for the temporary mooring for a residential houseboat to the south of the entrance to Rowntree Park Caravan Site.

Representations were received from the Chairman of a regional branch of the Inland Waterways Association. He stated that he fully supported the application and advised Members that any objections to this application may be due to one cruiser close by which he described as an eyesore. However he stressed that the majority of the boats and barges were well maintained and kept in a clean condition. He raised concerns over the lack of availability of permanent moorings and asked that Members consider increasing the length of temporary moorings to take account of the fact that boat owners may need to pay out for works to be carried out when moving to a new mooring and the associated cost of this.

Members noted the concerns raised by the speaker. Officers responded to Members queries regarding the length of temporary permissions. They confirmed that rent increases, and the potential result of being made homeless, could be a material planning consideration and therefore be accepted as very special circumstances for allowing inappropriate development in the greenbelt. In response to concerns raised about moorings changing hands, officers advised that as the City of York Council is the landowner of the riverbank, Property Services have control over who moors there.

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

REASON: Planning permission is granted for a temporary period only while a permanent mooring location is sought in a more appropriate location and as special circumstances have been put forward, which, in addition to the requirement for a temporary consent only, outweigh the harm that would occur to the openness of the green belt and character and setting of this part of the Terry Avenue New Walk conservation area.

21d Stable Block, Chapter House Street, York (10/00619/FUL)

Members considered a full application by Mr John Edwards for the conversion of a coach house to provide seven letting bedrooms ancillary to Grays Court. Members agreed to consider the application for Listed Building Consent (Minute 21e refers) for internal and external alterations in connection with the conversion alongside this application.

The Council's Head of Design, Conservation and Sustainable Development was present at the meeting to provide additional information as needed.

Officers advised that they had received a consultation response from English Heritage who were content to defer to the specialist conservation advice provided by City of York Council. They stated that concerns with regard to the proposed service provision and the impact on the archaeological deposits had been addressed and would be confirmed through the Scheduled Monument consent process.

Representations were received from O'Neill Associates on behalf of an objector. She stated that this proposal could not be assessed in isolation from other activities taking place at Grays Court. She noted that Planning consent granted in 2006 allowed change of use to a dwelling with lettable rooms and a holiday flat however was of the opinion that this permission did not permit use of the premises as a café which was now in operation and which was used for events such as dinners, exhibitions and wedding receptions, which extend out into the garden in summer which she stated impacts adversely on adjacent residents. She stressed that an additional 7 letting bedrooms would add considerably to the disturbance and inconvenience already faced by residents as a result of current activities on site. She advised Members that she supported the principle of re-use of historic buildings to maintain their fabric but noted that this area, within York's Central Conservation Area, had been used for residential purposes since the 15th century. She voiced the opinion that this "unauthorised activity" needed to be investigated and controls put in place before this proposal could be determined.

Representations were also received from the applicant in favour of the application. He asked that minor details raised at this stage be dealt with by conditions. In respect of concerns raised about parking, he advised that there would be not be issue of displaced parking, as staff did not currently park on the site. He advised that parking facilities already existing would be available for use by residents of the Coach House. He stressed that both Grays Court and the Coach House must be economically viable in order for them, as owners, to be able to afford the costs of repair and maintenance of the historic buildings. He voiced the opinion that it was in the public's interest to have Grays Court in full use and the development of the Coach House would contribute to this but without development taking place, both buildings could in future appear on English Heritage's Buildings at Risk Register. In response to queries from Members, he confirmed that his preference was to be able to develop the Coach House as 7 letting bedrooms, in preference to a single dwellinghouse. He confirmed that if the application for the 7 letting bedrooms was approved, guests would not be

able to park on site but would be advised to park off site in one of the city's public car parks.

RESOLVED:

That the application be refused.

REASON

- 1 The application proposals fail to demonstrate that parking for the proposed use and the displacement of existing parking and storage facilities from the building would not harm the character and appearance of the conservation area, the setting of nearby listed buildings and views from the adjacent city walls. Car parking in such close proximity to the City Walls would be obtrusive and prominent, and would harmfully impact in the open character of this part on the conservation area. As such the proposals would not meet the objectives of Policies HE2, HE3, HE4 and HE11 of the City of York Local Plan (2005) and policies HE 6.2, HE 7.2, HE 9.4 and 10.2 of Planning Policy Statement 5 " Planning for the Historic Environment, " by undervaluing the significance of the heritage asset as a whole, and by failing to acknowledge the contribution of the proposals to the wider setting and views of some of York's most valued heritage assets.
- 2 The proposed use of the building as 7 letting bedrooms in association with the private dwellinghouse at Gray's Court would intensify the commercial use of Gray's Court as a whole, and would materially change the approved planning use which is that of a private dwellinghouse including bed and breakfast letting, as part of the planning permission dated 7th March 2006 (LPA ref: 05/02557/FUL). As such the proposal can only properly be considered as part of a planning application for the use of Gray's Court and the Stable Block as a whole.
- 3 The proposed external alterations to the building including the size and number of rooflights, the introduction of solar panels, the erection of a porch, the vertical emphasis of new windows and doors and the loss of characteristic features such as the stable doors and taking-in hatches would reduce the utilitarian character of the building and harm the appearance of the building adversely affecting the character and appearance of the conservation area and the setting of nearby listed buildings. As such the proposals would not meet the objectives of policies HE2, HE3 and HE4 of the Development Control Local Plan or of policies contained within Planning Policy Statement 5 "Planning for the Historic Environment".

21e Stable Block, Chapter House Street, York (10/00620/LBC)

Members considered an application for Listed Building Consent by Mr John Edwards for internal and external alterations in connection with conversion

to provide letting accommodation ancillary to Grays Court. The Committee had agreed to discuss issues surrounding this application for listed building consent alongside the full application (Minute 21d refers).

RESOLVED:

That the application be refused.

REASON:

The proposed external alterations to the building including the size and number of rooflights, the introduction of solar panels, the erection of a porch, the vertical emphasis of new windows and doors and consequential loss of the more generously proportioned openings, and the loss of characteristic features such as the stable doors and taking-in hatches would adversely affect the utilitarian character of the building and harm the appearance of the building. As such the proposals would not meet the objectives of policies HE4 of the Development Control Local Plan or of policies contained within Planning Policy Statement 5 "Planning for the Historic Environment".

21f Stable Block, Chapter House Street, York (10/00621/FUL)

Members considered a full application from Mr John Edwards for a conversion to provide a single dwellinghouse with external alterations including a porch, new rooflights and solar panel and alterations to windows and doors. Members had agreed to consider the application for listed building consent (Minute 21g refers) alongside this application.

The Council's Head of Design, Conservation and Sustainable Development was present at the meeting to provide additional information if needed.

Representations were received from the applicant. He explained that the Coach House had been neglected and was currently in a poor condition and that it was important to bring it back into use. He reminded Members that planning guidance states that new uses should be found for neglected listed buildings. He raised concerns that following discussions with officers at the pre-application stage, initial comments were that the proposals were acceptable but stated that officers were now recommending refusal for reasons of parking, displacement of existing parking and storage facilities and design. He stated that if these concerns had been raised earlier they could have been dealt with through conditions. He stated that the Coach House has infrastructure to enable it to be developed independently to Grays Court and that the proposed solar panels would not be visible from the Bar Walls. He explained that the parking area would be screened from properties with high boundary walls and dense planting, that staff parking would cease on site and that the courtyard would be available for their own personal parking. He also confirmed that there was adequate storage space in Grays Court if storage space no longer available in Coach House.

Members acknowledged that, at present, the building was in a state of disrepair and agreed that it would be beneficial to both the owner and the city if the building was brought back into use. Several Members agreed that they would be happy for the Coach House to be used as a single dwellinghouse. However, they voiced concerns that some of the proposals were not in keeping with the sensitive nature of location stating that, in their opinion, it was an inappropriate design due to its proximity to a well walked part of the bar walls and other listed buildings nearby.

Councillor Horton moved and Councillor Galvin seconded a motion to give officers delegated authority to approve the application once they had come to an agreement with the applicant regarding issues around the design. On being put to the vote, the motion was lost. Members remarked that due to the importance of the site, they would rather that any decision was made by the Committee.

RESOLVED:

That the application be deferred to a future meeting.

REASON:

In order that further discussion could take place between the applicant and planning officers with a view to receiving revised drawings.

21g Stable Block, Chapter House Street, York (10/00622/LBC)

Members considered an application for Listed Building Consent for the conversion of a coach house to provide a single dwellinghouse. The Committee had agreed to consider issues surrounding this application for listed building consent alongside the full application (Minute 21f refers)

RESOLVED:

That the application be deferred to a future meeting.

REASON:

In order that further discussion could take place between the applicant and planning officers with a view to receiving revised drawings.

22. APPEALS PERFORMANCE AND DECISION SUMMARIES

Consideration was given to a report, which was also being presented to the main Planning Committee and East Area Planning Sub-Committee informing Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3 month period from 1 April 2010 to 30 June 2010. The report also provided a summary of the salient points from the appeals determined in that period together with a list of outstanding appeals as at 31 July 2010.

RESOLVED: That the report be noted.

REASON: To update Members on appeal decisions within the City of York Council area and informed of the planning issues surrounding each case for future reference in determining planning applications.

Councillor D Horton, Chair

[The meeting started at 3.00 pm and finished at 4.25 pm].

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COMMITTEE REPORT

Date: 21 October 2010 **Ward:** Guildhall
Team: West/Centre Area **Parish:** Guildhall Planning Panel

Reference: 10/00621/FUL
Application at: Stable Block Chapter House Street York
For: Conversion of coach house to provide a single dwellinghouse with external alterations including porch, new rooflights and solar panels and alterations to windows and doors.
By: Mr John Edwards
Application Type: Full Application
Target Date: 7 June 2010

Recommendation: Delegated Authority to Approve

1.0 PROPOSAL

1.1 An application for planning permission for the conversion of the coach house at Gray's Court was presented to Members at the West/ Centre Planning Sub-Committee on 18 September 2010. The application was deferred to allow the applicant to amend the scheme to address the following concerns as expressed in the previous recommendations-

a) The application proposals fail to demonstrate that parking for the proposed use and the displacement of existing parking and storage facilities from the building would not harm the character and appearance of the conservation area, the setting of nearby listed buildings and views from the adjacent city walls. As such the proposals would not meet the objectives of Policies HE2, HE3, HE4 and HE11 of the City of York Local Plan (2005) and policies HE 6.2, HE 7.2, HE 9.4 and 10.2 of Planning Policy Statement 5 " Planning for the Historic Environment, " by undervaluing the significance of the heritage asset as a whole, and by failing to acknowledge the contribution of the proposals to the wider setting and views of some of York's most valued heritage assets.

b) The proposed external alterations to the building including the size and number of rooflights, the introduction of solar panels, the erection of a porch, the vertical emphasis of new windows and doors and the loss of characteristic features such as the stable doors and taking-in hatches would reduce the utilitarian character of the building and harm the appearance of the building adversely affecting the character and appearance of the conservation area and the setting of nearby listed buildings. As such the proposals would not meet the objectives of policies HE2, HE3 and HE4 of the Development Control Local Plan or of policies contained within Planning Policy Statement 5 "Planning for the Historic Environment".

1.2 The officer's previous committee report is attached as Appendix 1.

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 1; 1 Grays Court Chapter House Street York 0723

Listed Buildings GMS Constraints: Grade 1; City Walls Bootham Bar To Monk Bar 0577

Listed Buildings GMS Constraints: Grade 2; 6 Chapter House Street York YO1 2JH 0725

Scheduled Ancient Monuments GMS Constraints: SMR 13280 York Minster Precinct Inc. Section Of City Walls

Schools GMS Constraints: St. Wilfrid's RC Primary 0230

2.2 Policies:

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYHE4
Listed Buildings

CYH4
Housing devp in existing settlements

CYHE10
Archaeology

CYHE11
Trees and landscape

CYGP4A
Sustainability

CYGP15
Protection from flooding

CYHE9
Scheduled Ancient Monuments

3.0 CONSULTATIONS

3.1 INTERNAL CONSULTATIONS

The following additional responses were received from internal consultees following consultation with the revised proposals-

Design, Conservation and Sustainable Development (Conservation Architect)- No objections subject to conditions.

3.2 EXTERNAL CONSULTATIONS

A re-consultation exercise has been carried out following receipt of the revised plans. The consultation period expires on 27 October 2010. Members will be updated of any responses that have been received to the date of the meeting.

4.0 APPRAISAL

4.1 KEY ISSUES

- Visual impact on the setting of the listed building, the host building, and the wider conservation area as a result of the revised details

4.2 RELEVANT PLANNING POLICY

See previous report

ASSESSMENT

ALTERATIONS TO THE BUILDING:

4.3 The scheme for conversion of the building into a single dwelling house has been revised in accordance with advice set out in the Historic Environment Planning Practice Guide (PPS5 Planning for the Historic Environment), in particular paragraphs 185 & 186 which concern alterations to new openings (including roof lights) when buildings are being converted to new uses.

4.4 The existing building has a contrived utilitarian ground floor with an upper floor with a domestic appearance. It is considered that any alterations to the building should not over-domesticate the character of the building and retain as much of its utilitarian character on the ground floor as possible.

4.5 The proposed revisions relate to Drawing No. GC1/02/03 rev D and are outlined as follows:

ROOFLIGHTS-

- 1) two roof lights have been omitted on plan from the rear slope
- 2) the size of all roof lights has been reduced as they either serve bathrooms or give additional light to secondary spaces
- 3) the front roof light has been relocated to correspond with the otherwise unlit internal lobby

SOLAR PANELS-

- 4) solar panels have been retained on the rear slope and a condition should be attached requiring final agreement on size, type and assembly subject to calculations

OPENINGS-

- 5) the poor quality mid C20th ground floor window on the SE elevation has been amended to reflect the window on the gable facing the City Walls (9)
Accordingly a typical brick arch opening has been introduced.
- 6) A stable door format has been retained for the former stable door (16)
- 7) the continuous timber lintols have been retained
- 8) new ground floor windows/doors have been designed to be more consistent with each other
- 9) larger section framing has been used with glazed panels of squarer proportions to better reflect the utilitarian nature of previous openings

PORCH-

- 10) the porch has not been removed for two reasons: there is limited head room on the upper floor and therefore equipment served by the solar panels will need to be located on the ground floor; the porch would allow more space within the entrance corridor and enable the wide internal stable door opening to be retained. The revised design for the entrance door and side screens is bolder in appearance to be consistent with other revised openings. It is now

considered that the justification for the porch outweighs the harm. It is also a reversible addition

SITE ALTERATIONS AND ADDITIONAL DETAILS

- 11) the existing curtilage of the building has a mixture of flags and poor quality asphalt and concrete. Materials for hard landscape have been specified with the existing stone flags reused at entrance locations. Should other historic paving materials be found during the course of works these should be retained for reuse on site as appropriate
- 12) The revised plans show car parking for 2 cars with an additional space for visitors on the site of the removed planting bed that would be finished in reinforced grass. Members will be updated following further discussions about this proposal.

5.0 CONCLUSION

5.1 On balance it is considered that the alterations to the building would be a significant improvement to a former service building, would allow the building to be re-used, whilst retaining the generosity of proportion and solidity of form that is a feature of the building.

5.2 Members are requested that officers are granted delegated authority to approve the application if there are no further objections which raise new issues as a result of the re-consultation exercise.

6.0 RECOMMENDATION: Delegated Authority to 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 No. GC1/02/03 Revision D, Received 11 October 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 take place until full details of measures for bat mitigation and conservation have been submitted to and approved by the Local Planning Authority and a Natural England Protected Species Licence approving the mitigation measures must be submitted to the Local Planning Authority prior to any work taking place.

The measures shall include :

- i. A plan of how bats are to be dealt with during the conversion phase.
- ii. The inspection of any buildings to be demolished or disturbed as close to the date of work as possible and no earlier than one month prior to any work to ascertain the presence or otherwise of roosting or hibernating bats in the structure.
- iii. No buildings containing bats to be demolished until the bats have been safely excluded using previously agreed methods. By preference demolition should take place in winter when bats are not present.
- iv. Details of what provision is to be made within the new building to replace the features lost through the demolition of the original structure. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat lofts and bat boxes.
- v. The timing of all operations

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

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

4 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 £3006.00

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.

