



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, 18 November 2010

Time: 3.00 pm

Venue: The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00am on Wednesday 17 November at Memorial Gardens.

1. Declarations of Interest

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

2. Minutes (Pages 5 - 16)

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on 21 October 2010.

3. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the working day before the meeting, in this case 5pm on Wednesday 17 November. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

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

4. Plans List

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

- a) **9 Lynwood View, Copmanthorpe, York, YO23 3SW (10/01921/FUL)** (Pages 17 - 24)

One and two storey extensions to front and side. [*Rural West York Ward*] **[Site Visit]**

- b) **Thorntons Plc, 15 Parliament Street, York, YO1 8SG (10/01927/FUL)** (Pages 25 - 30)

Replacement shopfront. [*Guildhall Ward*]

- c) **Thorntons Plc, 15 Parliament Street, York, YO1 8SG (10/01939/LBC)** (Pages 31 - 38)

Replacement shopfront, fascia sign, and hanging sign. [*Guildhall Ward*]

- d) **Thorntons Plc, 15 Parliament Street, York, YO1 8SG (10/01928/ADV)** (Pages 39 - 46)

Display of 1no. fascia sign and 1no. hanging sign. [*Guildhall Ward*]

- e) **2B Kings Square, York, YO1 8BH (10/02045/FUL)** (Pages 47 - 52)

Change of use from shop (use Class A1) to coffee shop. (mixed use A1/A3) (retrospective) [*Guildhall Ward*] **[Site Visit]**

- f) **31 Fossgate, York, YO1 9TA (10/01303/FUL)** (Pages 53 - 60)

Change of use from Estate Agents (Use Class A2) to youth cafe at ground floor and associated meeting and training space at first floor level. [*Guildhall Ward*] **[Site Visit]**

- g) **Acomb Branch Library, Front Street, York, YO24 3BZ [10/01187/FUL]** (Pages 61 - 66)

Siting of portakabin for use as an ambulance stand by point. (Extension of temporary permission 08/00574/FUL for a further 2 year period) [*Westfield Ward*]

- h) Cedar Court, Grand Hotel, Station Rise, York (10/02132/FUL)**
(Pages 67 - 74)

Erection of temporary marquee on rear garden deck. *[Micklegate Ward]* **[Site Visit]**

5. 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.

This page is intentionally left blank

About City of York Council Meetings

Would you like to speak at this meeting?

If you would, you will need to:

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

A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088

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.**

Access Arrangements

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

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

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

যদি যথেষ্ট আগে থেকে জানানো হয় তাহলে অন্য কোন অর্ধাতে তথ্য জানানোর জন্য সব ধরনের চেষ্টা করা হবে, এর জন্য দরকার হলে তথ্য অনুবাদ করে দেয়া হবে অথবা একজন দোআবী সরবরাহ করা হবে। টেলিফোন নম্বর (01904) 551 550।

Yeteri kadar önceden haber verilmesi koşuluyla, bilgilerin terümesini hazırlatmak ya da bir tercüman bulmak için mümkün olan herşey yapılacaktır. Tel: (01904) 551 550

我們竭力使提供的資訊備有不同語言版本，在有充足時間提前通知的情況下會安排筆譯或口譯服務。電話 (01904) 551 550。

اگر مناسب وقت سے اطلاع دی جاتی ہے تو ہم معلومات کا ترجمہ مہیا کرنے کی پوری کوشش کریں گے۔ ٹیلی فون (01904) 551 550

Informacja może być dostępna w tłumaczeniu, jeśli dostaniemy zapotrzebowanie z wystarczającym wyprzedzeniem. Tel: (01904) 551 550

Holding the Executive to Account

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

Who Gets Agenda and Reports for our Meetings?

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
- Public libraries get copies of **all** public agenda/reports.

WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE

SITE VISITS

Wednesday 17 November 2010

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

TIME (Approx)	SITE	ITEM
11:15	9 Lynwood View, Copmanthorpe	4a
11:50	Cedar Court Grand Hotel, Station Rise	4h
12:20	31 Fossgate	4f
12:50	Caffe Nero, 2B Kings Square	4e

This page is intentionally left blank

City of York Council

Committee Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	21 OCTOBER 2010
PRESENT	COUNCILLORS HORTON (CHAIR), REID (VICE-CHAIR), CRISP, STEVE GALLOWAY, GALVIN, GILLIES, SUNDERLAND, B WATSON AND MORLEY

23. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
OS Field 0011, to the NW of Askham Bryan Lane, Askham Bryan	Councillors Crisp, Gillies, Galvin, Horton, Reid and B Watson.	As objections had been received and the officer recommendation was for approval.
1 Peckett Street	Councillors Crisp, Gillies, Galvin, Horton, Reid and B Watson.	At the request of Councillor R Watson.
Cliffords Tower	Councillors Crisp, Gillies, Galvin, Horton, Reid and B Watson.	At the request of Councillor B Watson.
14 St Sampson's Square	Councillors Crisp, Galvin, Horton, Reid and B Watson.	As objections had been received and the officer recommendation was for approval

24. 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 A Reid declared a personal and prejudicial interest in plans item 5d (14 St Sampsons Square) as the applicant (who was speaking under Public Participation) and his family were known to her.

Councillors Steve Galloway, D Horton and B Watson declared personal, non prejudicial, interests in plans item 5d (14 St Sampson's Square) as the applicant was a former City of York Councillor.

Councillor Horton also declared a personal non prejudicial interest in plans item 5f (OS Field 0011, to the NW of Askham Bryan Lane, Askham Bryan) as his stepson is a mature student at Askham Bryan College.

25. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That Members of the Press and Public be excluded from the meeting during consideration of Annex A to agenda item 6 (Enforcement Cases Update) (Minute 28 refers) on the grounds that it contains information that if disclosed to the public, would reveal that the Authority proposes to give, under any enactment or notice by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment. This information is classed as exempt under Paragraphs 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

26. MINUTES

RESOLVED: That the minutes of the meeting of the West and City Centre Area Planning Sub Committee held on 16 September 2010 be approved and signed as a correct record.

27. 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.

28. 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.

28a Stable Block, Chapter House Street, York (10/00621/FUL)

Members considered a full application by Mr John Edwards for the conversion of a coach house to provide a single dwellinghouse with external alterations including porch, new rooflights and solar panels and alterations to windows and doors. Members agreed to consider the application for Listed Building Consent (Minute 28b refers) alongside this application.

Officers circulated a letter (including photographs) from O'Neill Associates, on behalf of clients who live at 8 Chapter House Street, which raised no

objections to the revised external alterations but maintained their objection to the proposed extent of the car parking area which, they stated, has been created accommodating potentially 5 cars contrary to national and local sustainability policies. Officers also advised that they had received a letter from 2 Ogleforth Mews objecting to any vehicle access via Monkbar Court and stating that previous concerns they had raised were still valid.

Officers advised that draft conditions 2 and 7 should be revised, that draft condition 6 be deleted as it was not longer needed due to the surface treatment being shown on the submitted drawing and draft condition 10 deleted as it was covered more fully by condition 7 of the Listed Building Consent application.

Representations were received from O'Neill Associates on behalf of clients in objection to the application. The speaker advised that her clients did not object to the change of use of the building to a dwellinghouse but stated that the external treatments were not fit for context in the location it was. She expressed their concerns that too much space had been allocated for parking which in their opinion was not suitable in such a sensitive, historic location in York and along one of the best stretches of the City walls. She stated that 5 spaces could not be justified for one property and voiced concerns that these could be used for business purposes of Grays Court rather than domestic use.

Representations were received by the applicant in support of the application. He stated that he had worked with the conservation officer and planning officer who were happy with the revised design of the building. With regard to the proposals for parking and landscaping, he stressed that there were no alternative locations for parking on the site. He explained that the access to the garage was difficult which made manoeuvring in and out tortuous so not practical on a day to day basis therefore the intention was to use the garage for the storage of bikes etc instead. He stated that the space identified for parking was enough for two cars plus one space for visitors, not five as suggested. He advised that the parking area would be surfaced with reinforced grass which would have the appearance of a lawn and that a new planting bed would be introduced which would be planted with fruit trees which would be trained along the walls to soften the parking area and two further beds which would enhance the conservation area.

Members raised concerns that the parking area appeared to be too large for two to three cars and that the intended reinforced grass surface was not ideal and could become scruffy with use. They accepted the offer made by the applicant to extend landscaping beyond the parking area.

Officers advised that the only way to control the number of parking spaces would be to limit the size of the parking area. They noted that revised condition 7 required landscaping to be shown on the plan and therefore a further revised plan would be required if the size of the parking area were to be reduced by introducing additional landscaping.

Members agreed to give officers delegated authority to approve the application once they have received and agreed revised plans showing changes to parking/landscaping as agreed at the meeting.

RESOLVED: That delegated authority be given to officers to approve the application subject to:

- (i) the conditions listed in the report;
- (ii) draft conditions 6 and 10, as listed in the report, being deleted;
- (iii) the revised conditions 2 and 7 as detailed below;
- (iv) a revised drawing being received and agreed showing changes to the landscaping and car parking areas agreed at the meeting (the drawing numbers referred to in conditions 2 and 7 will change as a result of this)
- (v) there being no further objections raising new issues as a result of the re-consultation exercise which was being carried out following receipt of revised plans. (The consultation period expires on 27 October 2010).

Revised Condition 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

Drawing no. GC1/02/03 Revision F dated 19.10.10.

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

Revised Condition 7

The landscaping and car parking areas shall be implemented and retained in accordance with layout shown on drawing GC1/02/03 Revision F.

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

REASON: The proposal, subject to the conditions listed in the report and the amended and deleted conditions details 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 "

28b Stable Block, Chapter House Street, York (10/00622/LBC)

Members considered an application by Mr John Edwards 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 28a refers)

RESOLVED: That delegated authority be given to officers to approve the application, subject to the conditions listed in the report once they have received and agreed revised plans showing changes to parking/landscaping as agreed at the meeting, if there are no further objections which raise new issues as a result of the re-consultation exercise which is being carried out following receipt of revised plans. The consultation period expires on 27 October 2010.

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

28c Clifford's Tower, Tower Street, York, YO1 9SA (10/01535/ADV)

Members considered an advert application by Mr Iain Roberts for the display of an English Heritage logo flag.

Representations were received from the English Heritage's Head of Visitor Operations (Yorkshire, South & Central). She showed Members the size and design of the proposed flag. She stated that the tower attracts 100,000 visitors per year and is a flagship site for sites all over Yorkshire, with many events based at Cliffords Tower and it being used for taster events. She explained that until you actually reach the base of the Clifford's Tower, there is no indication that it is an English Heritage site and it would be beneficial to visitors to the city, especially those who are members of English Heritage, to be able to identify it as an English Heritage site. She

circulated photographs showing the tower flying a flag in three separate locations and responded to Members queries regarding the reasons for the positioning of the flag. Members questioned English Heritage's reasons for wanting to display their own corporate symbol in preference to the Union Flag, St George's Cross or city flag. The speaker stressed the need for the site to be identifiable to English Heritage members and also to encourage new members but stated that they would be happy to display the city flag or other flags on special occasions.

Some members were of the opinion that the flying of any flag would be detrimental to this particular structure. Others raised no objection to the flying of a flag displaying the Union Flag or St Georges Cross but did not agree with a corporate logo being displayed for commercial purposes. Some Members pointed out that from a historical perspective, flags have always been flown from castles and stated that they had no objection to the English Heritage logo being displayed noting that it was an organisation recognised nationally by its logo.

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

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

28d 14 St Sampsons Square, York, YO1 8RR (10/01836/FUL)

Members considered a full application care of the agent for the change of use from retail (use Class A1) to mixed use retail and hot food takeaway.