5 Prior to the commencement of the development hereby approved, the following details shall be submitted for the written approval of the Local Planning Authority and thereafter the development shall be implemented in accordance with the approved details.

(i) Large scale details and a schedule of new windows, doors and screens (internal and external). Details of any typical joinery elements shall be drawn at 1:20 and 1:5. The opening context (lintols, reveals, cills, thresholds) and set-backs shall also be specified.

(ii) Manufacturer's literature of the rooflights and solar panels. Maximum dimensions of both shall be specified and a section shall be provided showing the relationship between the solar panels and the slate covering.

(iii) Large scale of the porch, showing eaves and verge conditions and the relationship between new brickwork and framing. The porch shall not be toothed-in to the existing wall.

(iv) Large scale details of the new external boarding, showing its relationship with existing lintols and wall face

(v) Measures for upgrading acoustic or thermal performance of the fabric shall be specified. Drawings shall be submitted illustrating any changes.

(vi) A schedule of the proposed repairs. Any repairs and "making good" works shall be carried out to a high standard in materials and methods matching those of the original building

(vii) Samples of any new external building and landscaping materials

Reason: So that the Local Planning Authority may be satisfied with these details and in the interests of amenity

6 Prior to the commencement of the development hereby approved, a topographical survey showing the following drainage details shall be submitted for the written approval of the Local Planning Authority and thereafter the development shall be implemented in accordance with the approved details.

(i) A topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties that demonstrates that the development shall not be raised above the level of the adjacent land, (to prevent runoff from the site affecting nearby properties) and that the proposed finished floor level shall be as the existing.

(ii) Existing and proposed surfacing details that ensure adequate drainage from the site

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

7 The development hereby approved shall be implemented and retained in accordance with the landscaping and car parking layout that shall be submitted for

the approval of the Local Planning Authority in writing prior to the commencement of the development, and no car parking shall take place on areas that are not designated as car parking areas without the approval of the Local Planning Authority in writing.

Reason: To ensure that external car parking does not compromise the amenity of the limited openness of the site and its tight relationship with the Scheduled Monument of the City Walls and the wider conservation area.

8. The existing garage and store within the application site shall be retained for the domestic use of the occupiers of the dwelling hereby approved.

Reason: In the interests of the amenity of the occupiers on the new dwelling hereby approved and the occupiers of the nearby residential properties.

9. If any historic surfacing materials are found during the course of works they shall be retained in-situ if practical. Otherwise they shall be recorded prior to lifting and then incorporated into a revised landscape scheme, drawings of which shall be submitted to the Local Planning Authority for approval prior to implementation.

Reason: In order that historic surfaces are retained in situ or if this is not possible that a permanent record of this part of the Grade I Listed Building is deposited in an established archive in the interests of its understanding which will provide an informed approach to manage the works to the Listed Building.

10. Prior to the commencement of the works hereby approve, a record of the existing basement and exterior shall be submitted to the Local Planning Authority. This shall be a Level 1 record as contained in " Understanding Historic Buildings, A guide to good practice " 2006.

Reason: In order to deposit a permanent record of this part of the Listed Building in an established archive in the interests of its understanding which will provide an informed approach to manage the works to the Listed Building.

6.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the special historic interest of the adjacent listed buildings, the character and appearance of the conservation area, visual and residential amenity. As such the proposal complies with Policies GP1, HE2, HE3, HE4, H3, HE9, HE10, HE11, GP15a, H4 and L1c of the City of York Development

Control Local Plan- Incorporating the Proposed 4th Set of Changes and related national guidance contained in Planning Policy Guidance Notes No 3 " Housing " and No. 15 "Planning and the Historic Environment" and Planning Policy Statement No. 1 "

2. PARTY WALL INFORMATIVE

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

Contact details:

Author: Fiona Mackay Development Management Officer (Wed - Fri)

Tel No: 01904 552407

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COMMITTEE REPORT

Appendix 1

Date: 16 September 2010 **Ward:** Guildhall
Team: West/Centre Area **Parish:** Guildhall Planning Panel

Reference: 10/00621/FUL
Application at: Stable Block Chapter House Street York
For: Conversion to provide a single dwellinghouse with external alterations including porch, new rooflights and solar panels and alterations to windows and doors.
By: Mr John Edwards
Application Type: Full Application
Target Date: 7 June 2010
Recommendation: Refuse

1.0 PROPOSAL

1.1 This application seeks planning permission for the conversion of the former stable block within the grounds of Gray's Court to a single 4 bedroom dwellinghouse. The building and the adjacent garage is currently used as storage for Gray's Court. The Coach House can be accessed from the courtyard of Gray's Court by a garden driveway and from Monk Bar Court through a pair of double doors.

1.2 The Coach House is located in the north-east corner of the "Minster Precinct" at the head of Monk Bar Court on the site of a former foundry built adjacent to the City Walls. The building was introduced in the second half of the C19th to serve Gray's Court, and its construction appears to have allowed the demolition of stabling previously attached to the east wing of the main house. This demolition enabled the new drive to be formed linking Gray's Court itself with the new Coach House. The entrance to the drive is marked by C18th gate piers which were relocated from Treasurer's House in 1902. Gray's Court is a Grade 1 Listed Building. The whole site lies within the Central Historic Core Conservation Area. The ground around the Coach House and the adjacent City Walls are classified as a Scheduled Ancient Monument.

1.3 The proposed conversion to a dwelling would involve the following alterations -

- a) a pitched roof porch extension
- b) new windows and doors to the former garage door openings and insertion of rooflights
- b) solar panels on the south west roof slope
- c) tidying up the site and making good of hard standing areas and surrounding boundary walls
- d) repair works that include new slate roofs and new painted timber joinery

RELEVANT PLANNING HISTORY

1.4 Related planning application - LPA Ref. No. 10/00622/LBC Conversion of Coach House to provide a single dwellinghouse.

1.5 Pending applications- LPA Ref N0s. 10/00619/FUL and 10/00620/LBC Conversion of Coach House to provide accommodation ancillary to Gray's Court.

1.6 Planning permission was granted by the City Centre Area Planning Sub-Committee in March 2006 for the change of use of Gray's Court to a dwellinghouse with bed and breakfast accommodation, and a self-contained flat (LPA Ref. 05/01557/FUL).

1.7 The application is reported to Sub-Committee at the request of Councillor Brian Watson because of the sensitivity of the site.

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

Listed Buildings GMS Constraints: Grade 1; 1 Grays Court Chapter House Street York 0723

Listed Buildings GMS Constraints: Grade 1; City Walls Bootham Bar To Monk Bar 0577

Listed Buildings GMS Constraints: Grade 2; 6 Chapter House Street York YO1 2JH 0725

Scheduled Ancient Monuments GMS Constraints: SMR 13280 York Minster Precinct Inc. Section Of City Walls

2.2 Policies:

CYHE2 Development in historic locations

CYHE3 Conservation Areas

CYHE4 Listed Buildings

CYH4a Housing Windfalls

CYHE10 Archaeology

CYHE11 Trees and landscape

CYGP4A Sustainability

CYGP15 Protection from flooding

CYHE9 Scheduled Ancient Monuments

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Design, Conservation and Sustainable Development (Conservation Architect)

3.1 Objections to the external alterations to the building which would reduce the characteristic utilitarian character of the building and the impact of the roof alterations. Inadequate information has been submitted to show that the conversion would not be harmful to the character and appearance of the conservation area and the understanding of the heritage asset as a whole, in terms of the requirement for and displacement of car parking, plot sub-division and loss of the existing storage facility for Grays Court.

Design, Conservation and Sustainable Development (Natural Environment)

3.2 No objections following the submission of a bat survey and advise that the recommendations of the survey would be acceptable to the Local Planning Authority. Any permission would require a condition that ensures that details of measures for bat mitigation and conservation are approved by the Local Planning Authority and the applicant obtains a Natural England Protected Species Licence for the works.

Design Conservation and Sustainable Development (Archaeology)

3.3 Watching brief required

Environmental Protection Unit

3.4 The applicant has submitted a Screening Assessment of Land Contamination and no further comments have been received from the Environmental Protection Unit.

Lifelong Leisure and Learning

3.5 The developer would require to pay a commuted sum to the Council as a result of the development. This money would be targeted towards the improvement of local amenity open space and play space such as Clarence Gardens, and the improvement of sports pitches within the East Zone of the Sport and Active Leisure Strategy.

Structures and Drainage

3.6 The development is situated within low risk Flood Zone 1 and should not suffer from river flooding. Insufficient information has been provided by the Developer to

determine the potential impact the proposals may have on the existing drainage systems.

Highway Network Management

3.7 No objections

EXTERNAL CONSULTATIONS/ REPRESENTATIONS

Guildhall Planning Panel

3.8 Supports the planning application

Conservation Area Advisory Panel

3.9 The Panel considers there should be no exterior alterations to building. The Panel has concerns about the lack of access and curtilage issues. The Panel also makes the point that should the storage and garaging facilities to the main house be lost that this could have a further impact on the area should more storage be required in the future.

Environment Agency

3.10 No comment.

English Heritage Comments

3.11 Do not object to the principle of converting the Coach House to dwelling and are happy to defer matters of detail on the conversion and listed building consent to the local authority.

York Civic Trust

3.12 Supports the proposal to restore and re-use neglected building to dwellinghouse, but would not support the increased use of the driveway through the garden of Gray's Court. The garden has not been used for this purpose; and its role in the settings of Gray's Court, the Minster, and its proximity to the City Walls would be harmed by the use for vehicular traffic. Access should be via Monk Bar Court. Issues affecting the Scheduled Monument should be resolved before any change of use is granted.

Yorkshire Water

3.13 No comments

Publicity

3.14 Five representations from surrounding residents have been received that object or comment on the proposal. They raise the following points:

- Support the principle of restoring the building (2)
- Access through the grounds of Gray's Court should be used as Monk Bar Court is congested, historic, narrow, noisy, cobbled access (3)
- Concern about increased noise from parking
- Long term adverse impact on area
- Bat survey required as evidence of bats
- Proposed porch and solar panels would be incongruous with building and location, and prominent from the City Walls
- Lack of curtilage details does not allow proper assessment of impact of dwelling in sensitive, historic location
- Car parking should be restricted to use of existing garage
- Local Planning Authority should investigate the loss of the planting area adjacent to the City Walls that is being unlawfully used as a parking area/ Object to car parking adjacent to City Walls (2)
- Additional bat survey and sustainability required to assess the application
- Remedial works would impact on foundations of adjoining property

4.0 APPRAISAL

4.1 KEY ISSUES

- Land use
- Impact on listed buildings and the character and appearance of conservation area/ design
- Archaeology/ Scheduled Monument
- Impact on neighbouring residential amenity
- Impact on highway safety
- Open space provision
- Sustainable development
- Drainage

RELEVANT PLANNING POLICY

LOCAL PLAN POLICIES

4.2 The relevant development plan is the City of York Council Draft Deposit Local Plan, which was placed on Deposit in 1998. Reflecting points made, two later sets of pre- inquiry changes (PICs) were published in 1999. The Public Local Inquiry started in 1999 but was suspended by the Inspector for further work to be done on the Green Belt. A Third Set of Changes addressing this further work was placed on deposit in 2003. Subsequently a fourth set of changes have been drafted and approved by Full Council on 12th April 2005 for the purpose of making Development Control Decisions, on the advice of the GOYH.

4.3 Policies HE2, HE3 and HE4 of the Local Plan states that consent will only be granted for new developments and changes of use when there is no adverse effect on the character, appearance or setting of listed buildings and the conservation area. Policy HE11 seeks to ensure that trees and landscaping which are part of the setting of ant heritage asset will not be harmed by new development. Policy H4 would

support residential conversions provided the site has good accessibility, is appropriate to the character of the area without harming existing landscape features, and would not harm the amenity of neighbours. Policy GP4a requires all new developments to have regard to the principles of sustainable development. 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. Policies HE9 and HE10 of the Local Plan seek to preserve scheduled ancient monuments and archaeological remains from harmful development. Policy H4a allows for the conversion of existing buildings to residential use where the site has good access to jobs, shops and services by non-car modes and would not have a detrimental impact on existing landscape features.

NATIONAL POLICY

4.4 Planning Policy Statement 5 " Planning for the Historic Environment " seeks to ensure that the special characteristics of listed buildings are not adversely affected by inappropriate developments. The PPS has a companion Historic Environment Planning Practice Guide (March 2010) that gives further guidance. Central Government Guidance on housing developments is contained in Planning Policy Statement 3 "Housing" and Planning Policy Statement 1 " Delivering Sustainable Development " advises that planning should facilitate sustainable development that will ensure high quality development through good and inclusive design, and the efficient use of resources.

ASSESSMENT

LAND USE

4.5 The surrounding area forms a largely quiet residential area within the City Centre and the properties on either side and at the rear of the application site are in residential use. Therefore, in principle the use of the application property for a single dwelling house would be a compatible use with the surrounding area and would be in general accordance with policy H4a.

DESIGN/ LISTED BUILDING/ CONSERVATION AREA

4.6 Gray's Court is situated within a highly sensitive part of the Central Historic Core conservation area which contains heritage assets of the highest architectural, historic and archaeological value. The area forms part of the wider setting of the Minster. The extensive landscape gardens, within which Gray's Court and Minster Court sit, provide a beautiful foreground to the City Walls (Grade 1 and Scheduled Ancient Monument) and they also enrich the experience of the City Wall Walk and views from it. Pevsner regarded this stretch of the walls as providing one of the most agreeable walks in York (Pevsner N & Neave D "Yorkshire: York and the East Riding").

4.7 The Coach House is a two storey structure situated remote from the main house. It is physically associated with the group of smaller scale residential buildings at Monk Bar Court and Gowland Court. The main aspect of the building faces

towards the City Walls which are only 4-6m away. Architecturally the building is of its time, having a distinctive roof-form with pronounced gables and decorative barge-boards, though larger openings of a utilitarian nature have been formed in the ground floor external walls. The supporting statement for the proposals refers to the Coach House having housed the first privately owned car in York; so the building has been adapted to house cars although it currently appears to be in use for storage and it is in need of repair.

4.8 The area around the building is of poor quality concrete and tarmac and an adapted outbuilding forms the separate garage. Recently car-parking arrangements at Gray's Court have been re-ordered and this has affected the area immediately to the north west of the Coach House where part of the green border/embankment has been grubbed up to provide a standing area for cars adjacent to the City Walls. The Local Planning Authority would not support the use of this area for car parking because of the visual impact on the City Walls, conservation area, and the setting of listed buildings. The submitted drawings for the proposed dwellinghouse do not indicate this area as a designated parking area.

4.9 Whilst the spatial configuration of the building would appear to suit the new use, other heritage impacts must be taken into account such as:- the direct effect of physical changes on the nature of the building; the effect of changes on the setting of the building; the contribution of the changed setting to the wider area; and the detachment of the new use from its historic role as a service area for Gray's Court. PPS 5 and the companion Historic Environment Planning Practice Guide (March 2010) reinforce the importance of understanding these wider impacts.

Impact on the Coach House Building-

4.10 Some of the alterations to exterior openings reduce the utilitarian character of the building by introducing elements which are domestic in appearance, such as the addition of a porch. The new windows and doors would be vertical in emphasis and would cause the loss of the more generously proportioned openings. The proposed roof alterations would introduce a number of rooflights that have not been clearly justified by the applicant e.g. the one on the front roof slope facing the City Walls does not relate practically to the interior. The number and disposition of rooflights together with the proposed solar panels would give a messy appearance to the rear roofslope of the building.

4.13 In addition there would be the loss of the stable doors, taking-in hatches, and the glazed and timbered screen at the bottom of the central stair. It is important that these characteristic elements of the original building are retained even if glazing has to be introduced (paras. 185 & 186 of the Practice Guide).

4.14 Since it was constructed the Coach House has provided a service function ancillary to Gray's Court, first housing coaches and stabling and then private vehicles and storage. The building is not related architecturally or physically to the main house but the historical connection is important to our understanding of the use of the site over approximately 150 years. The building has particular connections with Edwin Gray, former Lord Mayor of York, and his pioneering relationship with the motor car. The proposed new use as an independent house would sever these

connections and remove the building from the wider estate as a potential service and storage resource. This would lessen our understanding of the heritage asset as a whole.

Setting and Wider Environment of the Conservation Area

4.15 When determining planning applications within conservation areas, the Council has a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area. This duty is reflected in Policies HE2 and HE3 of the Local plan and remains a key requirement in the recent PPS5 and its Practice Guide. The new guidance on planning for the historic environment (PPS 5) gives added weight to the importance of preserving or enhancing the setting of heritage assets. The Practice Guide explains that the experience of setting is usually more extensive than the immediate curtilage of a building. In some cases an asset's setting may be affected by a scheme at some distance away. Policy HE11 of the Local Plan seeks to preserve landscapes that are part of the setting of the conservation area, listed buildings and scheduled monuments.

4.16 It is considered that the conversion of the building into a four bedroom house is most likely to place further pressure on the immediate area outside the building but within the grounds of the setting of the Grade 1 Listed Building. The supporting statement implies that the existing car parking spaces for the owners and staff of Gray's Court would remain in this location; so any additional requirement for car parking associated with the new dwelling would be likely to cause a further increase in hard-standing near the dwelling. The supporting statement clarifies that there would be no physical boundary constructed to demarcate the area owned/used by the new house from Gray's Court. Although it is the intention of the applicant to retain ownership of the proposed dwellinghouse and control of the land uses within the site, this may alter in the future with the Local Planning Authority having no control over the land uses within the site and their potential impact in this sensitive location. Furthermore the loss of the building as a storage building would be likely to increase the need to provide storage for the uses at Grays Court elsewhere, no details have been provided to allow an analysis of this. Local Plan Policy HE11 advises that many buildings have gardens that are fundamental to the quality of their setting. The quality of this garden setting is an essential component in the setting of Gray's Court as a listed building and the dramatic townscape setting of the Minster, and the impact of a new dwelling and its incumbent uses could have future impacts on this treasured setting.

4.17 It is concluded that the information submitted is inadequate to properly assess the full impact of the proposals on the immediate curtilage of the building and other heritage assets of the highest significance, such as the City Walls, the garden setting of Gray's Court and its drive, and views of the Minster. The proposal would therefore be contrary to Policy HE11 of the Local Plan seeks to preserve landscapes that are part of the setting of the conservation area, listed buildings and scheduled monuments.

ARCHAEOLOGY/ SCHEDULED MONUMENT CONSENT

4.18 The site is within the city centre area of archaeological importance. Policy HE10 of the Local Plan seeks to preserve important archaeological remains and requires that applications demonstrate no more than 5% of archaeological deposits are disturbed or destroyed during works. A watching brief would be required via a condition as the site has been developed previously and it is understood that the applicant will be applying for Scheduled Monument Consent.

RESIDENTIAL AMENITY

4.19 The area is predominantly residential. The design and layout proposed provides reasonable private amenity space for future occupants, discreetly located waste storage, and due to the relationship with surrounding buildings, the development would not lead to undue overlooking. There is unlikely to be any additional harm to the amenity that adjoining neighbours can reasonably expect to enjoy with the occupation of the building as a single dwelling.

4.20 The party wall, construction methods and fire safety concerns raised by the occupier of the adjoining property are separate matters from planning legislation and would be covered by Building Control and Party Wall legislation.

HIGHWAY SAFETY

4.21 The proposed use as a single dwelling house would have no adverse impact on highway safety in terms of traffic generation and theoretically any increased demand for vehicle parking could be physically accommodated on the site or within the ownership of the applicant, subject to other material considerations. As there are no cycle parking facilities shown on the plans for residents use, this could be conditioned as part of any approval.

OPEN SPACE PROVISION

4.22 The development would require a commuted sum of £3006 towards the provision of open space within the area to comply with Policy L1c of the Local Plan.

SUSTAINABLE DEVELOPMENT

4.23 The applicant has submitted a sustainability statement in accordance with Policy GP4a of the Local Plan and the Council's interim planning statement on sustainable design and construction that promotes sustainability in new dwellings. The building is situated in a sustainable location within the City Centre, would re-use a redundant building without the need for substantial rebuilding or alteration, and would include energy efficient measures solar panels on the rear (SW) slope of the building that would hopefully provide hot water for the guest accommodation.

DRAINAGE

4.24 The proposed development is situated in the low risk Flood Zone 1 and should not suffer from river flooding. However, despite the information submitted on the revised plans, there is insufficient information has been provided by the Developer to determine the potential impact the proposals may have on the existing drainage

systems. The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties, and existing and proposed surfacing should be specified. Without this important information, the Local Planning Authority cannot make an assessment as to what effect the development will have on the downstream watercourse. However given the scale of the proposal it is considered that in this case a planning condition could be imposed should permission be granted.

5.0 CONCLUSION

5.1 While the use of the stable block as a single dwelling could be acceptable in principle under policy H4a, the application has failed to demonstrate that the proposals would not harm the character and appearance of the conservation area and the setting nearby listed buildings by the provision of additional parking spaces and the displacement of existing parking and storage facilities and the lack of clarity regarding the sub-division of the site. Furthermore the proposed external alterations to the building would harm appearance of the building and the conservation area. As such the proposal fails to meet the objectives of Policies HE2, HE3, HE4, and HE11 of the Local Plan and policies HE 6.2, HE 7.2, HE 9.4 and 10.2 of Planning Policy Statement 5 " Planning for the Historic Environment ", by altering the character of the building as a coach house, by undervaluing the significance of the heritage asset as a whole, by failing to acknowledge the contribution of the proposals to the wider setting and views of some of York's most valued heritage assets.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The application proposals fail to demonstrate that parking for the proposed use and the displacement of existing parking and storage facilities from the building would not harm the character and appearance of the conservation area, the setting of nearby listed buildings and views from the adjacent city walls. As such the proposals would not meet the objectives of Policies HE2, HE3, HE4 and HE11 of the City of York Local Plan (2005) and policies HE 6.2, HE 7.2, HE 9.4 and 10.2 of Planning Policy Statement 5 " Planning for the Historic Environment, " by undervaluing the significance of the heritage asset as a whole, and by failing to acknowledge the contribution of the proposals to the wider setting and views of some of York's most valued heritage assets.

2 The proposed external alterations to the building including the size and number of rooflights, the introduction of solar panels, the erection of a porch, the vertical emphasis of new windows and doors and the loss of characteristic features such as the stable doors and taking-in hatches would reduce the utilitarian character of the building and harm the appearance of the building adversely affecting the character and appearance of the conservation area and the setting of nearby listed

buildings. As such the proposals would not meet the objectives of policies HE2, HE3 and HE4 of the Development Control Local Plan or of policies contained within Planning Policy Statement 5 "Planning for the Historic Environment".

7.0 INFORMATIVES:

Contact details:

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Tel No: 01904 552407

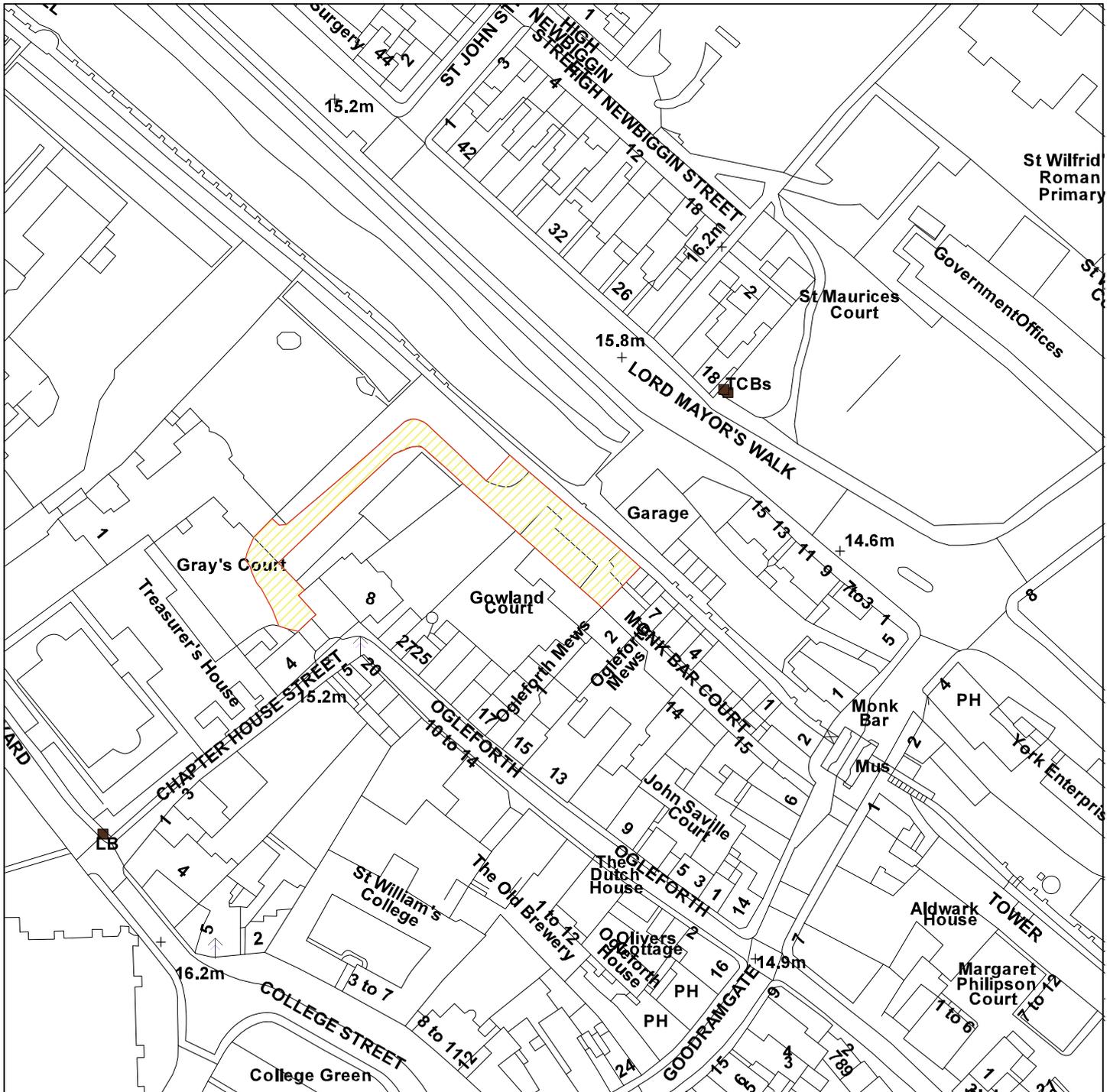
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Stable Block, Chapter House Street

10/00621/FUL



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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	08 October 2010
SLA Number	Not set

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COMMITTEE REPORT

Date: 21 October 2010 **Ward:** Guildhall
Team: West/Centre Area **Parish:** Guildhall Planning Panel

Reference: 10/00622/LBC
Application at: Stable Block Chapter House Street York
For: Conversion of coach house to provide a single dwelling house.
By: Mr John Edwards
Application Type: Listed Building Consent
Target Date: 7 June 2010
Recommendation: Delegated Authority to Approve

1.0 PROPOSAL

1.1 An application for listed building consent for the conversion of the coach house at Gray's Court was presented to Members at the West/ Centre Planning Sub-Committee on 18 September 2010. The application was deferred to allow the applicant to amend the scheme to address the following concerns as expressed in the previous recommendations-

"The proposed external alterations to the building including the size and number of rooflights, the introduction of solar panels, the erection of a porch, the vertical emphasis of new windows and doors and consequential loss of the more generously proportioned openings, and the loss of characteristic features such as the stable doors and taking-in hatches would adversely affect the utilitarian character of the building and harm the appearance of the building. As such the proposals would not meet the objectives of policies HE4 of the Development Control Local Plan or of policies contained within Planning Policy Statement 5 "Planning for the Historic Environment".

1.2 The officer's previous committee report is attached as Appendix 1.

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 1; 1 Grays Court Chapter House Street York 0723

Listed Buildings GMS Constraints: Grade 2; 4 Chapter House Street York YO1 2JH 0726

Listed Buildings GMS Constraints: Grade 1; City Walls Bootham Bar To Monk Bar 0577

Listed Buildings GMS Constraints: Grade 2; 6 Chapter House Street York YO1 2JH 0725

Scheduled Ancient Monuments GMS Constraints: SMR 13280 York Minster Precinct Inc. Section Of City Walls

Schools GMS Constraints: St. Wilfrid's RC Primary 0230

2.2 Policies:

CYHE4
Listed Buildings

CYHE11
Trees and landscape

3.0 CONSULTATIONS

3.1 INTERNAL CONSULTATIONS

The following additional responses were received from internal consultees following consultation with the revised proposals-

Design, Conservation and Sustainable Development (Conservation Architect)- No objections subject to conditions.

3.2 EXTERNAL CONSULTATIONS

A re-consultation exercise has been carried out following receipt of the revised plans. The consultation period expires on 27 October 2010. Members will be updated of any responses that have been received to the date of the meeting.

4.0 APPRAISAL

4.1 KEY ISSUES

- Visual impact on the setting of the listed building as a result of the revised details

4.2 RELEVANT PLANNING POLICY

See previous report

ASSESSMENT

4.3 The scheme for conversion of the building into a single dwelling house has been revised in accordance with advice set out in the Historic Environment Planning Practice Guide (PPS5 Planning for the Historic Environment), in particular paragraphs 185 & 186 which concern alterations to new openings (including roof lights) when buildings are being converted to new uses.

4.4 The existing building has a contrived utilitarian ground floor with an upper floor with a domestic appearance. It is considered that any alterations to the building should not over-domesticate the character of the building and retain as much of its utilitarian character on the ground floor as possible.

4.5 The proposed revisions relate to Drawing No. GC1/02/03 rev D and are outlined as follows:

ROOFLIGHTS-

- 1) two roof lights have been omitted on plan from the rear slope
- 2) the size of all roof lights has been reduced as they either serve bathrooms or give additional light to secondary spaces
- 3) the front roof light has been relocated to correspond with the otherwise unlit internal lobby

SOLAR PANELS-

- 4) solar panels have been retained on the rear slope and a condition should be attached requiring final agreement on size, type and assembly subject to calculations

OPENINGS-

- 5) the poor quality mid C20th ground floor window on the SE elevation has been amended to reflect the window on the gable facing the City Walls (9) Accordingly a typical brick arch opening has been introduced.
- 6) A stable door format has been retained for the former stable door (16)
- 7) the continuous timber lintols have been retained
- 8) new ground floor windows/doors have been designed to be more consistent with each other
- 9) larger section framing has been used with glazed panels of squarer proportions to better reflect the utilitarian nature of previous openings

PORCH-

- 10) the porch has not been removed for two reasons: there is limited head room on the upper floor and therefore equipment served by the solar panels will need to be located on the ground floor; the porch would allow more space within the entrance corridor and enable the wide internal stable door opening to be retained. The revised design for the entrance door and side screens is bolder in appearance to be consistent with other revised openings. It is now considered that the justification for the porch outweighs the harm. It is also a reversible addition.

5.0 CONCLUSION

5.1 On balance it is considered that the alterations to the building would be a significant improvement to a former service building, would allow the building to be re-used, whilst retaining the generosity of proportion and solidity of form that is a feature of the building.

5.2 Members are requested that officers are granted delegated authority to approve the application if there are no further objections which raise new issues as a result of the re-consultation exercise.

6.0 RECOMMENDATION: Delegated Authority to Approve

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

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

Drawing No. GC1/02/03 Revision D, Received 11 October 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 development hereby approved, the following details shall be submitted for the written approval of the Local Planning Authority and thereafter the development shall be implemented in accordance with the approved details.