Officers advised they had received a letter dated 13 October 2010 from the applicant which stated that the potential for retail at the host premises was restricted by its limited size (and potential for stock/capacity). It indicated that the proposed business was a mix of delicatessen and food takeaway and was essentially a retail outlet and it was forecast there would be a 60/40 split (cold to hot food ratio) between sales. It suggested that the applicants would accept a condition restricting opening times, so the premises would be required to close by either 02:00 or 03:00 should members see fit.

Representations were received from the applicant in support of the application. He advised Members that he wished to be in a position to take full advantage of the retail opportunities which exist in that location. He explained that he had applied for late opening times in line with the late night refreshment licence which had already been granted. He confirmed that there would be no preparation of food on site therefore no issues

regarding ventilation etc. He stated that if approved this would be a flagship unit for York.

Members queried the draft condition relating to the operation of the roller shutters which exist at the premises. Officers confirmed that the condition was needed to ensure that the windows were not shuttered during the day thereby preserving the shopping frontage. Members requested that condition 4 be amended to bring the time when shutters should not be drawn shut forward from 10am to 9am.

In respect of any restrictions on opening times, Members agreed that they would prefer to see an earlier closing time to 5am but acknowledged that as another nearby food outlet was allowed to remain open until 5am, it would be unfair to differentiate between the two premises.

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

Amended Condition 4

The retained roller shutter shall not be drawn shut between the hours of 09.00 and 17.00 each day of the week.

Reason: To maintain the vitality and viability of the street.

REASON: The proposal, subject to the conditions listed in the report and the amended condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the 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.

**28e Decorative Plaster, 136 Boroughbridge Road, York, YO26 6AL
(10/01822/FUL)**

Members were advised that this application had been withdrawn by the applicant, Mr Michael Beaufoy, prior to the meeting. The application was for the conversion of a first floor flat and roof space to create two flats with a 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).

28f Os Field 0011, to the NW of Askham Bryan Lane Askham Bryan York (10/01663/FUL)

Members considered a full application by AP and JE Sykes for the erection of a farm shop and tea room with associated parking and landscaping (resubmission).

Officers advised the Committee that they were in receipt of revised plans (Drawings 002E 003E and 004C) which showed a relocated staff cycle store in the delivery yard area, the change in surfacing around car parking area (areas of grass and re-enforced grass specified), resin bonded gravel surfaced walkways to the building and that the visibility splay had been amended. They also advised that the italic text in condition 3 be deleted from the condition and recommended an additional condition requiring the tea room to be confined to the area shown in drawing 09004 002E and that standard condition HT1, with a height restriction of 4.3 metres, be added.

A letter from the owners of "Food From the Farm" in objection to the application was circulated to Members, as they were not able to attend the meeting to speak. This indicated concern over issues of competition but also questioned whether the applicants would be able to adhere to the condition requiring that 85 percent of the annual turnover should come from sales of produce grown/reared at the agricultural holding and Askham Bryan College. In response to issues raised in this letter, officers advised that competition was not a planning consideration and confirmed that the 85 percent of annual turnover was covered by draft condition 3.

Representations were received from the agent in support of the application. She advised Members that this was a genuine family business and diversification scheme and that sustainability was embodied in the proposals. She stated that flexibility was required as it was impossible to deliver everything immediately but time was needed to put systems in place and in particular establish a cereal crop. She suggested that Members may like to impose an additional condition which would require them to carry out an audit at the end of 2 years to ensure that they were producing the correct range of produce as detailed in their supporting statement. She advised the Committee that they would offer Askham Bryan College students the opportunity to gain management experience at the farm shop. She stated that they had received 29 letters of support and a petition in favour of the proposals which had been signed by existing pick-your-own customers. She answered specific queries from Members regarding the range of produce which would be sold.

Members noted the contents of the correspondence submitted by a neighbouring farm shop but agreed the main issue raised in this was regarding competition which was not a planning consideration. They stated that the location for the Farm Shop was good and acknowledged that there was a sound business plan in place but that the owners would not be able to achieved the 85 percent until after two years, in part due to the need to produce a cereal crop.

RESOLVED: (i) That the application be approved subject to the conditions listed in the report and the amended

condition below and the additional condition referred to in (ii).

(ii) That a further condition be added, the wording to be agreed in conjunction with the Chair, to stipulate that after two years an audit to be carried out to identify whether the business has achieved the required 85 percent of the annual turnover from sales of produce that has been grown/reared at the agricultural holding or Askham Bryan College.

Amended Condition

The tea room shall be confined to the area shown on drawing 09004 002E.
Reason: To ensure the tea room facility remains ancillary to the principle use of the building, in accordance with national policies PPS2: Green Belts and PPS4: Planning For Sustainable Economic Growth.

Standard condition HT1: height restriction of building – not to exceed 4.3 metres

REASON: The proposal, subject to the conditions listed in the report and the amended condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to the 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.

28g Bailey And Gildeners Solicitors 1 Peckitt Street York YO1 9SF (10/01688/ADV)

Members considered an advert application by Mr Gordon Gildener for the display of a lettering sign.

Officers circulated a colour photograph of the corner of Tower Street/Peckitt Street showing how the proposed lettering would appear on the side of the building.

Representations were received from the applicant in support of his application. He advised Members that the majority of the buildings in Tower Street and Peckitt Street were professional offices not residential properties as stated by the planning officer. He advised Members that their solicitor's practice was expanding, that they had taken on new staff in recent years and intended to take on four further staff in the new year. As part of this expansion, there was a need to increase the profile of the

practice within the city centre and the existing brass plaque was not an adequate means of directing customers to their offices. He stated that the proposed signage was in keeping with signage used by other solicitors in the city with similar corner locations, as well as city centre hotels.

In response to the speaker's comments, officers stated that the report refers to the fact that the properties had been erected as residential properties and that the building retained a residential character.

Members noted that shop frontages had been introduced on Tower Street which already removed some of the residential character of the buildings and the ring road sign in front of the building also detracted from the building.

Councillor Galvin moved and Councillor Steve Galloway seconded a motion to approve the application subject to the conditions listed in the report. On being put to the vote, the motion fell.

For clarification, officers explained that their recommendation of refusal was because 1 Peckitt Street was a listed building with a residential character and they believed that the commercial nature of the sign detracted from the residential character of the building. They stated that whereas signage could be justified in the case of shops which rely on footfall, commercial offices do not usually rely on footfall in the same way. They also advised that advert application regulations did not require the local authority to take into account other signage when determining an application.

Members noted that the photograph showed the residential character of the building and agreed that the lettering would detract from the residential character of this listed building.

RESOLVED: That the application be refused.

REASON: 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. "

**28h Bailey And Gildeners Solicitors 1 Peckitt Street York YO1 9SF
(10/01689/LBC)**

Members considered an application for listed building consent by Mr Gordon Gildener for the display of one lettering sign. The Committee had agreed to consider issues surrounding this application for listed building consent alongside the advert application (Minute 28g refers)

RESOLVED: That the application be refused.

REASON: 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. "

29. ENFORCEMENT CASES UPDATE

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

RESOLVED: That the report be noted.

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

Councillor D Horton, Chair
[The meeting started at 3.00 pm and finished at 5.15 pm].

This page is intentionally left blank

COMMITTEE REPORT

Date: 18 November 2010 **Ward:** Rural West York
Team: Householder and Small Scale Team **Parish:** Copmanthorpe Council Parish

Reference: 10/01921/FUL
Application at: 9 Lynwood View Copmanthorpe York YO23 3SW
For: One and two storey extensions to front and side
By: Mr Paul Horsman
Application Type: Full Application
Target Date: 2 November 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks permission for one and two storey extensions to the front and side of 9 Lynwood View. The two storey extension will project 2m from the original front wall of the property.

1.2 The dwelling is a two storey detached dwelling which sits within a small cul-de-sac of ten properties.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175
DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYGP1 Design

CYH7 Residential extensions

3.0 CONSULTATIONS

INTERNAL

3.1 HIGHWAY NETWORK MANAGEMENT - The proposal complies with CYC parking standards and therefore no highway objections are raised.

EXTERNAL

3.2 COPMANTHORPE PARISH COUNCIL - The Parish Council objects to the proposal on the grounds that the mass of the extension will overpower existing properties and will have a detrimental effect on the character of the cul-de-sac. It is also felt to result in a loss of amenity for neighbouring properties.

3.3 PUBLICITY - The application was advertised by neighbour notification letter. 9 letters of objection have been received from residents in Lynwood View who raised the following concerns:

- the proposed extensions are significant when compared to the existing footprint of the dwelling and will result in overdevelopment
- the attractive and pleasing outlook of the cul-de-sac will be adversely affected
- the extensions will cross over the existing building line leading to a reduction of the open outlook of the street breaking the natural line of development
- the extensions will impact on privacy and natural light levels for neighbouring properties, specifically between 1pm-4pm during the winter months
- scale and positioning of the proposed extensions is totally out of character with the cul-de-sac
- the decrease in the side of the driveway will increase the need for on-street parking
- no. 8 Lynwood View will be pushed further into the corner of the street and would have a cramped appearance to the street
- extending to the front in this way will set a precedent of which wouldn't be sustainable in the area
- the property would become very dominant within the street if it were to be extended in this way, there are no other extensions to the front of properties in the street.
- within the darker months of the year, the street lighting at the corner of 1 Lynwood View would be of no benefit to an already dark corner at no. 8, properties would be in greater risk of burglaries resulting in larger insurance premiums for each household
- access and egress of the street would become more difficult due to the front extension
- the proposed side door will cause a loss of privacy, being able to look directly into the lounge of no. 10
- a covenant was placed on the individual plots in 1961 to preserve the design and character of the development and states that the front wall of any house or building shall not project beyond the building line.
- the front extension would be contrary to the recommendations of the Copmanthorpe Village Design Statement.

A 60 signature petition has also been received which objects to the proposal on the grounds that the front extension would set a precedent for future development.

4.0 APPRAISAL

KEY ISSUES:-

- Visual impact on the dwelling and the streetscene
- Impact on neighbouring property
- Highway Issues
- Other Issues

RELEVANT PLANNING POLICY

4.1 Draft Local Plan Policy GP1 states that development proposals will be expected to respect or enhance the local environment, be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; and ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.2 Draft Local Plan Policy H7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours (iv) proposals respect the spaces between dwellings; and (v) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

4.3 The City of York Council Supplementary Planning Guidance - Guide to extensions and alterations to private dwelling houses (2001) states that the basic shape and size of the extension should be sympathetic to the design of the original dwelling and should also appear subservient. The scale of the new extension should not dominate the original building. Proposed extensions should have pitched roofs and the materials should match those of the main property. For single storey extensions, obscured glazing should be fitted to any essential windows facing the neighbouring boundary where there may be a loss of privacy for neighbours.

4.4 Copmanthorpe Village Design Statement states that extensions should be set back from plot boundaries, retain neighbours right to light and privacy and should be designed to compliment existing buildings and materials.

VISUAL IMPACT ON THE DWELLING AND STREETSCENE

4.5 The proposal will extend the whole of the front elevation forward by 2m and will extend above the garage to the side to enlarge the third bedroom. A single storey extension will also provide a utility room to the side of the kitchen diner with a small extension to the front of the garage which is linked by a pitched roof to the first floor extension. The extensions have been sympathetically designed to match the appearance of the dwelling in accordance with CYC policies GP1 and H7 and the Copmanthorpe Village Design Statement, with matching materials proposed. The extensions are felt to be in character with the appearance of the property, the first floor side extension appearing subservient due to its 2m set back from the front elevation. A gap of 1.2m is retained to the side boundary. It is not considered that the proposal constitutes over development of the site.

4.6 There have been concerns raised by the residents that the scale of the front extension would be out of character with the cul-de-sac and would dominate the

other properties in the street. Numbers 8-10 Lynwood View are detached dwellings which are set back from the highway in a staggered fashion to varying degrees. As such there is no established building line on this side of the street. The proposed two storey extension will bring the dwelling within 8.4m of the highway, which is considered an acceptable distance and will not project past the front corner of no. 10. As such the extension is not felt to dominate the streetscene or look out of place against the adjacent properties.