(i) Large scale details and a schedule of new windows, doors and screens (internal and external). Details of any typical joinery elements shall be drawn at 1:20 and 1:5. The opening context (lintols, reveals, cills, thresholds) and set-backs shall also be specified.

(ii) Manufacturer's literature of the rooflights and solar panels. Maximum dimensions of both shall be specified and a section shall be provided showing the relationship between the solar panels and the slate covering.

(iii) Large scale of the porch, showing eaves and verge conditions and the relationship between new brickwork and framing. The porch shall not be toothed-in to the existing wall.

(iv) Large scale details of the new external boarding, showing its relationship with existing lintols and wall face

(v) Measures for upgrading acoustic or thermal performance of the fabric shall be specified. Drawings shall be submitted illustrating any changes.

(vi) A schedule of the proposed repairs. Any repairs and "making good" works shall be carried out to a high standard in materials and methods matching those of the original building

(vii) Samples of any new external building and landscaping materials

Reason: So that the Local Planning Authority may be satisfied with these details and in the interests of the special significance of the listed building.

4. All new rooflights shall be 'conservation' type rooflights. Prior to commencement of development hereby permitted, the design, type and manufacturer's details of the rooflights shall be submitted to and approved in writing by the Local Planning Authority. The rooflights shall be inserted in accordance with the approved details and thereafter be so retained.

Reason: To achieve a visually acceptable form of development.

5. Brick infill panels shall maintain straight-through joints on the exterior of the building and new mortar in the panels shall match existing

Reason: To achieve a visually acceptable form of development.

6. New partitions shall be scribed around existing details

Reason: Reason: In the interests of the visual amenity and historical and architectural interest of the Listed Building.

7. A level 1 photographic recording should be undertaken describing the building inside and outside as found, in accordance with English Heritage guidance "Understanding Historic Buildings: A guide to good recording practice" published 2006.

Reason: In order to deposit a permanent record of this part of the Listed Building in an established archive in the interests of its understanding which will provide an informed approach to future development at the Listed Building.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the special historic interests of the listed buildings. As such the proposal complies with Policies HE4 and HE11 of the City of York Development Control Local Plan- Incorporating the Proposed 4th Set of Changes and related national guidance contained in Planning Policy Guidance Note No. 15 "Planning and the Historic Environment."

Contact details:

Author: Fiona Mackay Development Management Officer (Wed - Fri)

Tel No: 01904 552407

COMMITTEE REPORT

Appendix 1

Date: 16 September 2010 **Ward:** Guildhall
Team: West/Centre Area **Parish:** Guildhall Planning Panel

Reference: 10/00622/LBC
Application at: Stable Block Chapter House Street York
For: Conversion of coach house to provide a single dwellinghouse
By: Mr John Edwards
Application Type: Listed Building Consent
Target Date: 7 June 2010
Recommendation: Refuse

1.0 PROPOSAL

1.1 This application seeks listed building consent for the conversion of the former stable block within the grounds of Gray's Court to a single 4 bedroom dwellinghouse. The building and the adjacent garage is currently used as storage for Gray's Court. The Coach House can be accessed from the courtyard of Gray's Court by a garden driveway and from Monk Bar Court through a pair of double doors.

1.2 The Coach House/stable block is located in the north east corner of the "Minster Precinct" at the head of Monk Bar Court on the site of a former foundry built adjacent to the City Walls. The building was introduced in the second half of the C19th to serve Gray's Court, and its construction appears to have allowed the demolition of stabling previously attached to the east wing of the main house. This demolition enabled the new drive to be formed linking Gray's Court itself with the new Coach House. The entrance to the drive is marked by C18th gate piers which were relocated from Treasurer's House in 1902. The Coach House is a curtilage building for the purposes of Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as such is subject to Listed buildings control. Gray's Court is a Grade 1 Listed Building. The whole site lies within the Central Historic Core Conservation Area. The ground around the Coach House and the adjacent City Walls are classified as a Scheduled Ancient Monument.

RELEVANT PLANNING HISTORY

1.3 Related planning application - LPA Ref. No. 10/00621/FUL Conversion of Coach House to provide a single dwellinghouse.

1.4 Pending applications- LPA Ref. Nos. 10/00619/FUL and 10/00620/LBC Conversion of Coach House to provide accommodation ancillary to Gray's Court.

1.5 The application is reported to Sub-Committee at the request of Councillor Brian Watson because of the sensitivity of the site.

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

Listed Buildings GMS Constraints: Grade 1; 1 Grays Court Chapter House Street York 0723

Listed Buildings GMS Constraints: Grade 2; 4 Chapter House Street York YO1 2JH 0726

Listed Buildings GMS Constraints: Grade 1; City Walls Bootham Bar To Monk Bar 0577

Listed Buildings GMS Constraints: Grade 2; 6 Chapter House Street York YO1 2JH 0725

Scheduled Ancient Monuments GMS Constraints: SMR 13280 York Minster Precinct Inc. Section Of City Walls

2.2 Policies:

CYHE4 Listed Buildings

CYHE11 Trees and landscape

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Design, Conservation and Sustainable Development (Conservation Architect)

3.1 The floor plans appear to fit with the existing layout of the building although the level of detail is insufficient to determine the full impact of the proposals on the character of the interior. Object to the alterations to exterior openings which would reduce the utilitarian character of the building by introducing elements which are domestic in appearance such as the porch and remove characteristic features such as stable doors, taking-in hatches and the glazed and timbered screen at the bottom of the central stair. Object to the detail of the new windows and doors and the loss of the existing larger openings. The number and size of the rooflights should be reduced.

EXTERNAL CONSULTATIONS/ REPRESENTATIONS

Guildhall Planning Panel

3.2 Supports the planning application

Conservation Area Planning Panel

3.3 The Panel considers there should be no exterior alterations to building. The Panel has concerns about the lack of access and curtilage issues. The Panel also makes the point that should the storage and garaging facilities to the main house be lost that this could have a further impact on the area should more storage be required in the future.

York Civic Trust

3.4 Supports the proposal to restore and re-use neglected building to dwellinghouse, but would not support the increased use of the driveway through the garden of Gray's Court. The garden has not been used for this purpose; and its role in the settings of Gray's Court, the Minster, and its proximity to the City Walls would be harmed by the use for vehicular traffic. Access should be via Monk Bar Court.

Publicity

3.5 Two representations have been received from neighbours that raise the following points:

- Support the principle of the development
- Access through the grounds of Gray's Court should be used as Monk Bar Court is congested
- Concern about increased noise from parking
- Long term adverse impact on area
- Bat survey required as evidence of bats
- Proposed porch and solar panels would be incongruous with building and location, and prominent from the City Walls
- Lack of curtilage details does not allow proper assessment of impact of dwelling in sensitive, historic location
- Car parking should be restricted to use of existing garage
- Local Planning Authority should investigate the loss of the planting area adjacent to the City Walls that is being unlawfully used as a parking area
- Additional bat survey and sustainability required to assess the application

4.0 APPRAISAL

4.1 KEY ISSUES

- Impact on the special interests of the listed building

RELEVANT PLANNING POLICY

4.2 The relevant development plan is the City of York Council Draft Deposit Local Plan, which was placed on Deposit in 1998. Reflecting points made, two later sets of pre- inquiry changes (PICs) were published in 1999. The Public Local Inquiry started in 1999 but was suspended by the Inspector for further work to be done on the

Green Belt. A Third Set of Changes addressing this further work was placed on deposit in 2003. Subsequently a fourth set of changes have been drafted and approved by Full Council on 12th April 2005 for the purpose of making Development Control Decisions, on the advice of the GOYH.

4.3 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. Policy HE11 seeks to ensure that trees and landscaping which are part of the setting of any heritage asset will not be harmed by new development.

4.4 Planning Policy Statement 5 " Planning for the Historic Environment " seeks to ensure that the special characteristics of listed buildings are not adversely affected by inappropriate developments. The PPS has a companion Historic Environment Planning Practice Guide (March 2010) that gives further guidance.

ASSESSMENT

4.5 Gray's Court is situated within a highly sensitive part of the Central Historic Core conservation area which contains heritage assets of the highest architectural, historic and archaeological value. The area forms part of the wider setting of the Minster. The extensive landscape gardens within which Gray's Court and Minster Court sit, provide a beautiful foreground to the City Walls (Grade 1 and Scheduled Ancient Monument) and they also enrich the experience of the City Wall Walk and views from it. Pevsner regarded this stretch of the walls as providing one of the most agreeable walks in York (Pevsner N & Neave D "Yorkshire: York and the East Riding").

4.6 The Coach House is a two storey structure situated remote from the main house. It is physically associated with the group of smaller scale residential buildings at Monk Bar Court and Gowland Court. The main aspect of the building faces towards the City Walls which are only 4-6m away. Architecturally the building is of its time, having a distinctive roof-form with pronounced gables and decorative barge-boards, though larger openings of a utilitarian nature have been formed in the ground floor external walls. The supporting statement for the proposals refers to the Coach House having housed the first privately owned car in York; so the building has been adapted to house cars although it currently appears to be in use for storage and it is in need of repair.

4.7 The area around the building is of poor quality concrete and tarmac and an adapted outbuilding forms the separate garage. Recently car parking arrangements at Gray's Court have been re-ordered and this has affected the area immediately to the north west of the Coach House where part of the green border/embankment has been grubbed up to provide a standing area for cars adjacent to the City Walls. There are no details of the proposed finish to this area.

4.8 Whilst the spatial configuration of the building would appear to suit the new use, other heritage impacts must be taken into account such as:- the direct effect of physical changes on the nature of the building; the effect of changes on the setting of the building; the contribution of the changed setting to the wider area; and the detachment of the new use from its historic role as a service area for Gray's Court.

PPS 5 and the companion Historic Environment Planning Practice Guide (March 2010) reinforce the importance of understanding these wider impacts.

IMPACT ON THE COACH HOUSE BUILDING

4.9 The floor plans appear to fit with the existing layout of the building. However, the level of detail submitted by the applicant is insufficient to determine the full impact of the proposals on the character of the interior so large scale details and schedules would be required by way of conditions if listed building consent is granted.

4.10 Some of the alterations to exterior openings reduce the utilitarian character of the building by introducing elements which are domestic in appearance, such as the addition of a porch. The new windows and doors would be vertical in emphasis and would cause the loss of the more generously proportioned openings. The proposed roof would introduce a number of rooflights that have not been clearly justified by the applicant. The distribution of the rooflights to the rear of the property makes sense practically though two rooflights have not been shown on the drawing of the rear elevation - one over the master bedroom and one over bedroom 3. The number, size and disposition of rooflights together with the proposed solar panels would give a cluttered appearance to the rear roofslope of the building.

4.11 In addition there would be the loss of the stable doors, taking-in hatches, and the glazed and timbered screen at the bottom of the central stair. It is important that these characteristic elements of the original building are retained even if glazing has to be introduced (paras. 185 & 186 of the Practice Guide).

IMPACT OF SEPARATE USE ON UNDERSTANDING OF THE LISTED BUILDING

4.12 Since it was constructed the Coach House has provided a service function ancillary to Gray's Court, first housing coaches and stabling and then private vehicles and storage. The building is not related architecturally or physically to the main house but the historical connection is important to our understanding of the use of the site over approximately 150 years. The building has particular connections with Edwin Gray, former Lord Mayor of York, and his pioneering relationship with the motor car. The proposed new use as an independent house would sever these connections and remove the building from the wider estate as a potential service resource. This would lessen our understanding of the heritage asset as a whole.

5.0 CONCLUSION

5.1 The proposed external alterations to the building would harm appearance and special interest of the building. As such the proposal fails to meet the objectives of Policies HE2, HE3, HE4, and HE11 of the Local Plan and policies HE 6.2, HE 7.2, HE 9.4 and 10.2 of Planning Policy Statement 5 " Planning for the Historic Environment ", by altering the character of the building.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed external alterations to the building including the size and number of rooflights, the introduction of solar panels, the erection of a porch, the vertical emphasis of new windows and doors and consequential loss of the more generously proportioned openings, and the loss of characteristic features such as the stable doors and taking-in hatches would adversely affect the utilitarian character of the building and harm the appearance of the building. As such the proposals would not meet the objectives of policies HE4 of the Development Control Local Plan or of policies contained within Planning Policy Statement 5 "Planning for the Historic Environment".

7.0 INFORMATIVES:

Contact details:

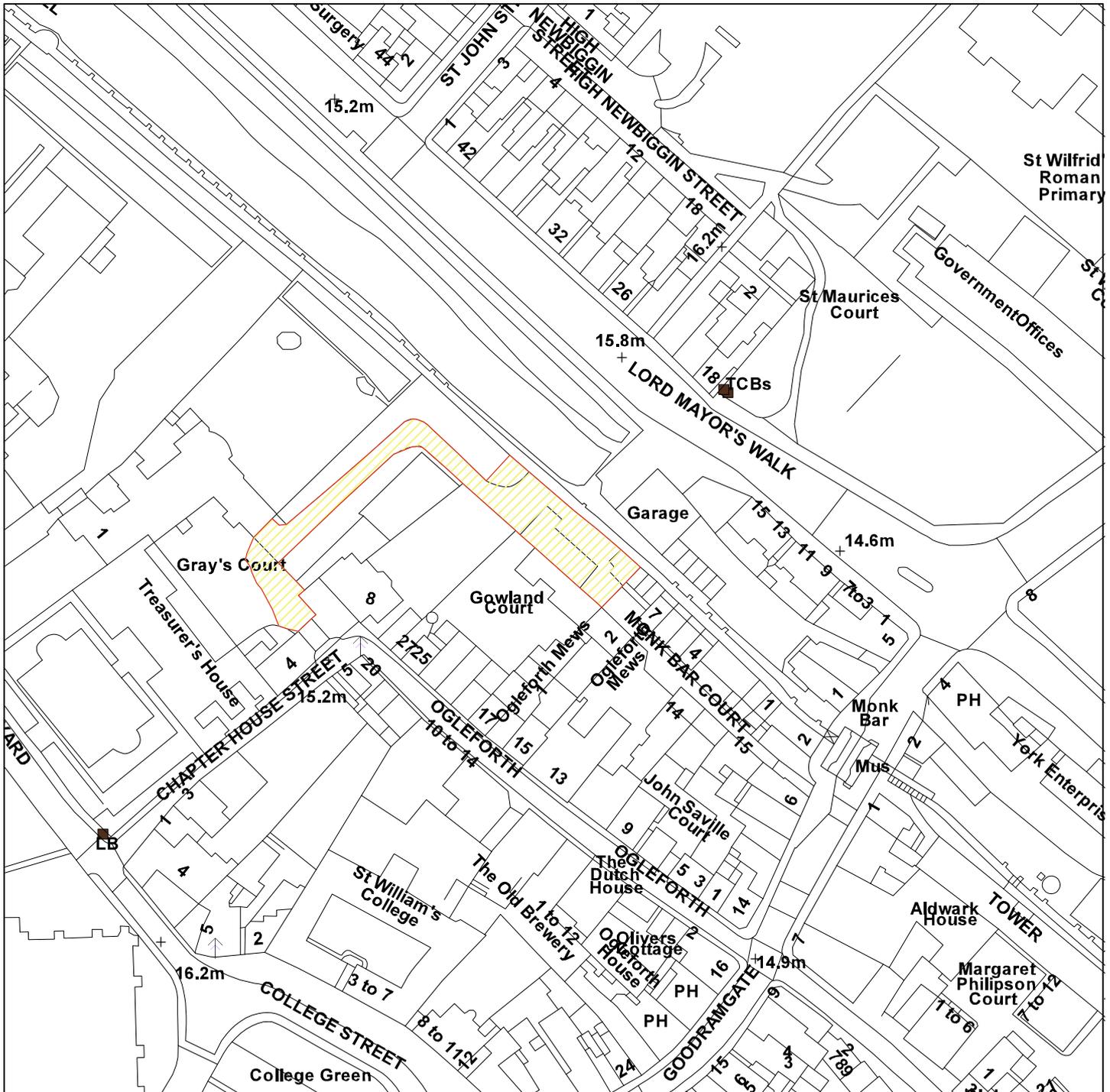
Author: Fiona Mackay Development Management Officer (Wed - Fri)
Tel No: 01904 552407

Stable Block, Chapter House Street

10/00621/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	08 October 2010
SLA Number	Not set

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2.2 Policies:

CYGP21 Advertisements

CYHE2 Development in historic locations

CYHE8 Advertisements in historic locations

3.0 CONSULTATIONS

INTERNAL:-

3.1 Design, Conservation and Sustainable Development raise no objection to the proposal.

EXTERNAL:-

3.2 Guildhall Planning Panel raise no objection to the proposal.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- * Impact upon the visual amenity of the street scene and of the wider Conservation Area;
- * Impact upon public safety.

IMPACT UPON THE VISUAL AMENITY OF THE STREET SCENE AND OF THE WIDER CONSERVATION AREA:-

4.2 Policy HE8 of the York Development Control Local Plan sets a firm policy requirement that within Conservation Areas or on Listed Buildings advertisements should consist of a design and scale that respects the character and appearance of the area and good quality materials that are sympathetic to the surface to which they are attached. Similarly Policy GP21 of the Draft Plan sets a firm policy requirement that advertisements by virtue of their size, design, materials and colouring should not detract from the visual amenity of the area where they are displayed, would not have an adverse impact upon public safety and would be in keeping with the surrounding buildings and public areas. The application site has a very high degree of visual prominence being one of the highest structures in the City Centre and forming a significant element within the visual character of the Historic Core Conservation Area. Other nearby buildings of comparable significance such as the Castle Museum also display flag poles and on occasion flag advertisements within their roofscape. The Tower was constructed as a defensive and governmental building in the Medieval period from which flags and pennons would have been regularly flown for a variety of purposes. The proposed flag and flag pole would appear small in scale relative to the sheer mass of the surviving tower and any impact upon the visual

amenity of the surrounding area would be minimal. The works to erect the flag pole will require Scheduled Monument Consent from the Secretary of State for Culture, Media and the Arts.

IMPACT UPON THE SAFETY OF NEARBY ROAD USERS:

4.3 Central Government Planning Guidance in respect of Outdoor Advertisement Control outlined in PPG 19 "Outdoor Advertisement Control" identifies two material considerations felt to be of specific relevance in considering advertisement proposals. These are impacts upon amenity and upon wider public safety. Amenity impacts have already been considered. In terms of impacts upon public safety, the application site forms a major element of the wider City Centre sky line. Directly to the south lies a major surface level car park serving the City Centre and occasionally used for major public events. Directly to the west lies Tower Street a major arterial route for traffic using the City Centre. The scale of the Tower and its associated mound is such that the flag when raised would not pose a significant concern for highway and wider public safety. The terms of Policies GP21 and HE8 of the York Development Control Local Plan together with Central Government planning guidance in respect of advertisements outlined in PPG 19 "Outdoor Advertisement Control" would thus be complied with in relation to the proposal.

5.0 CONCLUSION

5.1 Clifford's Tower comprises a stone built Medieval structure forming a major element of the City Centre skyline. The site is a Scheduled Ancient Monument and presently operated as a major visitor attraction by English Heritage. The current proposal is for the erection of a flag pole advertisement displaying the English Heritage corporate logo. In view of the nature of the building, its scale and the purpose of its construction, it is felt that the proposal is entirely appropriate and that impacts upon wider public safety and amenity would be acceptable. Approval of the proposal is therefore recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Photomontage Ref: Fig 1 Date Stamped 15th July 2010.

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

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 street scene and of the wider Conservation Area and impact upon the safety of nearby highway users. As such the proposal complies with Policies GP21 and HE8 of the City of York Development Control Local Plan.

Contact details:

Author: Erik Matthews Development Management Officer

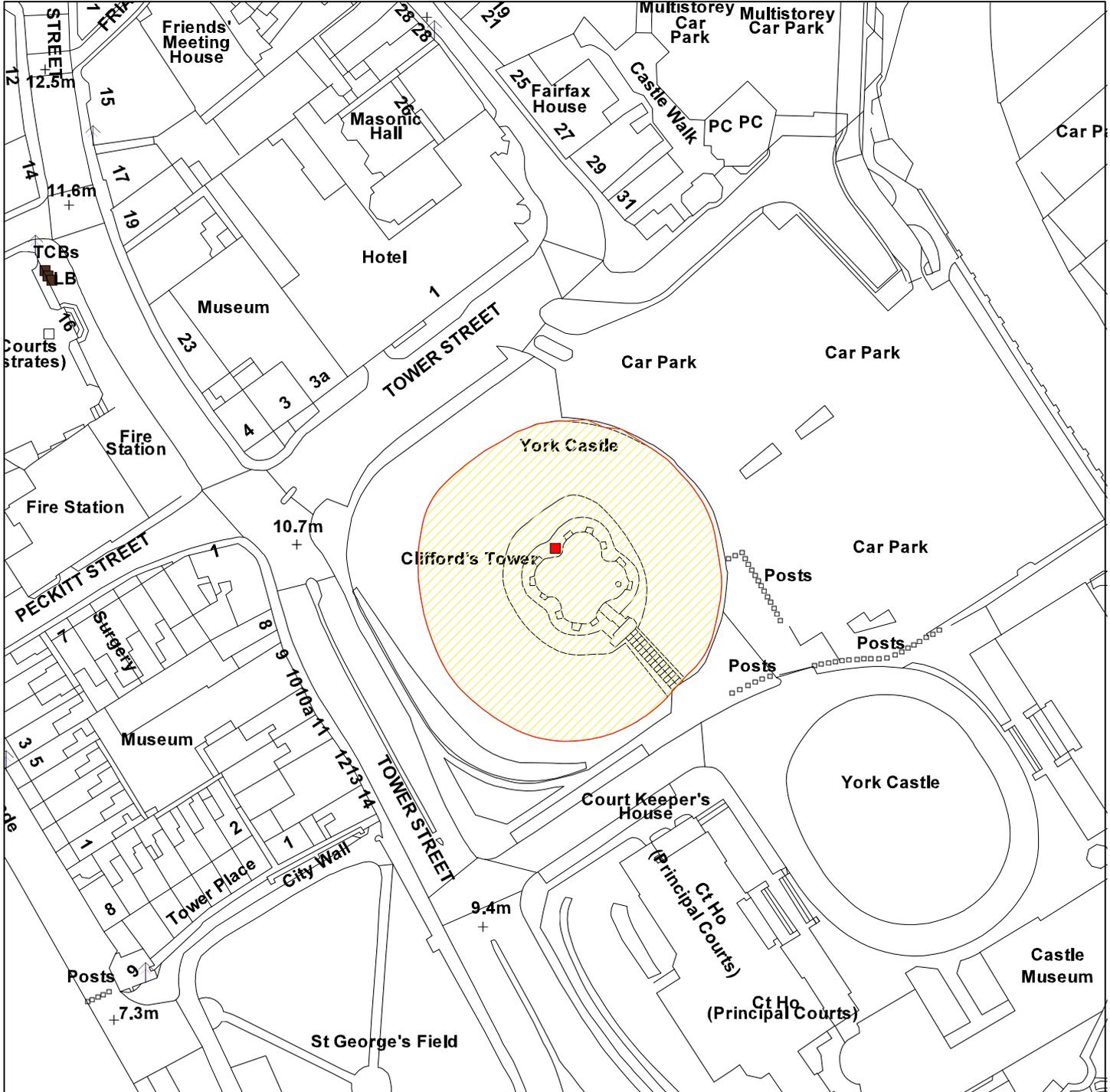
Tel No: 01904 551416

Cliffords Tower, YO1 9SA

10/01535/ADV



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Scale : 1:1250

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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	08 October 2010
SLA Number	Not set

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2.2 Policies:

CYS3	Mix of use in certain shopping streets
CYS6	Control of food and drink (A3) uses
CYHE3	Conservation Areas
CYHE4	Listed Buildings
CYGP1	Design

3.0 CONSULTATIONS

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 Ask for further details to assess the impact on the listed building, of the signage and the internal vents (to deal with any cooking smells from heating food) and shop fittings.

ENVIRONMENTAL PROTECTION UNIT

3.2 Response pending.

HIGHWAY NETWORK MANAGEMENT

3.3 No objection.

GUILDHALL PLANNING PANEL

3.4 Object. Consider the proposed use would detract from the retail character of the area, and be contrary to policies of the Local Plan.

PUBLICITY

3.5 Deadline for comments is 12.10.2010. No comments received to date.

4.0 APPRAISAL

KEY ISSUES

4.1 The key issues are:

- The principle of the change of use, considering the retail function of what is a primary shopping street.
- Any impact on heritage assets - the listed building and the Central Historic Core conservation area.
- The amenity of surrounding occupants.

THE VITALITY AND VIABILITY OF THE STREET AND THE CITY CENTRE AS A WHOLE

4.2 PPS4 advises that Planning Authorities set a strategy for management and growth of centres over a plan period. At local level this includes defining the centre and primary shopping areas, and establishing policies which state what type of development will be appropriate in that area. The Local Plan identifies St Sampson's Square and Parliament Street as primary shopping streets, where non retail uses will only be permitted when they will not dilute the retail function of the street, or the centre as a whole. Factors to consider in assessing the impact will be: location and prominence of the premises, the amount of non-retail uses (as a guide a maximum of 35% non-retail premises are given), the level of activity associated with the proposed use, and the proportion of vacant premises in the area. For the purposes of calculating the 35% in this area, the Local Plan advises that St Sampson's Square and Parliament Street be considered together.

4.3 The host premises overlooks St Sampson's Square. In the square there are two public houses and a restaurant which are not retail premises, there is also the cafe at Browns, but this is considered as ancillary use to the shop. 23% of the shop frontage is in non-retail use. 41% of the frontage of Parliament Street is in non-retail use. Considered together 35% of the frontage is in non-retail use. Should this premises become a non-retail use it would increase the overall figure of non-retail premises to 36%.

4.4 The proposed use does involve an element of retail use and would be open during the day. The application is made on the basis that the host premises would have a certain amount of sales that would derive from the sale of packaged pre-cooked meals; a retail use. This could be secured by condition, and prevention of the site becoming occupied as any other use apart from a retail use. The host premises is not prominent due to its size, as such, as there is a retail element involved in the scheme, and as the majority of premises around St Sampson's Square are in retail use, it is considered it would be difficult to object to the proposed use on the grounds of undue detrimental impact on the retail function of the street.

IMPACT ON THE LISTED BUILDING AND THE CONSERVATION AREA

4.5 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving a listed building, its setting and any features of special architectural or historic interest which it possesses. The local planning authority shall also pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. These statutory requirements are also requirements of policies HE3 and HE4 of the Local Plan.

4.6 The proposed use would not involve any cooking on-site as such no means of ventilation to a kitchen will be required. The only alterations detailed at this stage are signage and possible ventilation in the customer area, which is unlikely to be intrusive. Signage is subject to listed building, and advertisement consent, and through such it can be controlled appropriately. Details of ventilation could be

required as a condition of approval, and at this stage a view could be given as to whether listed building consent would be necessary.

AMENITY

4.7 It is asked that the premises be allowed to open until 05.00 in the morning. There is existing late night activity in this area; it is a city centre location, and a hot food takeaway wagon occupies the square each night. The nearest residents, according to the electoral register, are the landlord of the 3 Cranes Public House, and there are flats at 32 Parliament Street (which is on the corner with Jubbergate). Overall noise, as consequence of visitors to the application site late at night, is unlikely to have a material impact on residential amenity.

5.0 CONCLUSION

5.1 The application can be supported in principle as the scheme is for a mixed use, there would be an element of retail and the premises would operate through the day. Also the premises is small in scale and predominantly the Square is surrounded by retail uses. As such the proposal is deemed to comply with policy S3a of the Local Plan. It is considered also there would be no undue harm to the appearance and character of the listed building and the conservation area, and the amenity of surrounding occupants. There would not be a material impact on highway safety. Litter creation and crime and social disorder would be covered by the premises licence.

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans - Proposed floor plan 2362/102 date stamped 16.8.2010.

3 The premises shall operate as a mixed use of retail and food takeaway, as explained in the supporting statement date stamped 16.8.2010. It shall be used for no other use, apart from as a retail premises only, unless planning permission is granted for an alternative use.

Reason: As a non-retail use could have a material impact on the retail character of the primary shopping street.

4 Should any roller shutter be retained at the premises it shall not be drawn / shut, between the hours of 10.00 and 17.00 each day of the week.

To maintain the vitality and viability of the street.

5 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) Location, means of fixing, size and colouring, and manufacturers details of any external CCTV.
- b) Location, means of fixing, size and colouring, and manufacturers details of any required ventilation which would be fixed to, or would affect the fabric of the building.

Reason: In the interests of the appearance and historic importance of the listed building, and the appearance of the conservation area.

- 6 No music shall be played which would be audible outside the premises.

Reason: To preserve the character of the conservation area and amenity.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the listed building and the conservation area, the retail character of the area and amenity. As such the proposal complies with Policies S3a, S6, HE3, HE4 and GP1 of the City of York Development Control Local Plan.

LISTED BUILDING

You are reminded that the building is listed. Consent would be required for any signage (this planning permission does not give permission for any signage) and other fixings to the building, such as CCTV. Please also note that the side hung projecting sign, associated with the former use, has been removed. Consent would be required for a replacement, which would not necessarily be supported if it were proposed at fascia level. Any CCTV must be in the most discreet location.

Contact details:

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

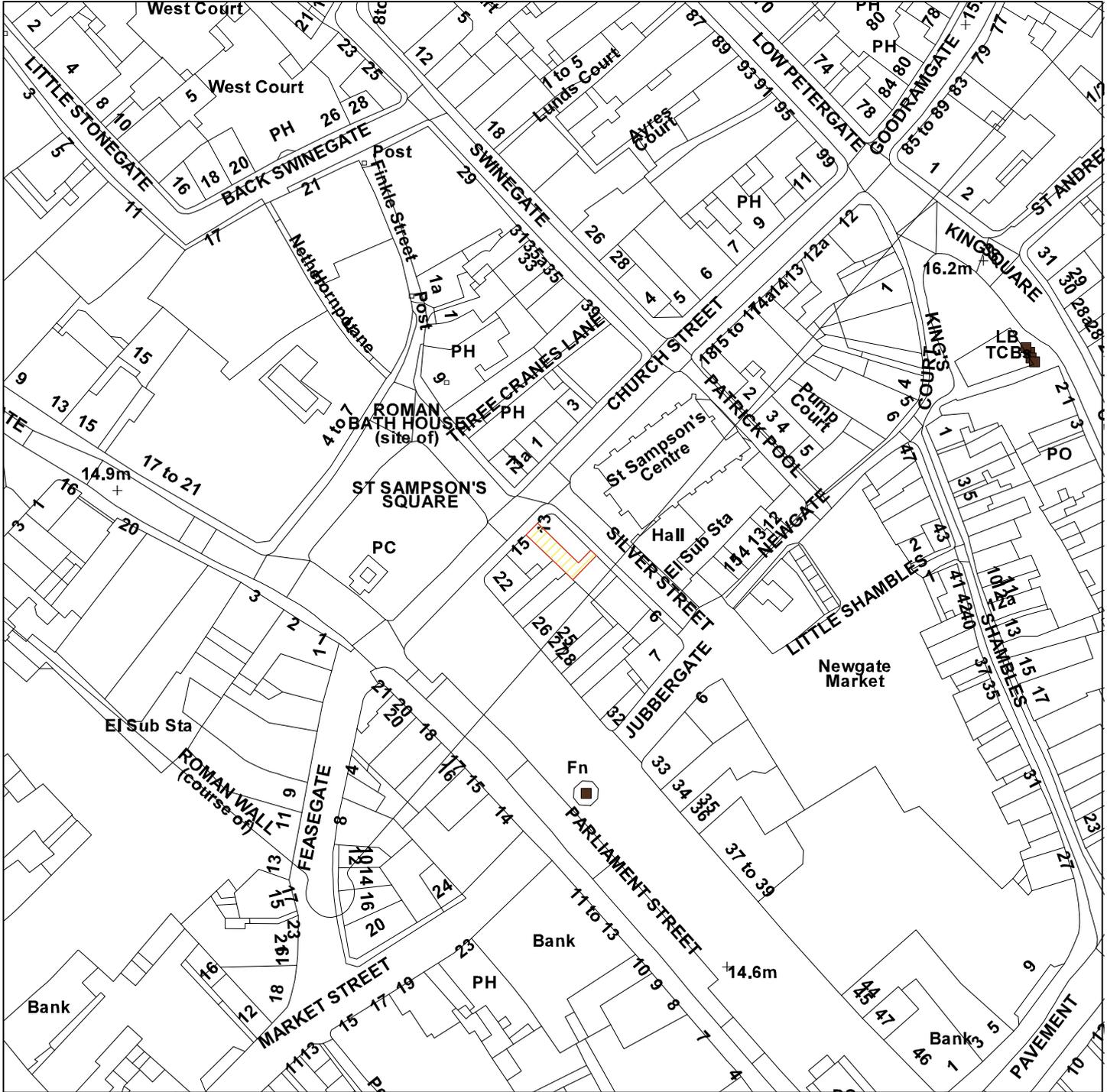
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14 St Sampsons Square