4.7 The concern has also been raised by neighbouring residents that the proposed two storey extension would set a precedent for similar developments in the area. However this is not felt to be the case. The proposal in this instance is not felt to be harmful to the street scene due to the staggered layout of the three detached houses on this side of Lynwood View as well as the distance and angle of the host dwelling from neighbouring properties and the highway. This application has been judged on its own merits and as such future applications for similar proposals would also be judged on the individual circumstances of the development site and locality.

IMPACT ON NEIGHBOURING PROPERTY

4.8 Concerns have also been raised by neighbouring residents regarding loss of daylight, specifically with regard to no. 8 Lynwood View, to the north of the application site. The submitted sunlight/daylight assessment shows that there is very little overshadowing to no. 8 and whilst the front extension will result in additional overshadowing to their front lawn and driveway, it will not cause a significant loss of light to the ground floor living areas due to the distance of no. 8 from the application site.

4.9 The proposed extensions, due to the orientation of no. 10 Lynwood View and the application site, will not cause significant overshadowing, however it has been suggested that the proposed side door to the utility room will allow overlooking into the rear garden and living room of no.10 which will result in a loss of privacy. In response to this, the applicant has stated that a new 1.8m high fence will be erected to obscure views from the side door and it is felt that this is an acceptable compromise. It will still be requested however that all windows and doors proposed to this side elevation shall be obscurely glazed in the event that the fence is removed at a later date.

4.10 Residents within the cul-de-sac have also objected to the scheme on the grounds of loss of privacy however the majority of properties are over 21m away from the proposed front extension as required by the CYC supplementary guidance. The occupants of no. 7 have objected as they will look directly onto the first floor bay window, and as such could also be overlooked, however the host dwelling is at 90 degrees to no. 7 and as such the 17m distance between windows is not considered to cause significant loss of privacy.

HIGHWAY ISSUES

4.11 Lynwood View is a small cul-de-sac which currently experiences issues with car parking, due to high levels of vehicle ownership in the street thereby making

access and egress into and out of the cul-de-sac difficult at times. The proposed two storey extension to front will increase the length of the garage thereby reducing the length of the existing drive way of no. 9. Currently two vehicles park on this drive way as the garage is currently not of a standard size and is therefore only considered capable of being used as storage. The extension to the garage will mean that a car and cycles can be accommodated within the garage and still leave sufficient space for a vehicle to be parked on the driveway. The City of York Council's parking standard for a 3 plus bedroom dwelling is a maximum of two car parking spaces, therefore the proposed application complies with this standard. As the number of car parking spaces is unchanged it is not felt that there will be any detrimental impact on parking levels within the street.

OTHER ISSUES

4.12 A covenant was placed on this development in 1961 which states that the front wall of any house or building shall not project beyond the building line or lines shown on the plan annexed to the document. The covenant this is a private matter and does not impact on the ability of the LPA to determine the planning application, however it should be noted that the grant of planning permission does not override the need to comply with this covenant if it remains capable of being enforced through the courts.

5.0 CONCLUSION

5.1 The proposed extensions are considered to comply with the requirements of policies H7 and GP1 of the Local Plan and guidelines contained within the Village Design Statement and the Householder Design Guide. Proposals are not considered to cause significant harm to residential amenity or the streetscene.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- | | | |
|---|--------|--------------------------------------|
| 1 | TIME2 | Development start within three years |
| 2 | VISQ1 | Matching materials |
| 3 | PLANS1 | Approved plans |

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), the window and door in the south elevation of the side extension shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above. Furthermore no additional windows and doors shall be inserted into the side elevation.

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

5 The garage shall be retained for the sole use of parking vehicles and bicycles and shall not be converted to additional habitable space unless planning permission has first been granted for such an alteration or use by the Local Planning Authority.

Reason: To retain adequate car parking in the interests of highway safety and the convenience of road users and local residential amenity.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the appearance of the dwelling, street scene and residential amenity. As such the proposal complies with Policies GP1 and H7 of the City of York Development Control Local Plan, the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance and the Copmanthorpe Village Design Statement.

2. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available from City Strategy at 9 St Leonard's Place or at:

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

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

Contact details:

Author: Elizabeth Potter Development Management Assistant

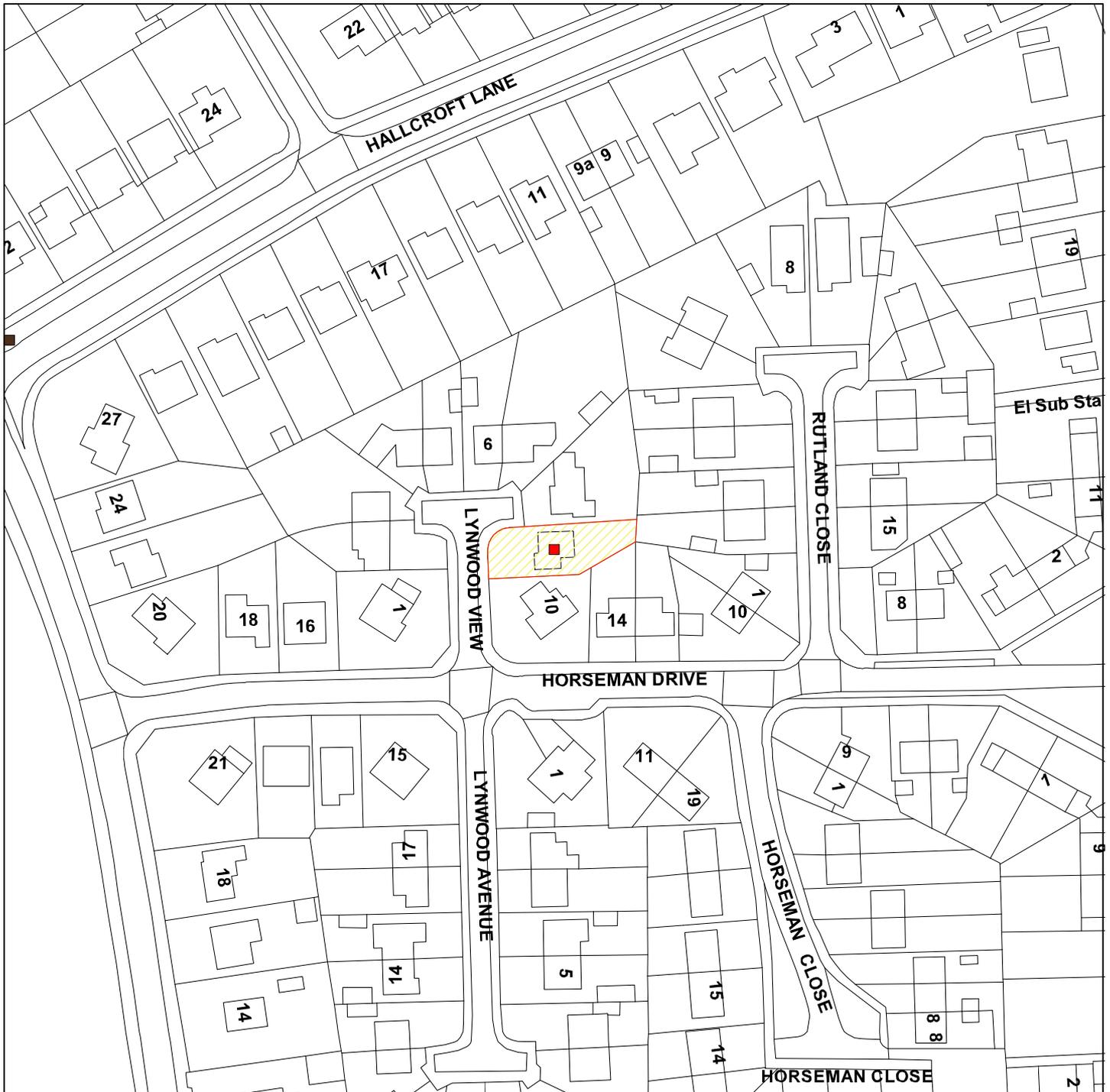
Tel No: 01904 551477

9 Lynwood View, Copmanthorpe

10/01921/FUL



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	04 November 2010
SLA Number	Not set

This page is intentionally left blank

COMMITTEE REPORT

Date: 18 November 2010 **Ward:** Guildhall
Team: Major and Commercial **Parish:** Guildhall Planning Panel
Team

Reference: 10/01927/FUL
Application at: Thorntons Plc 15 Parliament Street York YO1 8SG
For: Replacement shopfront
By: Miss Julie Bell - Barker
Application Type: Full Application
Target Date: 22 November 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for a replacement shopfront. The proposed timber shopfront would have central recessed doors to replace the existing returns and accommodate a ramp for wheelchair users. Revised plans have been submitted indicating a timber shopfront rather than the originally proposed aluminium shopfront. Mullions have also been added. The colour proposed for the shopfront is cream this has been altered from the original proposed brown.

1.2 The property is a Grade II Listed Building dating from 1836 - 39 with twentieth century alterations and shopfront, situated in the Central Historic Core Conservation Area. The property lies within the immediate setting of a Grade II Listed Buildings at 14 and 16 Parliament Street.

1.3 The application comes before committee at the request of Cllr Brain Watson as the building is listed and there are two other pending applications on the site, one for an advert and the other for listed building consent for the replacement shopfront.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2; 16 Parliament Street York YO1 2SG 0561

Listed Buildings GMS Constraints: Grade 2; The Disney Store 14 Parliament Street York YO1 8S 0559

Listed Buildings GMS Constraints: Grade 2; 15 Parliament Street York 0560

2.2 Policies:

CYGP16
Shopfronts

CYHE6
Shopfronts in historic locations

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT - No objections to revised plans (Drawing Number 556-07 Revision C received 28 October 2010)

EXTERNAL CONSULTATIONS/REPRESENTATIONS

GUILDHALL PLANNING PANEL - No objections

4.0 APPRAISAL

RELEVANT SITE HISTORY

Shopfront applications:

08/01139/FUL - Change of use from retail shop (use class A1) to financial and professional services (use class A2) - Approved

KEY ISSUES

1. Visual impact on the building and the conservation area

ASSESSMENT

PLANNING POLICY

4.1 Policy GP16 'Shopfronts' of the City of York Council Development Control Local Plan states that planning permission for new or alterations to existing will only be granted if the proposals respect the scale, proportion, materials and the architectural style of the building to which the attached an the area in which they are located.

4.2 Policy HE6 states that planning permission for new or alterations to the existing shopfronts in conservation areas or on listed buildings will only be allowed if the proposed design preserves or enhances the character of the area or the building.

VISUAL IMPACT ON THE BUILDING AND THE CONSERVATION AREA

4.3 The proposed shopfront would replace the existing set back doors with splay frontage. The existing frontage is rather atypical in Parliament Street and not considered to fit with the Georgian character and proportions of the building. The proposed frontage with the box recessed doors, in addition to the visual division of the windows created by the timber mullions, whilst similar to the existing is considered to be a slight visual improvement on the existing, by removing the splayed entrance and creating a more substantial frontage. The proposed timber mullions have been added and provide some division and solidity to the shopfront. Originally an aluminium shopfront was proposed however this has been revised and the cream painted timber frontage has been shown and this is considered to be more in keeping with the age, appearance, and character of the building.

4.4 The proposed shopfront is not substantially different from the existing and as such the proposed shopfront is not considered to impact further on the character and appearance of the conservation area than the existing.

5.0 CONCLUSION

5.1 The proposed shopfront is considered to be visual improvement on the existing and as such is considered to be in keeping with the visual amenity of the host building but also the conservation area and the character of the streetscene. Approval subject to the following conditions is recommended.