10/01836/FUL



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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	08 October 2010
SLA Number	Not set

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CCOMMITTEE REPORT

Date: 21 October 2010 **Ward:** Acomb
Team: Major and Commercial **Parish:** Acomb Planning Panel
Team

Reference: 10/01822/FUL
Application at: Decorative Plaster 136 Boroughbridge Road York YO26 6AL
For: Conversion of first floor flat and roof space to create 2no flats with first floor rear extension, new pitched roof to existing side extension, rear dormer and conservatory and external alterations including new shop front and rear windows (resubmission)(retrospective)
By: Mr Michael Beaufoy
Application Type: Full Application
Target Date: 15 October 2010
Recommendation: Refuse

1.0 PROPOSAL

1.1 136 Boroughbridge Road comprises a disused brick built two storey shop unit with flat above dating to the 1920s. It forms part of a wider parade lining the north eastern edge of Boroughbridge Road. Planning permission is sought for conversion of the roof space and existing first floor flat to provide two flats with a first floor rear extension, rear dormer and conservatory and new shop front. The proposal is a revised resubmission of an earlier proposal for three flats (ref:10/01389/FUL) which was withdrawn following concerns in respect of the availability of amenity space and also over-development. The application is in part retrospective as work on the development has already commenced.

1.2 The application has been called-in to Committee by Coun T. Simpson-Laing on the grounds of adverse impact upon neighbouring properties and the retrospective nature of the proposal.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

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

2.2 Policies:

CYGP1
Design

CYH8
Conversion to flats/HMO/student accom

CYT4
Cycle Parking

3.0 CONSULTATIONS

INTERNAL:-

3.1 Highway Network Management raise concern in respect of the detail submitted with the proposal in respect of car and cycle parking.

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

EXTERNAL:-

3.3 Acomb Planning Panel raise no objection to the proposal.

3.4 An objection to the proposal has been received from the occupier of the adjacent property expressing concern with respect to the impact upon residential amenity by virtue of overlooking and loss of privacy.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- * Availability of on-site car and cycle parking space;
- * Impact upon the residential amenity of adjacent property.
- * Impact upon the available amenity space for the occupiers of the proposed properties.

AVAILABILITY OF ON-SITE CAR AND CYCLE PARKING SPACE:-

4.2 Policy H8 of the York Development Control Local Plan sets a firm policy presumption that permission for conversions into flats will only be given where the internal layout is such as to be suitable for prospective occupants and their future amenity, adequate provision is available for the storage and collection of refuse and recycling and adequate on and off street parking and cycle parking can be provided. The current proposal caters for two flats which in a fairly densely built up street frontage would be acceptable and adequate storage space for refuse and recycling would be provided within a compound on the main street elevation of the site.

However the proposed off street parking would be accessed via the restricted area adjacent to a pedestrian crossing and no clear indication has been given in respect of the provision of cycle parking within the site. The applicant has indicated a secure compound on the front street elevation for the storage of bins and recycling. To increase the size of the compound would reduce the level of space available for off-street parking. It may be possible to provide cycle parking to the rear of the site however no indication has been of how this may be feasible and it would impinge upon the area of the proposed ground floor business. The terms of Policy H8 of the Draft Local Plan would thus not be complied with. The terms of Policy T4 of the Draft Local Plan which sets standards for the provision of cycle parking within new development would also not be complied with.

IMPACT UPON THE RESIDENTIAL AMENITY OF THE ADJACENT PROPERTY:-

4.3 Policy GP1 of the York Development Control Local Plan sets a firm policy presumption in favour of new development which respects or enhances the local environment, is of a scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, provide and protect private, individual or communal amenity space for residential developments and ensure that residents living nearby are not unduly affected by overlooking, overshadowing or dominated by overbearing structures. The current proposal envisages the extension and conversion of the upper floor including roof space of the property into two flats with the continued use of the ground floor as business premises. As part of the proposed works to the upper floor the provision of a pitched roof is envisaged over the existing flat roofed section adjacent to No 138 Boroughbridge Road creating living accommodation within the existing roof space. This would facilitate the creation of two bedrooms that would be lit by two velux roof lights in the western roof slope. The distance between the proposed extension and 138 Boroughbridge Road is only 1 metre with a dormer extension in the directly adjacent elevation to light a bathroom and bedroom. The close proximity of the roof lights to the dormer means that the proposed development would erode the residential amenity of the adjacent property by virtue of overlooking of a principal living area clearly visible from the site boundary. The terms of Policy GP1 of the Draft Local Plan would thus not be complied with in relation to that aspect.

IMPACT UPON ON-SITE AMENITY SPACE:-

4.4 The application site as currently laid out incorporates a modest rear yard area accessible by both the ground floor business holder and the flat above. The proposal indicates that the rear yard would be partially filled by a glazed conservatory for use by the business holder. No indication is given that the remainder of the rear yard would remain available for the flat occupiers for domestic activities such as hanging washing as at present. The effective removal of the remaining outdoor amenity space would seriously compromise the residential amenity of the future occupiers of the proposed properties. The terms of Policy GP 1 of the Draft Local Plan would also not be complied with in relation to that aspect either.

5.0 CONCLUSION

5.1 136 Boroughbridge Road comprises at present a two storey brick built shop with flat above forming part of a wider shopping parade along the eastern side of Boroughbridge Road. Planning permission is sought in respect of a scheme to convert and extend the existing first floor flat to provide an additional two bed roomed flat with accommodation in the existing roof space. A ground floor conservatory extension would also be provided as additional accommodation for the shop unit. A single car parking space exists on the site frontage to service the needs of the property and a rear yard area serves the needs of the present flat occupier for amenity space. The current scheme would result in the partial building over of the rear yard area and the severing of any direct link between the flats and the rear yard area. The location and means of access to the site by car are unclear as is the location and means of access to the on-site cycle parking. As a consequence the amenities of future occupiers of the site would be seriously compromised contrary to Policy H8 of the Draft Local Plan. Further more the site for some time has been built up directly to the boundary with the neighbouring property No 138 Boroughbridge Road . 138 has a high level dormer window lighting a bathroom and bedroom facing directly into the application site. The proposal envisages the insertion of two velux roof lights in the roof of the elevation facing 138. This would create a clear adverse relationship between the two properties with the potential for significantly increased noise and loss of privacy in a principal living area of the adjacent property. On balance it is felt that the submitted proposal would have a seriously detrimental impact on the amenity of the future occupiers of the flats applied for whilst at the same time eroding the residential amenity of the adjacent property. On balance therefore it is felt that the scheme is unacceptable and it is recommended that planning permission be with held.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposal by virtue of removing the rear yard area as amenity space for use by the proposed flat occupiers and by failing to provide cycle parking space within the application site would cause serious and unacceptable harm to the residential amenity of future occupiers of the site contrary to Policies GP1(g) T4 and H8 of the York Development Control Local Plan.

2 The proposed velux roof lights on the north west elevation of the property by virtue of their close proximity to the site boundary would give rise to an unacceptable impact upon the residential amenity of the neighbouring property 138 Boroughbridge Road by virtue of loss of privacy to a principal living area contrary to Policy GP1 of the York Development Control Local Plan.

Contact details:

Author: Erik Matthews Development Management Officer
Tel No: 01904 551416

136 Boroughbridge Road, YO26 6AL

10/01822/FUL



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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	08 October 2010
SLA Number	Not set

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COMMITTEE REPORT

Date: 21 October 2010 **Ward:** Rural West York
Team: Major and Commercial **Parish:** Askham Bryan Parish Council
Team

Reference: 10/01663/FUL
Application at: Os Field 0011, to the NW of Askham Bryan Lane Askham Bryan York
For: Erection of farm shop and tea room with associated parking and landscaping (resubmission)
By: AP And JE Sykes
Application Type: Full Application
Target Date: 22 September 2010
Recommendation: Approve

1.0 PROPOSAL

APPLICATION SITE

1.1 The application site is a field to the NW side of Askham Bryan Lane, immediately SW of Lorrenger Lane. It is situated around 360m from the defined settlement limit (extent of built-up area as identified in the Local Plan) of Woodthorpe and around 750m Askham Bryan. The site is within the green belt. The land to the NW and SW of the site form part of the applicant's agricultural holding. There is woodland to the east of the site, which screens the outer ring road from the site. Askham Bryan Lane is slightly elevated in comparison to the application site and land to the NW. From the lane there are views looking NW across the open countryside. The land is generally flat, of agricultural fields bounded by hedgerows.

PROPOSALS

1.2 Planning permission is sought for a farm shop building and associated car parking spaces, service/deliveries area behind the building and landscaping. The proposed building would be 435 sq m in area and a new vehicle entrance to the site would be formed from Askham Bryan Lane.

1.3 The farm shop would sell fruit, vegetables and meats sourced from the applicant's farm and imported regional produce. It would also have a cafe area. The development would be located on the applicants agricultural holding. The main farm buildings lie around 1.2km to the north of the application site, and are accessed directly from the outer ring road. The farm presently is a mix of arable and livestock, it operates a pick your own operation, and also sells fruit and vegetables grown on the farm directly to the public. There is an element of wastage involved with the pick your own, which could be made into jams/chutneys to be sold in the proposed shop. It is envisaged the operation could employ 7 persons on a full-time basis and 13 part-time. It is also suggested there could be links with Askham Brian college. Their glasshouses can be used to grow produce, students could benefit from work experience in management of the shop, and their products could be sold to the

public. The latter would reduce waste and aid the development of students. It is also stated that the site could potentially provide an allotment for public use.

SITE HISTORY

1.4 Planning permission was refused earlier in 2010 (application 10/00273/FUL) for a farm shop at this site. The grounds for refusal were:

- The shop would sell goods imported from elsewhere, the proposed location for such a retail premises was not sequentially preferable as the shop would be within the green belt, and not within an existing settlement. Contrary to PPS4 and of the Local Plan (DLP) policies SP6 and GB12.
- Because the site was in the green belt the type of development was inappropriate. It would also have a material detrimental impact on the openness of the green belt. As such the proposal was contrary to PPG2 and policies GB1, GB12, SP2, SP3 and SP6 of the DLP.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

2.2 Policies:

CYSP1	General principles allowing permission
CYSP2	The York Green Belt
CYGB1	Development within the Green Belt
CYGB12	Shopping development outside settlement limits
CYSP6	Location strategy
CYGGP1	Design

3.0 CONSULTATIONS

City Development

3.1 Officers report that farm shops are generally encouraged in planning policy, provided they are ancillary to the main farm use. Officers request that no more than 15% of sales are due to imported goods, otherwise the premises would represent a convenience store in the green belt which would be inappropriate under planning policy. The 15% figure has been used at other sites in the city, and by other Local Authorities.

Design, Conservation and Sustainable Development

Landscape Officers

3.2 There is a mature Oak tree near the service yard which it would be desirable to maintain. In order to do so, the development should not impact on the rooting zone of the tree, which will be quite far-reaching. Sections show that the ground level is slightly reduced to form a level for the building. It is requested there are no level changes immediately in front of the hedge, nor within the root protection zone of the

Oak and the service yard should be of porous construction, so that the ground conditions are not greatly changed within the area of influence for the hedge and trees.

3.3 The site is located within the greenbelt. The proposed farm shop is set back from the road. It has been revised since the last scheme, to form an L shape. This reduces its visual impact from the road due to the reduced length. The building has a low profile with metal roofing and the façade includes vertical timber board cladding, thus making references to agricultural barns. Provided the timber is not stained, it will weather and tone down to a silver-grey which will not look out of place in this agricultural landscape, especially against the backdrop of existing trees. Thus the design and scale of the building is suitable for a greenbelt situation.

3.4 The overall development would have a slight bearing on the open character of the greenbelt because it introduces a building, signage, lighting, hard surfacing, and cars into a pleasant stretch of rural agriculture close to the edge of the city where there are currently none within the intervening open landscape between Askham Bryan village and Askham Lane roundabout. There is an increase in the illustrated vegetation between the road and the overflow parking, which will provide greater screening (although reduce the openness of the site).

Countryside Officers

3.5 It is recommended that existing trees, which provide habitats and opportunities for bats foraging, be protected. If the hedgerow along Askham Bryan Lane is to be replanted, the new hedge should be of species rich hedgerows common to the area. If there is going to be a wider verge here as a result of moving the hedge back, then the verge could also be reseeded with a wildflower mix. This would help to further enhance the biodiversity value of the area. Should permission be granted the lighting levels/location would need to be controlled.

Highway Network Management

3.6 Consider that the scheme would not have a material impact on highway management. However it has been requested that sightlines at the customer entrance are 4.5m by 90m to the NE and 160m to the SW. In order to achieve this, the hedge could be relocated further away from the lane. Any vegetation in the subsequent area between the hedge and lane would need to be kept below 1m high.

Foss Drainage Board

3.7 As the it is proposed to deal with surface water run-off via soakaways it is asked that soakaways be demonstrated to work, to BRE standards, and if not an alternative solution be implemented that ensures there is no increase in surface water run-off.

York Natural Environment Panel

3.8 The panel supports the diversification of farms to support the farm income and hence would support a convincing rural farm shop selling farm and local produce only. However the panel would not support an 'out of town' shop that sells farm produce as an excuse to have it in that location, i.e. it would have no merit above

other out of town shops. The panel are not convinced such a development would be an asset, rather an intrusion due to the paraphernalia that accompanies the shop/café/play, including lighting, signs, and big parking areas.

Askham Bryan Parish Council

3.9 No objection, but consider there should not be a material impact on traffic through the village.

Publicity

3.10 Four objections from other farm shops/similar shops have been received, from Bubwith, Green Hammerton, Colton and a farm in Acaster Malbis which sells fruit/vegetables. The concern being that due to the scale of this premises, it would have an adverse impact on other businesses. In particular it would be detrimental to farm shops which only sell their own produce, as customers would favour the proposed shop which would offer a wider mix of goods, by importing goods from elsewhere.

3.11 Two letters in support have been received on the grounds that such a business would be welcome in the area.

4.0 APPRAISAL

4.1 KEY ISSUES

- The principle of the proposed development
- The openness of the green belt
- Whether special circumstances can be demonstrated
- Sustainable construction
- Highway safety

RELEVANT NATIONAL AND REGIONAL PLANNING POLICY

PPG2: Green Belts

4.2 PPG2 Establishes the purposes of green belts, advises what type of development is acceptable, and maintains a presumption against inappropriate development.

PPS4: Planning For Sustainable Economic Growth

4.3 PPS4 establishes planning policies for economic development. The overarching objective is to achieve sustainable growth.

PPS7 Sustainable Development in Rural Areas

4.4 The policy has in part been replaced by PPS4. The remaining text of the farm diversification section (paragraph 31) advises a supportive approach to farm diversification where it would not result in excessive expansion and encroachment of built development into the countryside.

THE PRINCIPLE OF THE PROPOSED DEVELOPMENT

4.5 The site is within the green belt. PPG2 lists the types of development that are acceptable in the green belt (these are re-iterated in policy GB1 in the Draft Local Plan - DCLP). Other development is deemed inappropriate, which is by definition harmful to the green belt. Inappropriate development may only be approved when the applicant can demonstrate 'very special circumstances', that outweigh the harm to the green belt. Whilst buildings for agricultural use can be appropriate development, a shop would not necessarily fall under this criteria. Shops can be ancillary to agriculture when they sell unprocessed goods originating from the farm. Development is inappropriate when imported produce and processed packaged goods sold mean the ancillary element is lost. In such cases, the scale of any new building from which even home-grown produce is sold, and its impact on the openness of the green belt, is a material factor.

4.6 Policy EC6 of PPS4 advises that in rural areas economic development in the open countryside should be strictly controlled. New development should be within, or at the edge of settlements. EC6 advises farm diversification schemes can be supported where their scale and environmental impact are acceptable. Part EC13 of the PPS goes on to state that farm shops should be supported where they meet a demand for local produce in a sustainable way.

4.7 Policy GP12 of the DCLP refers to shopping developments (including farm shops) in the green belt. It states that such developments will only be acceptable when it can be demonstrated that potential locations in existing centres have been assessed and the development is also - small in scale and ancillary to an existing use (such as agriculture), it involves the re-use of existing buildings and when it would not undermine the vitality and viability of the city centre and local centres. This is broadly in-line with national policy in PPS4. In this case it is undesirable to use an existing building at the farm. There would be safety issues, as access is from the outer ring road, and customer movements onsite would conflict with the day to day operations of the farm.

4.8 The proposed shop (and the cafe) would sell goods from the host farm and processed goods that are created and packaged onsite, and where the predominant ingredient is primary to the farm. However it is also the applicants intention to sell imported goods. The application is made on the basis that the applicants propose that no more than 15% of their sales would be from the sale of imported goods. The figure of 15% is deemed necessary to ensure the farm shop is primarily an outlet for produce originating from the agricultural holding, and is not a shop which sells a significant amount of imported goods, as the latter would be deemed inappropriate on policy grounds (see reasons for refusal of previous scheme in 1.4). Through the use of a planning condition, the type and amount of goods that would be sold can be controlled, and records made available for scrutiny if this were queried in future. Provided the predominant amount of sales, i.e. at least 85%, were of produce of the farm, the proposed use in principle would not be inappropriate development in the green belt.

4.9 Whilst the applicants agree to the 85% figure, it is proposed to sell goods such as bread and cakes. It will take 2 years, to allow for crop rotation, before these items

can be produced at the holding without importing the primary ingredients. As such, and because it is commercially desirable that if the shop were to open, it would have a wide a range of products as possible, the applicants ask that a 2 year lead-in time be allowed, to enable, during the 2 year period, processed goods (where the process occurs at the holding) to be sold as part of the 85% figure. Whilst it is accepted this would assist in the viability of the premises, the resultant practice would be tantamount to a retail operation, which is not in planning terms an appropriate use in the green belt, with sequentially preferable sites being preferred.

THE OPENNESS OF THE GREEN BELT

4.10 PPG2 advises that the fundamental aim of green belt policy, and including land in defined green belts, is to keep land permanently open. Openness is the most important attribute of green belts.

4.11 In relation to the previous application, the floorspace of the premises has been reduced to around 420 sq m (internal) from 476 sq m. The proposed building would be single storey and located against the backdrop of trees that line Lorrenger Lane. It would be externally clad in timber boarding and have a metal roof, the intention being to give the building the appearance of an agricultural building. It is considered due to the location, materials, shape and design of the building, it would not appear unduly prominent and not detract from the openness of the green belt.

4.12 The previous scheme was refused due to the visual impact on the green belt. It was not necessarily the proposed building that would effect the openness of the green belt, rather the potential urbanisation of what is presently an open field as a consequence of the associated car parking areas, hardstanding and servicing areas. The amount of car parking has been amended and its location re-configured to mitigate the visual impact. Previously there were 35 spaces on an area of hardstanding, in this application there would be 8 spaces on hardstanding, with extra parking for 35 cars on reinforced grass. Predominantly the 35 spaces would be confined to the edge of the field, concealed by the hedgerow that runs along the edge of the field, so to an extent the apparent openness of the field, when viewed from Askham Bryan Lane, would be maintained. The area of the service yard has also been reduced in area. The means of enclosure, a green coloured herras type fence, would maintain views through, and through a planning condition it can be required that goods are not stored in this area. The landscaping plan (required by condition) is expected to reduce the prominence of the patio area. Overall officers consider there would not be an undue impact on the openness of the green belt.

SUSTAINABLE CONSTRUCTION

4.13 The application has considered the reduction and re-use of water, the use of renewable energy and sustainable construction techniques involving natural light gain, insulation and use of materials. This element of the scheme is very much welcomed and accords with national policy, in particular PPS1 and policy GP4 of the DLP.

HIGHWAY SAFETY

4.14 By re-planting the hedgerow along Askham Bryan Lane further in the site, the sight lines requested by highway network management officers can be achieved. There are no other highway safety concerns.

5.0 CONCLUSION

5.1 It is considered that provided at least 85% of sales would be from produce originating from the farm the scheme would be acceptable in principle. There would not be an undue impact on the openness of the green belt. As such the scheme would not contradict national policy in PPS2, PSS4 and PSS7 and is consistent with the local plan policies listed in section 2.2. The sale of goods, the use of the overall site and layout, and control of any future extensions to the building can be controlled through conditions.

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans - 09004 - 001, 002D, 003D

3 At least 85% of the annual turnover of the farm shop hereby approved shall derive from sales of produce that has been grown/reared at the agricultural holding and Askham Bryan College. The 85% requirement only includes processed and produced goods where this process has occurred at the holding and the primary ingredient(s) are grown/reared at the holding. A record of sales shall be kept and made available for the scrutiny of the Local Planning Authority should the type/amount of goods sold need clarification at any future date.

For clarification purposes, the range of meat, fruit and vegetables reared/grown at the holding/the college are listed in the applicants supporting statement (to be supplied).

Reason: As a shop not selling goods that predominantly originate from the holding would be contrary to policies PPS2: Green Belts and PPS4: Planning For Sustainable Economic Growth.

- 4 No packaged goods shall be stored outside the building.

Reason: To protect the openness of the green belt, in accordance with PPG2: Green Belts.

5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Schedule 2 Parts 2 (minor operations) and 42 (extensions/alterations) of that Order shall not be erected or constructed.

Reason: To protect the openness of the green belt, in accordance with PPG2: Green Belts.

6 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate hard and soft surfacing, and include the relocated hedgerow, the number, species, height and position of trees and shrubs to be planted and any external lighting.

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. The hedgerow that would run parallel to Askham Bryan Lane shall be retained at a height of at least 1.2m high at all times

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

7 Samples of materials to be supplied for approval

8 Prior to the development coming into use 4.5m by 90m to the NE and 4.5m by 160m to the SW; highway visibility splays shall be provided at the customer vehicle entrance, free of all obstructions which exceed the height of the adjacent carriageway by more than 600mm and shall thereafter be so maintained.

Reason: In the interests of road safety.

9 The building shall not be brought into use until the areas shown on the approved plans for parking of cycles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: To ensure adequate space for such storage, and to promote sustainable modes of transport in accordance with policies T4 of the City of York Draft Local Plan and PPG13: Transport.

10 The development shall provide at least 5% of its energy requirements from on-site renewable resources.

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.

7.0 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 principle of the proposed development, the openness of the green belt and highway safety. As such the proposal complies with Policies SP1 General principles, SP2 The York Green Belt, GB1 Development within the Green Belt, GB12 Shopping development outside settlement limits and SP6 Location strategy, of the City of York Development Control Local Plan and national policies PPG2: Green Belts, PPS4: Planning For Sustainable Economic Growth, PPS7: Sustainable Development in Rural Areas.

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

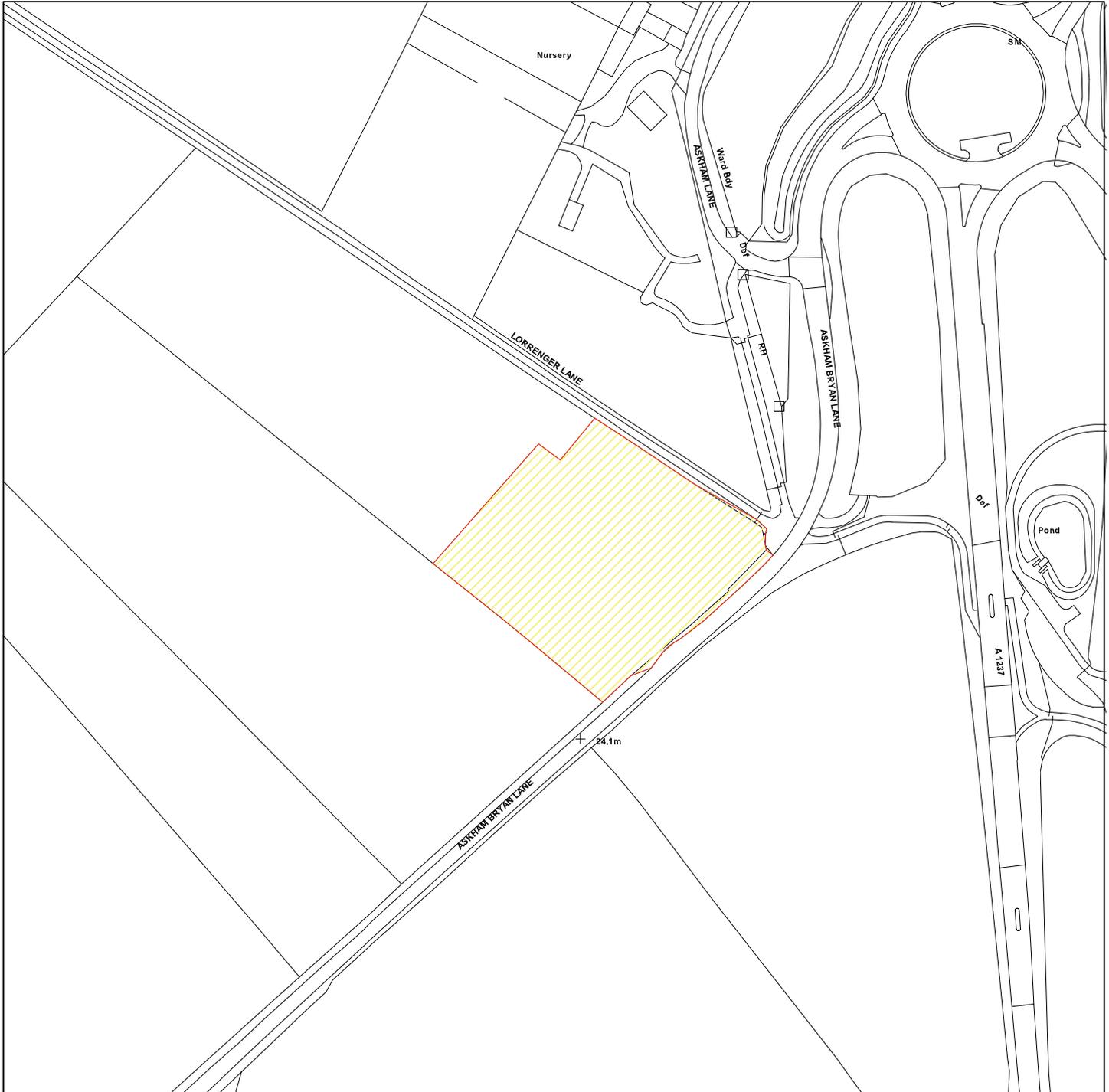
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OS Field 0011, Askham Bryan Lane

10/01663/FUL



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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	08 October 2010
SLA Number	Not set

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Listed Buildings GMS Constraints: Grade 2; 6 And 7 Tower Street York YO1 1SG0960

Listed Buildings GMS Constraints: Grade 2; 2 Peckitt Street York 0962

2.2 Policies:

CYHE8

Advertisements in historic locations

CYHE4

Listed Buildings

3.0 CONSULTATIONS

INTERNAL

3.1 DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT - The proposed high-level signage would be intrusive in views, particularly of the Clifford's Tower and the associated monument. The signage would detract from the domestic, residential character of the listed buildings and would change the character of the area and detract from the historic quality of the setting of designated assets of the highest significance.

3.2 HIGHWAY NETWORK MANAGEMENT - No objections to the proposal.

EXTERNAL

3.3 CONSERVATION AREA ADVISORY PANEL - The panel felt this proposal was too obtrusive in this location. Whilst the panel were sympathetic to the need for signage, a more modest sign would be appropriate on this building of domestic character and suggest a brass plaque.

3.4 GUILDHALL PLANNING PANEL - No objections to the proposal.

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

4.0 APPRAISAL

4.1 KEY ISSUES

- Amenity
- Public Safety

POLICY CONTEXT

4.2 Planning Policy Guidance Note No. 19 "Outdoor Advertisement Control" state that the display of outdoor advertisements can only be controlled in the interests of "amenity" and "public safety", it is concerned with visual effect rather than the

content of the advertisement. Paragraphs 11 and 12 states that consideration has to be given to the amenity of the area the effect on the appearance of the building or on visual amenity in the immediate neighbourhood where it is to be displayed. Consideration is given to the local characteristics of the neighbourhood, including scenic, historic, architectural and cultural features which contribute to the distinctive character of the locality.

4.3 Planning Policy Statement 5 " Planning and the Historic Environment " seeks to ensure that the special characteristics of listed buildings and conservation areas are not adversely affected by inappropriate advertisements.

4.4 The relevant development plan is the City of York Council Draft Deposit Local Plan, which was placed on Deposit in 1998. Reflecting points made, two later sets of pre- inquiry changes (PICs) were published in 1999. The Public Local Inquiry started in 1999 but was suspended by the Inspector for further work to be done on the Green Belt. A Third Set of Changes addressing this further work was placed on deposit in 2003. Subsequently a fourth set of changes have been drafted and approved by Full Council on 12th April 2005 for the purpose of making Development Control Decisions, on the advice of the GOYH.

4.5 Policy HE4 states that consent will only be granted for development to a listed buildings where there is no adverse effect on the character and setting of the building. Supporting text of this policy further states that, it is important that extensions preserve and enhance the special architectural or historic character of conservation areas and complement the character of listed buildings. Alterations will be expected to be of an appropriate design, using traditional natural materials. The proposal should also be in scale with the original building and respect its character.

4.6 Policy HE8 states that within conservation areas, or on listed buildings, advertisements will consist of a design and scale that respects the character and appearance of the area; and good quality materials that are sympathetic to the surface to which they are attached.

AMENITY

4.7 The application seeks to display an individual lettering sign measuring 1200mm high and 2500mm wide with a depth of 25mm which will project 50mm from the face of the building. The sign will read "Richardson Gildener Solicitors" and will be constructed in MDF with 24ct gold leaf applied to the faces and returns of the lettering. It will be positioned in the centre of the two buildings on a prominent corner at first floor level. It is important to consider the context and location of the site as well as the historic importance of the building in question.

4.8 Signage in the vicinity is restrained, perhaps unsurprisingly as this area contributes in no small part to the setting of Clifford's Tower and the castle scheduled monument, and to a lesser degree, to that of the crown court. Where shop fronts have been added to houses, advertisements are generally restricted to traditional fascia signs with, in addition, some use of traditional hanging signs of modest scale. Where former domestic dwellings without shopfronts are in commercial use, signage

is restricted to small plaques, with some use of lettering within windows and in at least one instance a hanging sign, again of modest scale.