6.0 RECOMMENDATION: Approve

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

Drawing Number 556-07 Revision C received 28 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.

2 TIME2 Development start within three years

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual amenity and character of the host building, steetscene, and the conservation area. As such the proposal complies with Policies GP16, and HE6 of the City of York Development Control Local Plan.

Contact details:

Author: Victoria Bell Development Management Officer

Tel No: 01904 551347

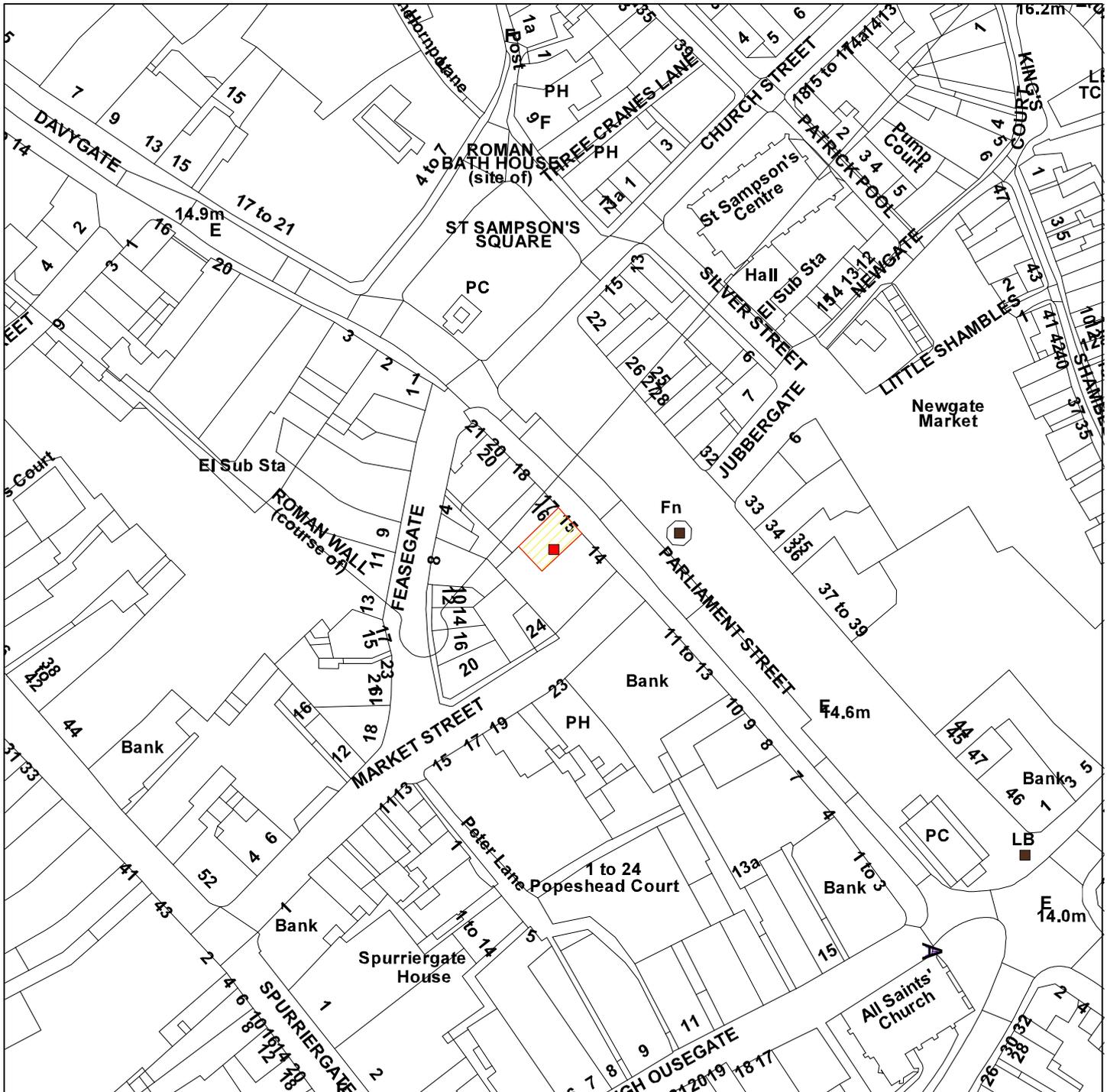
This page is intentionally left blank

15 Parliament Street

10/01927/FUL



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	04 November 2010
SLA Number	Not set

This page is intentionally left blank

COMMITTEE REPORT

Date: 18 November 2010 **Ward:** Guildhall
Team: Major and Commercial **Parish:** Guildhall Planning Panel
Team

Reference: 10/01939/LBC
Application at: Thorntons Plc 15 Parliament Street York YO1 8SG
For: Replacement shopfront, fascia sign, and hanging sign
By: Miss Julie Bell - Barker
Application Type: Listed Building Consent
Target Date: 22 November 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for a replacement shopfront. The proposed timber shopfront would have central recessed doors to replace the existing returns and accommodate a ramp for wheelchair users. Revised plans have been submitted indicating a timber shopfront rather than the originally proposed aluminium shopfront. Mullions have also been added. The colour proposed for the shopfront is cream this has been altered from the original proposed brown.

1.2 The proposed fascia would retain the existing timber background. The background would be cream in colour and the proposed lettering would be brown. The individual cut letters would be 0.005 metres in depth and would protrude from the fascia by 0.075 metres. The lettering would range from 0.4 metres in height to 0.2 metres in height, the extent of the lettering would be 1.42 metres in length.

1.3 The proposed hanging sign would use the existing bracket and be sited in the position of the existing hanging sign. The timber hanging sign would be cream in colour with brown lettering. The sign would be 0.65 metres in height and width, 0.02 metres in width and would be 4.2 metres from ground level.

1.4 The property is a Grade II Listed Building dating from 1836 - 39 with twentieth century alterations and shopfront, situated in the Central Historic Core Conservation Area. The property lies within the immediate setting of a Grade II Listed Buildings at 14 and 16 Parliament Street.

1.5 The application comes before committee at the request of Cllr Brain Watson as the building is listed and there are two other pending applications on the site, one for an advert and the other for planning permission for the replacement shopfront (10/01927/FUL and 10/01928/ADV).

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2; 16 Parliament Street York YO1 2SG 0561

Listed Buildings GMS Constraints: Grade 2; The Disney Store 14 Parliament Street York YO1 8S 0559

Listed Buildings GMS Constraints: Grade 2; 15 Parliament Street York 0560

2.2 Policies:

CYHE4
Listed Buildings

CYHE6
Shopfronts in historic locations

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT - No objections to revised plans (Drawing Number 556-07 Revision C received 28 October 2010)

EXTERNAL CONSULTATIONS/REPRESENTATIONS

GUILDHALL PLANNING PANEL - No objections

4.0 APPRAISAL

RELEVANT SITE HISTORY

Listed building applications:

07/00118/LBC - Display of 1 no. non-illuminated fascia sign, 1 no. projecting hanging sign and 2 no. window graphics (resubmission) - Approved

06/02153/LBC - Display of Non-illuminated fascia sign and hanging sign - Refused
- The Local Planning Authority considers that the proposed advertisements would result in a significant loss of character of the Listed Building due to the replacement of the existing timber advertisements with aluminium, and a proposed plainer, borderless hanging sign. In addition, the applicant has failed to provide sufficient information that would allow an assessment of the relationship of the proposed fascia sign with the existing shopfront of the Listed Building. For these reasons, it is

considered that the advertisements would be harmful to the amenity and special character of this Listed Building

06/00182/LBC - Display of replacement non-illuminated fascia sign and projecting hanging sign - Refused

- It is considered that the proposed advertisements would result in a significant loss of character of the Listed Building due to the replacement of the existing timber advertisements with aluminium, and a proposed plainer, borderless hanging sign. In addition, the applicant has failed to provide sufficient information that would allow an assessment of the relationship of the proposed fascia sign with the existing shopfront of the Listed Building. For these reasons, it is considered that the advertisements would be harmful to the amenity and special character of this Listed Building

KEY ISSUES

1. Impact on the listed building

ASSESSMENT

PLANNING POLICY

4.1 Planning Policy Statement 5 – “Planning and the Historic Environment” In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

4.2 Policy HE4 'Listed Buildings' is also relevant in that it states that consent will only be granted for development where there is no adverse effect on the character, appearance or setting of the building.

4.3 Policy HE6 states that planning permission for new or alterations to the existing shopfronts in conservation areas or on listed buildings will only be allowed if the proposed design preserves or enhances the character of the area or the building.

IMPACT ON LISTED BUILDING

4.4 The existing twentieth century timber shopfront is framed by timber pilasters and a timber fascia that will be retained as part of the proposals. The proposed shopfront would be replaced with a timber and glazed frontage with central recessed double doors to replace the existing splayed returns and accommodate a ramp for wheelchair users. The proposed shallow timber stallriser is of a similar height to the existing plinths to the pilasters.

4.5 The existing frontage is rather atypical in Parliament Street and not considered to fit with the Georgian character and proportions of the building. The proposed

frontage with the box recessed doors, in addition to the visual division of the windows created by the timber mullions, whilst similar to the existing is considered to be a slight visual improvement on the existing, by removing the splayed entrance and creating a more substantial frontage. The proposed timber mullions have been added and provide some division and solidity to the shopfront. Originally an aluminium shopfront was proposed however this has been revised and the cream painted timber frontage has been shown and this is considered to be more in keeping with the age, appearance, and character of the building.

4.6 The colour of the fascia and hanging sign have been revised and is now shown as cream which is considered to be more in keeping with the age, style and architectural character of the building. The proposed brown lettering on the fascia is located directly above the existing and proposed entrance door and appears to be of an acceptable scale with the existing timber fascia, and the existing and proposed shopfront. The maximum projection of the proposed lettering would be 0.0075 metres from the fascia and as such is not considered to be unduly prominent. The lettering against the timber fascia is considered to be of a design and scale that respects the character and appearance of the streetscene and conservation area.

4.7 The proposed non-illuminated timber projecting sign finished in cream with brown lettering would be fixed to the existing metal bracket finished in a brown colour. The design of the proposed hanging sign is simple and is unlikely to harm the significance or special interest of the listed building and would not be unduly prominent within the streetscene.

4.8 The proposed shopfront is not substantially different from the existing and as such the proposed shopfront and the proposed fascia and hanging sign are not considered to impact further on the character and special interests of the listed building than the existing.

5.0 CONCLUSION

5.1 The proposed fascia and hanging sign are considered to be of a sympathetic scale and appearance to the shopfront, and listed building. The proposed signage is not considered to be unduly prominent within the streetscene or the conservation area. The proposed shopfront is considered to be visual improvement on the existing and as such is considered to be in keeping with the visual amenity and special interests of the listed building. Approval subject to the following conditions is recommended.

6.0 RECOMMENDATION: Approve

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

Drawing Number 556-07 Revision C received 28 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.

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

3 Prior to the commencement of the development large scale details at a scale of 1:2 showing a horizontal section through the door frames and mullions showing the relationship to the glazing; along with a vertical section through the doors at a scale of 1:10, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

4 Notwithstanding the submitted plans, the proposed shopfront will have a matt paint finish.

Reason: So as to achieve a visually cohesive appearance and be in keeping with the integrity of the listed building.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the special interests, character, and appearance of the listed building. As such the proposal complies with Policies HE4 and HE6 of the City of York Council Development Control Local Plan.

Contact details:

Author: Victoria Bell Development Management Officer

Tel No: 01904 551347

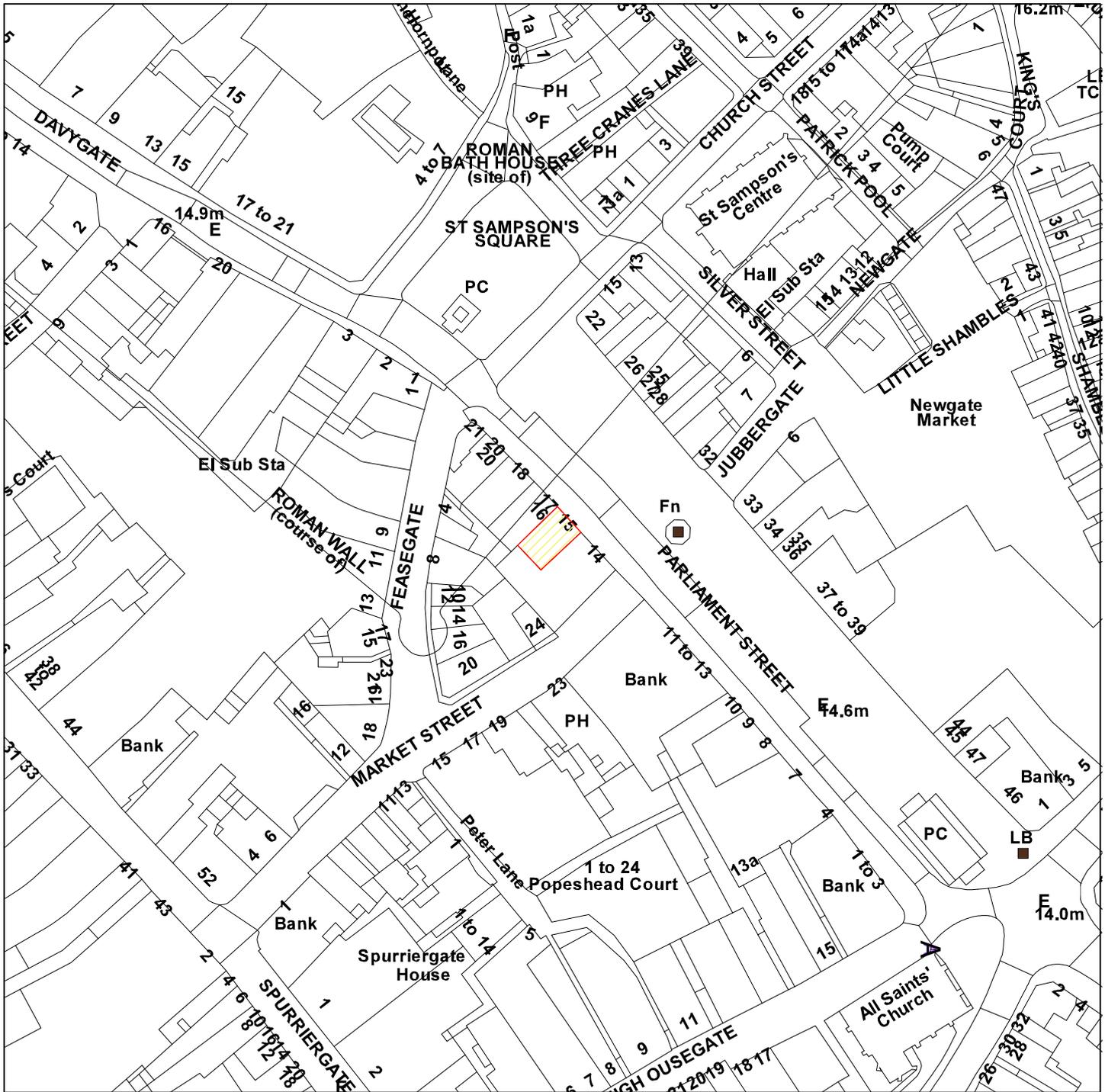
This page is intentionally left blank

15 Parliament Street

10/01939/LBC



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	04 November 2010
SLA Number	Not set

This page is intentionally left blank

COMMITTEE REPORT

Date: 18 November 2010 **Ward:** Guildhall
Team: Major and Commercial **Parish:** Guildhall Planning Panel
Team

Reference: 10/01928/ADV
Application at: Thorntons Plc 15 Parliament Street York YO1 8SG
For: Display of 1no. fascia sign and 1no. hanging sign
By: Miss Julie Bell - Barker
Application Type: Advert Application
Target Date: 11 November 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for the display of 1 no. fascia sign and 1 no. hanging sign. Neither sign would be illuminated. The building is a grade II listed building and within the Central Historic Core Conservation Area. There are two other applications on this site at present - 10/01927/FUL and 10/01939/LBC - these applications relate to the replacement of the shopfront.

1.2 The proposed fascia would retain the existing timber background. The background would be cream in colour and the proposed lettering would be brown. The individual cut letters would be 0.005 metres in depth and would protrude from the fascia by 0.075 metres. The lettering would range from 0.4 metres in height to 0.2 metres in height, the extent of the lettering would be 1.42 metres in length.

1.3 The proposed hanging sign would use the existing bracket and be sited in the position of the existing hanging sign. The timber hanging sign would be cream in colour with brown lettering. The sign would be 0.65 metres in height and width, 0.02 metres in width and would be 4.2 metres from ground level.

1.4 The application comes before committee at the request of Cllr Brain Watson as the building is listed and there are two other pending applications on the site related to the replacement shopfront - 10/01927/FUL and 10/01939/LBC.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2; 16 Parliament Street York YO1 2SG 0561

Listed Buildings GMS Constraints: Grade 2; The Disney Store 14 Parliament Street York YO1 8S 0559

Listed Buildings GMS Constraints: Grade 2; 15 Parliament Street York 0560

2.2 Policies:

CYGP21
Advertisements

CYHE8
Advertisements in historic locations

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT - No objections to revised plans (Drawing Number 556-07 Revision C received 28 October 2010)

EXTERNAL CONSULTATIONS/REPRESENTATIONS

GUILDHALL PLANNING PANEL - No objections

4.0 APPRAISAL

RELEVANT SITE HISTORY

Advert applications:

07/00117/ADV - Display of 1 no. non-illuminated fascia sign, 1 no. projecting hanging sign and 2 no. window graphics (resubmission) - Approved

06/02169/ADV - Display of 1 no. non-illuminated fascia sign, 1 no. projecting hanging sign and 2 no. window graphics – Refused

- The Local Planning Authority considers that the proposed advertisements would result in a significant loss of character of the Listed Building and the central historic core conservation area due to the replacement of the existing timber advertisements with aluminium, and a proposed plainer, borderless hanging sign. In addition, the applicant has failed to provide sufficient information that would allow an assessment of the relationship of the proposed fascia sign with the existing shopfront of the Listed Building. For these reasons, it is considered that the advertisements would be harmful to the amenity and special character of this Listed Building in the conservation area

06/00180/ADV - Display of replacement non-illuminated fascia sign and projecting hanging sign – Refused

- It is considered that the proposed advertisements would result in a significant loss of character of the Listed Building and the conservation area due to the replacement of the existing timber advertisements with aluminium, and a proposed plainer, borderless hanging sign. In addition, the applicant has failed to provide sufficient information that would allow an assessment of the relationship of the proposed fascia sign with the existing shopfront of the Listed Building. For these reasons, it is considered that the advertisements would be harmful to the amenity and special character of this Listed Building in the conservation area

KEY ISSUES

1. Impact on amenity, specifically the visual impact on the building and the conservation area
2. Impact on public safety

ASSESSMENT

PLANNING POLICY

4.1 Planning Policy Guidance 19 "Outdoor Advertisement Control" (PPG19) states 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.

4.2 Para.4 states that a building can contribute positively to a sense of pride and place, however it warns that the appearance of a building can be spoilt by a poorly designed or insensitively placed sign, or by choice of the sign/adverts materials, colour, proportion or illumination which are out of keeping with the building's design or fabric. Such signs can appear over-dominant and out of place.

4.3 As stated in PPG 19 paragraph 11 and 12 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.

4.4 Planning Policy Statement 5 "Planning for the Historic Environment states when considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.

4.5 Policy GP21 "Advertisements" in the City of York Council Development Control Local Plan (2005) states that permission will only be granted if the size, design,

materials colouring of signs, hoardings and large panels and any form of illumination does not detract from the visual amenity of the area in which they are displayed particularly with regard to the character of listed buildings and conservation areas. Additionally any proposal should not have an adverse effect on public safety. In residential areas and on sites clearly visible from the road the advertisement should be in keeping with the scale of the surrounding buildings and public areas.

4.6 Policy HE8 "Advertisements in Historic Locations" states that within conservation areas, or on listed buildings advertisements should be of a design and scale that respects the character and appearance of the area and be of sympathetic materials. Within conservation areas externally illuminated advertisements that require large light fittings are not permitted.

VISUAL IMPACT ON THE BUILDING AND THE CONSERVATION AREA

4.7 The colour of the fascia and hanging sign have been revised and is now shown as cream which is considered to be more in keeping with the age, style and architectural character of the building. The proposed brown lettering on the fascia is located directly above the existing and proposed entrance door and appears to be of an acceptable scale with the existing timber fascia, and the existing and proposed shopfront. The maximum projection of the proposed lettering would be 0.0075 metres from the fascia and as such is not considered to be unduly prominent. The lettering against the timber fascia is considered to be of a design and scale that respects the character and appearance of the streetscene and conservation area.

4.8 The proposed non-illuminated timber projecting sign finished in cream with brown lettering would be fixed to the existing metal bracket finished in a brown colour. The design of the proposed hanging sign is simple and is unlikely to harm the significance or special interest of the listed building and would not be unduly prominent within the streetscene.

IMPACT ON PUBLIC SAFETY

4.9 It is not considered that the proposed signage would cause harm to public safety.

5.0 CONCLUSION

5.1 The proposed fascia and hanging sign are considered to be of a sympathetic scale and appearance to the shopfront, and listed building. The proposed signage is not considered to be unduly prominent within the streetscene or the conservation area and is considered to comply with Policies GP21 and HE8 of the City of York Council Development Control Local Plan. Approval subject to the following conditions is recommended.

6.0 RECOMMENDATION: Approve

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

Drawing Number 556-07 Revision C received 28 October 2010
Email from agent - Fisch Designs received 4 November 2010;

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

2 Notwithstanding the submitted plans the fascia, fascia lettering, and hanging sign will have a matt finish.

Reason: So as to achieve a visually cohesive appearance and be in keeping with the integrity of the listed building.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the visual amenity of the host/listed building, the streetscene, and conservation area. As such the proposal complies with Policies GP21 and HE8 of the City of York Development Control Local Plan.