4.9 Taking the location and historic character of the buildings into consideration it is felt that the proposed high-level signage would be intrusive in views, particularly of the Clifford's Tower and the associated monument. No justification has been given for the requirement of such a sign in this location. It is also felt that the signage would detract from the domestic, residential character of the listed buildings and that, if the application were to be approved, it would be difficult to resist applications for similar signage on neighbouring buildings. This would change the character of the area and detract from the historic quality of the setting of designated assets of the highest significance.

4.10 A supporting statement has been submitted by Richard Parkin, Architect on behalf of the applicants who states that there are many similar examples of gold lettering in and around York city centre and gives the Cedar Court Grand Hotel as an example where gold lettering has been supported on a much larger scale. However, the hotel building is of a design and scale unrelated to this application. It was constructed as offices - it was always a commercial building, and consequently drawing attention to its current commercial use does not alter its commercial character. The signage, whilst clearly visible on the building, is not considered as intrusive in the street scene as the signage proposed at Clifford Street/Tower Street.

4.11 Whilst it is acknowledged that a town centre location for the business may be more sustainable than an out of town location, this does not outweigh the harm to the residential character of the host buildings, or the intrusion into the setting of other designated heritage assets, in particular, Clifford's tower. As such proposals do not comply with the requirements of PPS5, PPG9, or Local plan policies HE4, HE8.

PUBLIC SAFETY

4.12 There are no objections to the signs on the grounds of safety of surrounding occupants.

5.0 CONCLUSION

5.1 The proposed signage, by virtue of its scale and location will detract from the historic importance of the listed building. Refusal is recommended.

6.0 RECOMMENDATION: Refuse

1 Taking the location and historic character of the buildings into consideration it is felt that the proposed high-level signage would be intrusive in views, particularly of the Clifford's Tower and the associated monument. The scale and location of the signage will detract from the domestic, residential character of the listed buildings which will change the character of the area and detract from the historic quality of the setting of designated assets of the highest significance, contrary to Policies HE4,

HE8 and GP21 of the City of York Development Control Local Plan and national planning guidance contained in Planning Policy Statement 5 " Planning for the Historic Environment " and Planning Policy Guidance Note No.19 " Outdoor Advertisement Control. "

7.0 INFORMATIVES:

Contact details:

Author: Elizabeth Potter Development Management Assistant

Tel No: 01904 551477

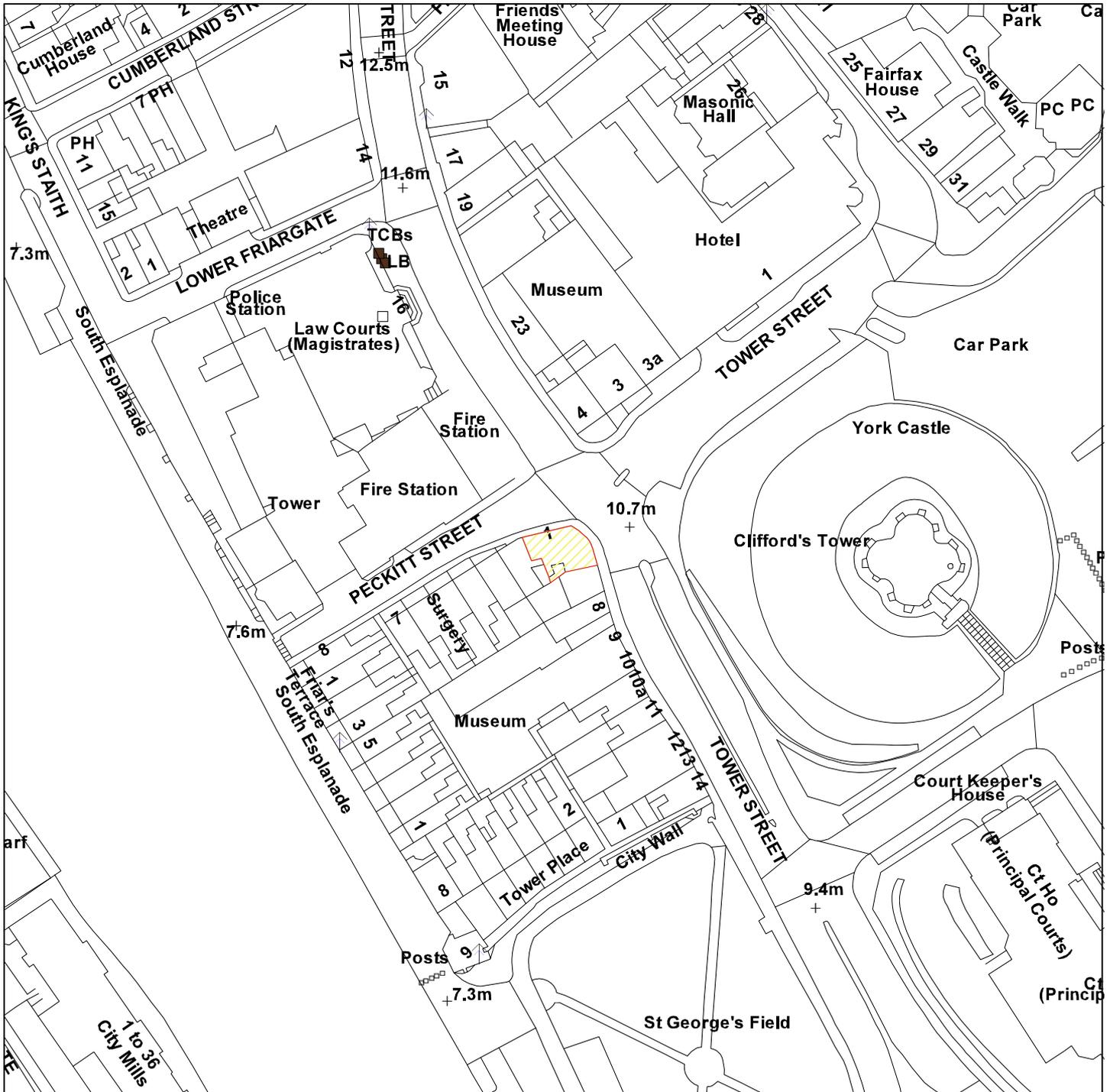
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1 Peckitt Street, YO1 9SF

10/01688/ADV



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	08 October 2010
SLA Number	Not set

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Listed Buildings GMS Constraints: Grade 2; 1 Peckitt Street York YO1 9SF 0961

Listed Buildings GMS Constraints: Grade 2; 6 And 7 Tower Street York YO1 1SG 0960

Listed Buildings GMS Constraints: Grade 2; 2 Peckitt Street York 0962

2.2 Policies:

CYHE4

Listed Buildings

CYHE8

Advertisements in historic locations

3.0 CONSULTATIONS

INTERNAL

3.1 DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT - The proposed high-level signage would be intrusive in views, particularly of the Clifford's Tower and the associated monument. The signage would detract from the domestic, residential character of the listed buildings and if the application were to be approved, it would be difficult to resist applications for similar signage on neighbouring buildings. This would change the character of the area and detract from the historic quality of the setting of designated assets of the highest significance.

EXTERNAL

3.2 CONSERVATION AREA ADVISORY PANEL - The panel felt this proposal was too obtrusive in this location. Whilst the panel were sympathetic to the need for signage, a more modest sign would be appropriate on this building of domestic character and suggest a brass plaque.

3.3 GUILDHALL PLANNING PANEL - No objections to the proposal.

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

4.0 APPRAISAL

4.1 KEY ISSUES

- The impact on the historic significance of the listed building.

POLICY CONTEXT

4.2 Planning Policy Guidance Note No. 19 "Outdoor Advertisement Control" state that the display of outdoor advertisements can only be controlled in the interests of "amenity" and "public safety", it is concerned with visual effect rather than the

content of the advertisement. Paragraphs 11 and 12 states that consideration has to be given to the amenity of the area the effect on the appearance of the building or on visual amenity in the immediate neighbourhood where it is to be displayed. Consideration is given to the local characteristics of the neighbourhood, including scenic, historic, architectural and cultural features which contribute to the distinctive character of the locality.

4.3 Planning Policy Statement 5 " Planning and the Historic Environment " seeks to ensure that the special characteristics of listed buildings and conservation areas are not adversely affected by inappropriate advertisements.

4.4 The relevant development plan is the City of York Council Draft Deposit Local Plan, which was placed on Deposit in 1998. Reflecting points made, two later sets of pre- inquiry changes (PICs) were published in 1999. The Public Local Inquiry started in 1999 but was suspended by the Inspector for further work to be done on the Green Belt. A Third Set of Changes addressing this further work was placed on deposit in 2003. Subsequently a fourth set of changes have been drafted and approved by Full Council on 12th April 2005 for the purpose of making Development Control Decisions, on the advice of the GOYH.

4.5 Policy HE4 states that consent will only be granted for development to a listed buildings where there is no adverse effect on the character and setting of the building. Supporting text of this policy further states that, it is important that extensions preserve and enhance the special architectural or historic character of conservation areas and complement the character of listed buildings. Alterations will be expected to be of an appropriate design, using traditional natural materials. The proposal should also be in scale with the original building and respect its character.

4.6 Policy HE8 states that within conservation areas, or on listed buildings, advertisements will consist of a design and scale that respects the character and appearance of the area; and good quality materials that are sympathetic to the surface to which they are attached.

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4.8 Signage in the vicinity is restrained, perhaps unsurprisingly as this area contributes in no small part to the setting of Clifford's Tower and the castle scheduled monument, and to a lesser degree, to that of the crown court. Where shop fronts have been added to houses, advertisements are generally restricted to traditional fascia signs, with in addition some use of traditional hanging signs of modest scale. Where former domestic dwellings, without shopfronts, are in commercial use, signage is restricted to small plaques, with some use of lettering within windows and in at least one instance a hanging sign, again of modest scale.

4.9 A supporting statement has been submitted by Richard Parkin, Architect on behalf of the applicants stating that there are many similar examples of gold lettering in and around York city centre and gives the Cedar Court Grand Hotel as an example where gold lettering has been supported on a listed building on a much larger scale. However the hotel building is of a design and scale unrelated to this application. It was constructed as offices and has always been in use as a commercial building. Consequently drawing attention to its current commercial use does not alter its commercial character unlike this proposal.

4.10 It is considered that the scale, design and location of the proposed signage is not of a modest scale as is evident with other listed buildings in the area. No justification has been given for the requirement of such a sign in this location. As such the proposed individual lettering would not be in keeping with the domestic, residential character of the listed buildings and would detract from the historic quality of the setting of designated assets of the highest significance. As such proposals do not comply with the requirements of PPS5, PPG9, or Local plan policies HE4, HE8.

5.0 CONCLUSION

5.1 The proposed signage, by virtue of its scale and location will detract from the historic importance of the listed building. Refusal is recommended.

6.0 RECOMMENDATION: Refuse

1 The scale and location of the signage will detract from the domestic, residential character of the listed buildings which will change the character of the area and detract from the historic quality of the setting of designated assets of the highest significance, contrary to Policies HE4, HE8 and GP21 of the City of York Development Control Local Plan and national planning guidance contained in Planning Policy Statement 5 " Planning for the Historic Environment " and Planning Policy Guidance Note No.19 " Outdoor Advertisement Control. "

7.0 INFORMATIVES:

Contact details:

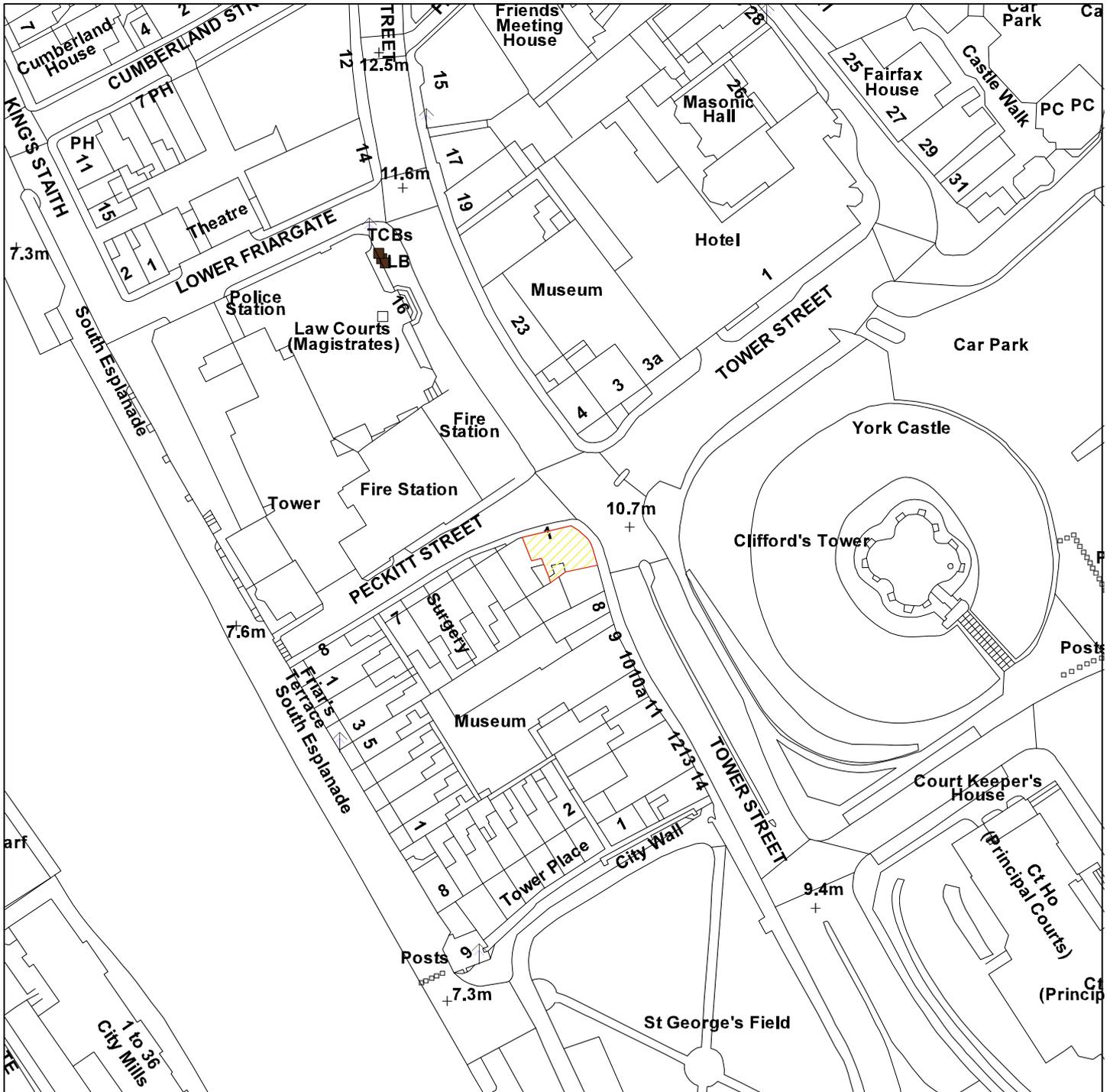
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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	08 October 2010
SLA Number	Not set

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West & City Centre Area Planning Sub-Committee

Report of the Director of City Strategy

Enforcement Cases - Update

Summary

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

Background

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

Current Position

5. Members should note that 62 new cases were received for this area within the last 3 months . 59 cases were closed and 198 remain outstanding. There are 74 Section 106 Agreement cases outstanding for this area after the closure of 5 for the last 3 months.

Consultation

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

Options

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

Corporate Priorities

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

9. Implications

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

Risk Management

10. There are no known risks.

Recommendations

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

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

Contact Details

Author:

Hilary Shepherd/
Andy Blain
Planning Enforcement Officers

Chief Officer Responsible for the report:

Chief Officer's name

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

Dept Name City Strategy
Tel No. 551647/551314

Report Approved

Date 07.10.10

Specialist Implications Officer(s)

None

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

All

For further information please contact the authors of this report

Background Papers:

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

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

Annexes

Annex A - Enforcement Cases – Update (Confidential)

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of the Local Government Act 1972.

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