Contact details:

Author: Victoria Bell Development Management Officer

Tel No: 01904 551347

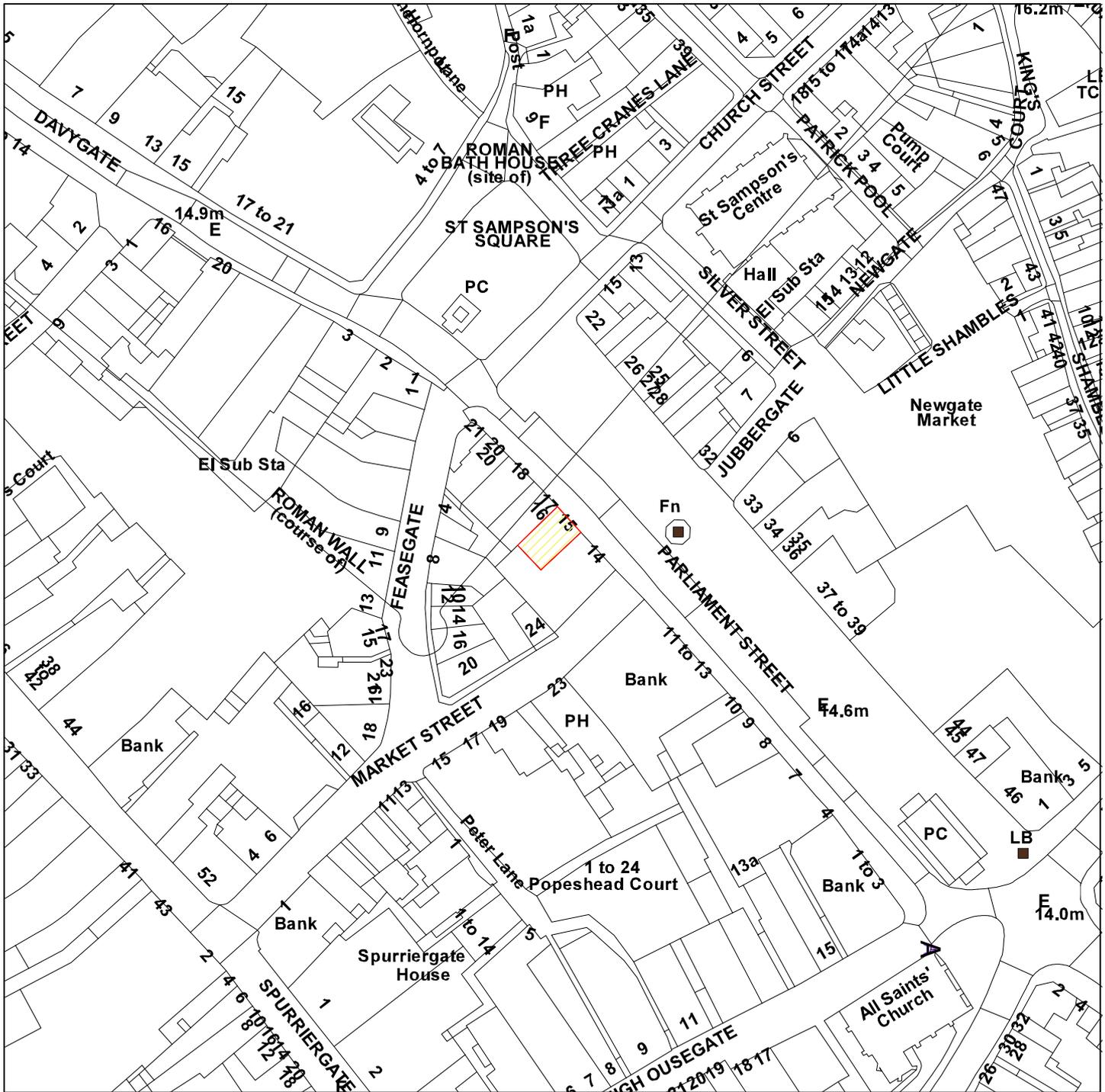
This page is intentionally left blank

15 Parliament Street

10/01928/ADV



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	04 November 2010
SLA Number	Not set

This page is intentionally left blank

COMMITTEE REPORT

Date: 18 November 2010 **Ward:** Guildhall
Team: Major and Commercial **Parish:** Guildhall Planning Panel
Team

Reference: 10/02045/FUL
Application at: 2B Kings Square York YO1 8BH
For: Change of use from shop (use Class A1) to coffee shop (mixed use A1/A3) (retrospective)
By: Nero Holdings
Application Type: Full Application
Target Date: 22 November 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is 2B Kings Square which is situated on the corner of Kings Square and St Andrewgate. The building was formerly an extension to the retail unit at 77-79 Goodramgate, added after a planning application was approved in 1977. The unit has now been split into two units. 77-79 Goodramgate is presently vacant.

1.2 The application is retrospective. It seeks permission for a mixed use of cafe and retail. The premises are occupied by Caffe Nero.

1.3 The application site is within the Central Historic Core conservation area. King's Square is designated as a primary shopping street in the Local Plan.

1.4 The application is brought to the committee at the request of Councillor Watson, to consider the impact on the character of what is a primary shopping area.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

- Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
- Conservation Area GMS Constraints: Central Historic Core CONF

2.2 Policies:

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

3.0 CONSULTATIONS**CITY DEVELOPMENT**

3.1 No objection as the change of use will add to the vitality and viability of the area and brings into use a formerly empty premises in the primary shopping area.

HIGHWAY NETWORK MANAGEMENT

3.2 No objection.

ENVIRONMENTAL PROTECTION UNIT

3.3 Due to the number of residents nearby it is asked that times of deliveries be restricted to daytime hours (typically 08:00 to 18:00).

GUILDHALL PLANNING PANEL

3.4 No objection. Ask if permission has been sought for signage at the site.

PUBLICITY

3.5 Deadline for comments 1.11.2010. One objection has been made. Grounds as follows:

- The premises are predominantly a café rather than retail (75% of custom).
- Over concentration of non-retail premises in the square. Planning permission has also been given for a café on the upper floors of King's Court, on the opposite side of the square, which further will affect the character of the area.
- A similar application for a mixed use in the square (at no.3 King's Court) was refused in 2007. (Officers advise that an application for a mixed use at this premises was approved, it was not implemented. An application was also refused in 2009 for a café/restaurant at ground floor level).
- Use has lead to persons parking outside illegally to purchase goods for takeaway. This has a detrimental impact on safety.

4.0 APPRAISAL

KEY ISSUES

4.1 The key consideration is the vitality and viability of the street and the city centre.

RELEVANT PLANNING POLICIES

4.2 Planning Policy Statement 4 (PPS4) sets out the Government's policy framework for planning for sustainable economic development. PPS4 seeks to promote competitive town centres. It advises that planning policies should support existing business sectors, taking account of whether they are expanding and (where possible) plan for new or emerging sectors likely to locate in their area. PPS4 encourages new uses for vacant or derelict buildings. At local level PPS4 advises LPA's to define primary shopping areas and explain what uses will be appropriate in such areas.

4.3 Policy S3a of the Local Plan relates to York's primary shopping streets. It advises that in such streets the loss of retail premises will only be permitted where this would not detract from the primary shopping function of the street, and it would contribute to the vitality and viability of the area. It states that proposals for a change of use from shop (A1) to other uses, including cafes, will be guided by the following factors:

- The location and prominence of the premises within the shopping frontage
- The floorspace and frontage of the premises
- The number (a maximum of 35%) distribution and proximity of other ground floor premises in use as, or with planning permission for class A use other than A1 (retail)
- The particular nature and character of the proposed use, including the level of activity associated with it
- The proportion of vacant ground floor property in the immediate area

4.4 Policy S3a establishes that non-retail uses can play a role in maintaining a diverse and prosperous city centre. However the amount and prominence of non-retail premises needs to be controlled, to prevent an over-concentration of such uses diluting the primary retail function.

4.5 For the purpose of assessing the amount of non-retail premises in the primary shopping street, the Local Plan advises that King's Square be calculated alongside Colliergate. With the host premises no longer A1 retail, 29% of King's Square/Colliergate frontage is in non-retail use.

4.6 Prior to occupation by Caffè Nero the host premises was vacant for about a year and recently 3 King's Court has also become partially vacant. 3 King's Court is a significant, prominent building in the square. The owners have had problems securing long term occupants, hence there have been applications made to allow either a mixed use, or a cafe use within that building. The south side of the square is dominated by an estate agents; a non-retail use.

4.7 With regards the host premises, 70% of sales are drinks only. Over 3500 customer transactions per week typically occur, around 900 being for sales to takeaway. The amount and type of custom that occurs at the premises demonstrates that the use supports the retail function of the area throughout the day and has a positive impact on the overall vitality of King's Square. As such officers consider that the mixed use in this case accords with the aspirations of policy S3a of the Local Plan, and fits with national requirements established in PPS4.

OTHER MATTERS

4.8 No cooking takes place at the premises, to this extent there would not be an impact on amenity. A retail/cafe use is the type that would be expected to occur in a city centre, and it would not lead to any disturbance that would have an undue effect on neighbours.

4.9 Reports have been made that persons drive to the premises, park illegally and go into the premises to collect food or drinks to take away. This could potentially

occur at any similar premises in the city centre and cannot be sustained as grounds for refusal.

4.10 Delivery times would be controlled through highways regulations as is the case at the other commercial premises nearby, including Barnitts which takes deliveries from St Andrewgate and Colliergate. In relation to the extant arrangement in the area, it is considered deliveries to the host premises would not have a material impact on the nearest residential premises, which are in St Andrewgate.

5.0 CONCLUSION

5.1 Officers consider that the proposed use is consistent with national policy established in PPS4 and policy S3 of the Local Plan in that it assists in the health, vitality and retail function of this part of the city centre. It may be that it has a detrimental impact on other similar businesses nearby, however PPS4 advises that policy should promote competitive town centres; competition within the city centre itself (rather than a city centre versus out of centre scenario) is not a material consideration in this case. There would not be a material impact on the amenity of surrounding occupants or highway safety. Approval, subject to conditions that the end use does not deviate into a different type of restaurant/cafe, that may impact the retail function of the area by only generating custom at certain times of the day, could not occur without planning permission.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The premises shall not be used other than a coffee shop serving hot and cold drinks, sandwiches and similar light refreshments, for consumption on or off the premises. There shall be no primary cooking of food or sales of alcohol at the host premises.

Reason: For the avoidance of doubt, to define more precisely the nature of the approved use, and In the interests of the overall vitality and viability of the retail function of the central shopping area.

7.0 INFORMATIVES:

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the retail function of the area, amenity, highway safety and the character and appearance of the conservation area. As such the proposal complies with Policies S3, S6, GP1 and HE3 of the City of York Development Control Local Plan.

Contact details:

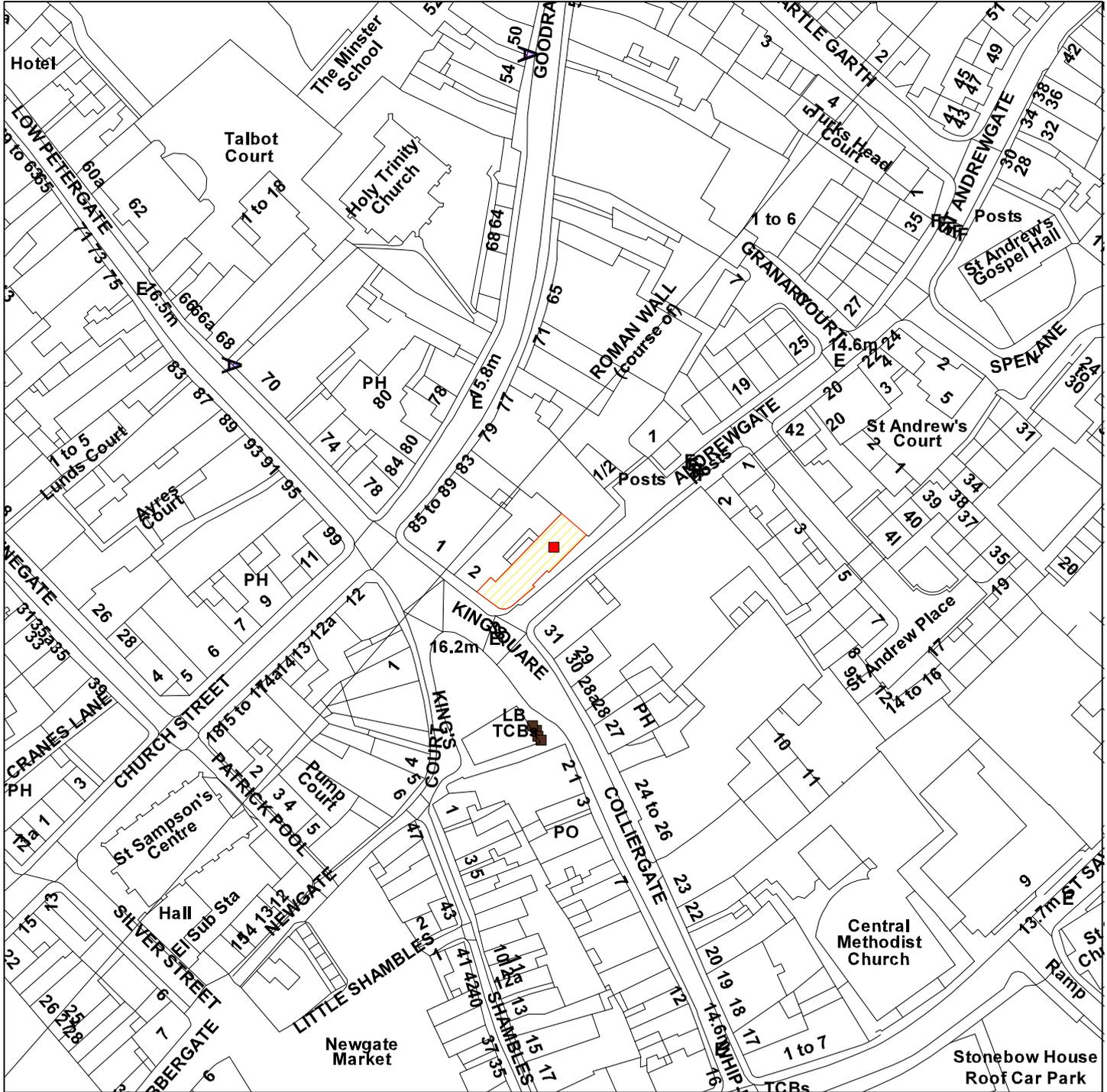
Author: Jonathan Kenyon Development Management Officer
Tel No: 01904 551323

2B Kings Square

10/02045/FUL



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	04 November 2010
SLA Number	Not set

This page is intentionally left blank

COMMITTEE REPORT

Date: 18 November 2010 **Ward:** Guildhall
Team: West/Centre Area **Parish:** Guildhall Planning Panel

Reference: 10/01303/FUL
Application at: 31 Fossgate York YO1 9TA
For: Change of use from Estate Agents (Use Class A2) to youth cafe at ground floor and associated meeting and training space at first floor level
By: Mr Paul Herring
Application Type: Full Application
Target Date: 2 November 2010
Recommendation: Approve

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to 31 Fossgate which is a two storey premises formerly occupied by an estate agents. There is a restaurant to the south at 33/34 with accommodation above. Franklin's Yard entrance is located to the north; the street accommodates a mix of uses, including residential which are behind the host premises. There are also residential units on the opposite side of the road. Fossgate itself is a predominantly commercial street. It is not allocated as a primary shopping street in the local plan.

PROPOSAL

1.2 Planning permission is sought for a change of use to a youth cafe with associated training facilities. The cafe would be at ground floor level. The facility would offer also accommodation for agencies working with, and providing services for, young people, and training/activity space. It is asked that the premises be allowed to open until 22:00 hours/21:00 Sundays.

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

2.2 Policies:

CYGP3
 Planning against crime

CYS5
 Non-retail uses in shopping streets

CYS6
Control of food and drink (A3) uses

CYHE3
Conservation Areas

3.0 CONSULTATIONS

Police Architectural Liaison Officer (ALO)

3.1 Report that crime levels on Fossgate presently are low for a city centre street. Advise that there is evidence that where youth cafes have been set up in other areas, they can help in reducing crime and anti-social behaviour generally, and play an important role in providing activities and services for users. However there can be problems with anti-social behaviour outside such premises. This is evident from similar operations elsewhere. Officers advise that the premises could operate without a detrimental effect on the area. However it is paramount that there is a management system in place, which deals with persons both inside and outside the premises, as there will always be concerns over anti-social behaviour. Officers also suggest a temporary consent only, to monitor the impact of the proposed use.

3.2 Local police officers advise that in their opinion Fossgate can potentially feel like an unsafe environment, because it is poorly lit, and there are recessed doorways and alleyways, which provide areas/opportunities for persons to linger. CCTV has been suggested to help overcome these concerns.

British Waterways

3.3 No objection.

City Development

3.4 Recommend that officers consider policies S5 and S6 with regards the proposed cafe and C1 with regards community facilities. Officers raise no objection, provided that there is deemed to be no harm to the vitality and viability of the street and residential amenity.

Planning Panel

3.5 Support the application.

Publicity

3.6 Five objections have been made. General concern due to the proposed users of the premises which would lead to:

- Detriment to existing businesses and image of the street. Due to persons congregating in the area and litter generation.

- Safety of residents, in particular due to the proposed hours of operation - into the evening. There are poorly lit alleyways and recessed doorways in the street, these are areas where people could feel unsafe. It has been asked how persons will be controlled when they are outside the premises.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of the proposed change of use
- Impact on amenity
- Character and appearance of the conservation area.

RELEVANT POLICIES OF THE LOCAL PLAN

4.2 GP3 advises that crime prevention is a material planning consideration and identifies measures which should be considered in developments in order to create safer environments. The policy refers to Circular 5/94 Planning Out Crime, which explains how design can assist in crime reduction. Measures that can reduce the potential for crime include attractive and well managed environments, natural surveillance, satisfactory lighting and in cases where people are likely to congregate, the use of CCTV.

4.3 Fossgate is not a primary shopping street. Policy S5 of the Deposit Draft Local Plan states that in shopping streets not defined as Primary Shopping Streets, planning permission will be granted for Class A uses (shops, services, restaurants, cafes, drinking establishments and takeaways) at ground floor level where this would not harm the vitality of individual streets or the vitality and viability of the City Centre as a whole. This policy acknowledges the Central Government advice in Planning Policy Statement 4 that a more flexible approach in streets outside the Primary Shopping Area is appropriate. In particular, it accepts that different uses, during the day and in the evening, can complement and reinforce each other.

4.4 Policy S6 concerns applications for food and drink uses. It states that planning permission for the extension, alteration or development of premises for food and drink uses will only be granted provided there is no unacceptable impact on the amenities of surrounding occupiers and when security and any car parking issues have been addressed.

PRINCIPLE OF THE PROPOSED USE

4.5 Fossgate is not a primary shopping street, and the proposed use potentially would involve more activity than the former use as estate agents. As such the proposal in principle would comply with policy S5 of the local plan and PPS4 as there would not be undue harm to the vitality and viability of the street.

IMPACT ON AMENITY

4.6 The application site is on a commercial street where a café use would itself not have a material impact on overall amenity. However there are additional concerns as there are a number of residential premises nearby and this will be a cafe and training/support centre for young persons which is proposed to open until 22:00 apart from on Sundays. The street layout, according to the Police, could give rise to further safety concerns and neighbours have raised concerns about anti-social behaviour, which evidence suggests could potentially occur in such premises.

4.7 In officers opinion concerns over anti-social behaviour, litter creation and security can be addressed. A robust management plan, including the operators of the site making themselves familiar to the local residents and traders could prevent anti-social behaviour and litter creation. Improved lighting, along the Franklin's Yard side of the premises, would improve natural surveillance. It is considered CCTV, which would only overlook the host premises, is unnecessary, as the management plan and lighting should adequately deal with concerns. A temporary consent, as suggested by police officers can also be required, to monitor the proposed use. Given the proposed use it is considered that the closing time requested (22:00) is inappropriate due to the amount of residents nearby and given the identified potential problems. However this could be re-assessed after the temporary period.

4.8 No details of extraction for the kitchen have been supplied. Due to the location of the kitchen, towards the rear of the building, potentially flues etc could be installed without having a detrimental impact on surrounding occupants or the visual amenity of the area, which is in the Central Historic Core conservation area. A condition is suggested to cover such.

5.0 CONCLUSION

5.1 The cafe with meeting space above is acceptable in principle. Given the nature of the proposed use a temporary consent, the requirement for a management plan, additional security measures, and the restriction of opening hours will be required as conditions of approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TEMP2 Temporary consent for use - 01.12.2013

2 PLANS1 Approved plans - Proposed layout as shown on YC/002

3 The premises shall only be open to customers/non-staff members between the hours of 09:00 and 20:00 each day of the week.

Reason: In the interests of the amenity of surrounding occupants.

4 A management plan for the premises shall be submitted to, and approved in

writing by, the Local Planning Authority before the proposed use hereby approved is implemented. The management plan shall include provisions to manage users both onsite and outside the premises, publicity of the premises to the locality and prevention of litter creation.

Reason: To protect the amenities of occupants of adjoining properties.

5 External lighting shall be installed on the NW side elevation of the building, to improve lighting/surveillance in Franklin's Yard. The lighting shall be installed prior to occupation of the premises. Details of the type of lighting, its location and the amount/extent of light spill shall be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented accordingly.

Reason: To assist in natural surveillance, in the interests of safety, in accordance with policy GP3 of the Local Plan.

6 Any extraction system fitted in association with the use hereby approved must be adequate for the treatment and extraction of fumes so that there is no adverse impact on the amenities of nearby occupants by reason of fumes, odour or noise. Details of any extraction plant or machinery and any ventilation/filtration system required shall be submitted to the Local Planning Authority for approval (location, finish and manufacturers details). Works shall be installed in accordance with the approved plans, appropriately maintained thereafter and fully removed once its use has ceased.

Reason: In the interests of residential amenity and the appearance of the conservation area, in accordance with policies S6 and HE3 of the City of York Draft Local Plan.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the conservation area, the vitality of the street, and the amenity of surrounding occupants. As such the proposal complies with Policies GP3, HE3, S5 and S6 of the City of York Development Control Local Plan.

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

This page is intentionally left blank

31 Fossgate

10/01303/FUL



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	04 November 2010
SLA Number	Not set

This page is intentionally left blank

COMMITTEE REPORT

Date: 18 November 2010 **Ward:** Westfield
Team: West/Centre Area **Parish:** No Parish

Reference: 10/01187/FUL
Application at: Acomb Branch Library Front Street York YO24 3BZ
For: Siting of portakabin for use as an ambulance stand by point
(Extension of temporary permission 08/00574/FUL for a further
2 year period)
By: Yorkshire Ambulance Service
Application Type: Full Application
Target Date: 22 July 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for the siting of a temporary portakabin for use as an Ambulance stand-by point to the rear of the library building. The application is for the extension of a temporary planning permission (08/00574/FUL) for a further two years. The original application was granted temporary planning permission at committee on 15 May 2008.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: Acomb Area 0007

Air safeguarding GMS Constraints: Air Field safeguarding 0175

Conservation Area GMS Constraints: Acomb CONF

2.2 Policies:

CYGP1
Design

CYGP23
Temporary planning permission

CYHE2
Development in historic locations

3.0 CONSULTATIONS**INTERNAL CONSULTATIONS**

3.1 HIGHWAY NETWORK MANAGEMENT - No objections.

3.2 DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT - No comment.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

3.3 No representations have been received.

4.0 APPRAISAL

RELEVANT SITE HISTORY

08/00574/FUL - Siting of Portakabin to rear for a temporary period to be used as a standby point for Yorkshire Ambulance Service (resubmission) - Approved

08/00221/FUL - Site Portakabin for temporary period to be used as standby point for Yorkshire Ambulance Service. Also form 1no. parking space for an ambulance - Withdrawn

KEY ISSUES

1. Principle
2. Impact on neighbouring property

ASSESSMENT

PLANNING POLICY

4.1 Policy GP23 'Temporary Planning Permission' in the City of York Council Development Control Local Plan (2005) states that planning permission will be granted for the temporary use of land or the erection of temporary buildings for a limited period provided: there would be no loss of amenity to the occupants of adjacent property as a result of the proposal; or the applicant can demonstrate that there is no viable permanent alternative immediately available; and where appropriate, plans are to be brought forward for permanent development; and that the period for which consent is sought is the minimum required to allow the permanent development proposal to be implemented; or a trial period is necessary for the development, to allow an assessment of its character or effects.

PRINCIPLE

4.2 The Ambulance stand-by point is sited to the rear of Acomb Library, just outside the Acomb Conservation Area.

4.3 Information submitted with the previous temporary consent for the stand-by point stated that it was required for a 2 year period only, as re-organisation was being undertaken and the options for a new ambulance station were being considered.

4.4 The agent has submitting supporting information stating that there are no alternative sites temporary or permanent at present. They have submitted evidence that the ambulance response times from this location are above the government targets. Planning permission was granted for an ambulance station on Huntington Road (08/01361/FUL) which is now operational. A permanent stand-by point has been granted permission at Windmill Lane off Hull Road (08/00331/FUL). The Ambulance Service would like a further period of time to monitor the response times before considering if a permanent development is required in this area.

IMPACT ON NEIGHBOURING PROPERTY

4.5 In the previous application there was some concern about the proximity of the stand-by point to the neighbouring dwellings and the potential noise and light disturbance that may be caused. Officers are not aware of any complaints regarding the stand-by point. As temporary planning permission is being sought it is not considered that the siting of the Ambulance stand-by point is considered to unduly impact on the residential amenity if the occupants in the nearby dwellings.

4.6 The building is of a temporary nature and the applicant/agent has not submitted details of a future permanent alternative. A temporary building of this appearance in close proximity to the conservation area and dwellings would not be acceptable as a permanent development and therefore an additional temporary planning permission is considered appropriate.

5.0 CONCLUSION

5.1 The siting of a Portakabin on this site to be used as an Ambulance Stand-by point for a further two years is considered to comply with Policy GP23 and allow the Ambulance Service adequate time to find a permanent alternative.

6.0 RECOMMENDATION: Approve

1 The building shall be removed by 30 November 2012 unless prior to that date a renewal of the permission shall have been granted in writing by the Local Planning Authority.

Reason: The temporary nature of the building is such that it is considered inappropriate on a permanent basis.

2 Notwithstanding the submitted details, between the hours of 21:00 and 08:00 on the following day the sirens of the ambulance vehicles shall not be used until the vehicles have exited the Acomb Branch Library site.

Reason: To protect the amenity of the occupants of the neighbouring dwellings.

3 Details of a sign placed along the front boundary of the site to alert the public to an ambulance entering the highway should be submitted to and agreed in writing

by the Local Planning Authority.

Reason: To alert the public to emergency vehicles entering the highway.

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the building and the adjacent conservation area. As such, the proposal complies with Policy GP23 of the City of York Development Control Local Plan (2005).

Contact details:

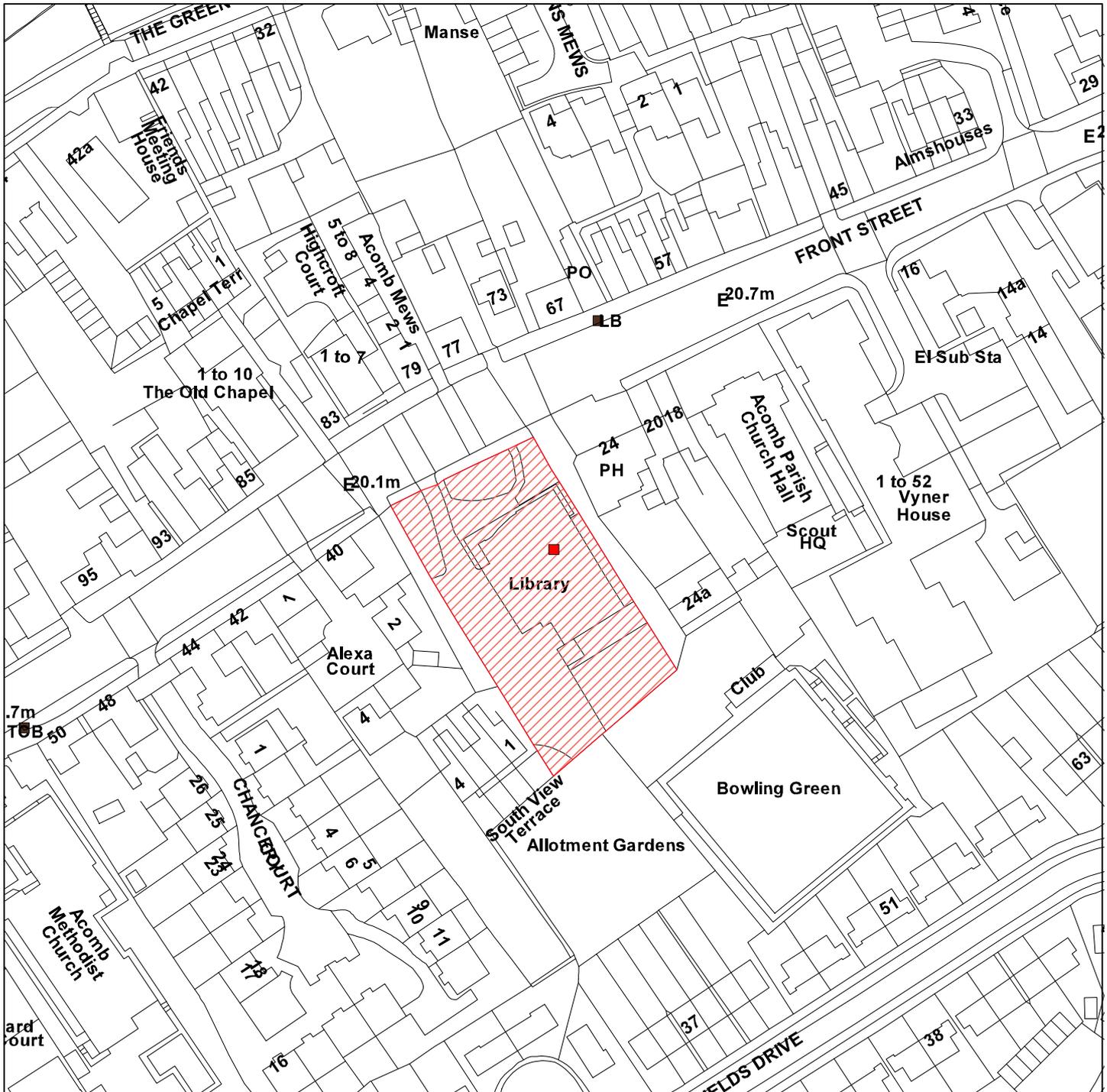
Author: Victoria Bell Development Management Officer
Tel No: 01904 551347

Acomb Branch Library, Front Street

10/01187/FUL



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	04 November 2010
SLA Number	Not set

This page is intentionally left blank

COMMITTEE REPORT

Date: 18 November 2010 **Ward:** Micklegate
Team: Major and Commercial **Parish:** Micklegate Planning Panel
Team

Reference: 10/02132/FUL
Application at: Cedar Court Grand Hotel Station Rise York YO1 6GD
For: Erection of temporary marquee on rear garden deck
By: Acropolis Hotels Ltd
Application Type: Full Application
Target Date: 30 November 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to the former NER headquarters building, which was recently converted into a hotel. As part of that scheme a single storey extension was added to the rear of the building, to cover over the service area and accommodate the kitchen. The roof area was to provide an outdoor terrace, enhanced by landscaping. The soft landscaping is yet to be implemented. The building is grade 2 star listed and within the central Historic Core conservation area.

1.2 Due to the layout of the host building, there are no internal spaces to accommodate functions catering for over 110 people. There is demand for such an offer, and being able to provide such would benefit the viability of the hotel and to an extent the cities economy, as it is envisaged custom would be attracted from further afield. The applicants desire is to erect a permanent extension on the flat roof area to accommodate such. However this application is for a temporary facility, which will assist the hotel in generating income for the permanent structure, and enable them to promote and establish demand for the proposed use.

1.3 The temporary facility would be in the form of a single storey pitched roof white upvc marquee, which would be setback around 2.5m from each edge of the flat roof extension. It is asked that the marquee be erected during two periods of the year, June - September and December - January for a period of 3 years. The scheme submitted also includes details of planting, including trees being introduced to the lower level (between Station Road and the extension), climbing plants that would grow down the wall on the side of the existing brick extension (facing Station Road) and planters around the proposed marquee.

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 2 Star; North Eastern Railway Co Offices Toft Green 0097

2.2 Policies:

CYGP23	Temporary planning permission
CYHE3	Conservation Areas
CYHE4	Listed Buildings
CYGP1	Design

3.0 CONSULTATIONS

DESIGN CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 Landscape officers agree to the proposals for landscaping the area. No objection from Design and Conservation officers who feel the scheme is acceptable, but on a temporary basis only. It is considered that a permanent structure in this location would need to be setback further from the parapet, to preserve the sense of their being a garden at terrace level and it should be distinct from the existing highly crafted building.

HIGHWAY NETWORK MANAGEMENT

3.2 Committee to be updated.

ENGLISH HERITAGE (EH)

3.3 EH do not object to the scheme and consider it complies with the principles of PPS5. However this is provided the permission is strictly time limited (as the marquee proposed is not of adequate architectural quality to be a long term feature in this location, which is visible from the grade 1 listed city walls) and the landscaping scheme is implemented,

VISIT YORK

3.4 Support the application. Advise that the hotel has been an asset to York since opening, raising the tourism profile of the city and standards of visitor accommodation available. The proposal will increase the hotel's capacity to host conferences, exhibitions, dinners and weddings. Such functions are worth over £200 million to the cities' economy each year, so opportunities to improve facilities in this direction are welcome.

PLANNING PANEL

3.5 Committee to be updated.

PUBLICITY

3.6 Expiry for comments is 23.11.2010. No comments have been received to date.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of the proposed use
- Impact on the setting of the listed building and the Central Historic Core conservation area
- Amenity

PRINCIPLE OF THE DEVELOPMENT

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

4.3 The proposed development is designed only as a temporary arrangement, with the intention being to erect a permanent structure in the same area if the trial period demonstrates this would benefit the hotel. There is no objection in principle to a permanent building in this area, subject to its design.

4.4 In terms of amenity, the adjacent office building is occupied during the daytime, it is during this period when officers consider amenity needs to be considered, as during the evening, only guests of the hotel would be affected. It would be in the operators interest to ensure guests are not disturbed at such times. A condition requiring a management plan to identify procedures for any amplified entertainment is suggested. Officers consider that noise can reasonably be controlled by this requirement. There are no other amenity concerns.

IMPACT ON THE LISTED BUILDING AND THE HISTORIC ENVIRONMENT

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

4.6 English Heritage guidance note “Temporary Structures in Historic Places” has been developed to assist Local Planning Authorities consider temporary structures. It recognizes that events in historic places make a vital contribution to the economic sustainability of our heritage, assisting in securing optimum viable use, as required in PPS5. Events generate income and allow visitors to experience historic places/buildings. The guide does warn that temporary structures are not appropriate in every location. In considering whether to grant permission for temporary structures it is recommended physical and visual impact (including any associated signage) are considered. Visual impact can be mitigated, by choosing a location that is shielded from view by other buildings or landscaping. LPA’s are advised to

consider; setting, in particular impact from key views, design of the structure, duration of use, public access benefits and financial benefits.

4.7 The structure does not have a physical impact on the listed building as it would be fixed to the modern extension. The main impact on the setting would be views of the site from the city walls. The marquee would be setback around 25m from Station Road and the prominence of the structure would be mitigated as: it is predominantly translucent in appearance on the visible elevation, it is single storey in height, landscaping would be erected in front of the structure, and due to its location, the enclosure given by the host building and the Aviva office building would limit views to direct views from the city walls. The impact is mitigated further as it is only proposed to erect the structure for 4 months each year.

HIGHWAY NETWORK MANAGEMENT

4.8 Due to the location of the site it is expected the majority of guests would use public transport/taxis. Arrangements for persons using private car would be as per those in practice for the hotel (a valet parking service using car parks within the city). It was a condition of the planning permission for the hotel (08/00289/FULM) that a green travel plan be produced and agreed to. This has yet to be supplied - it was required within 6 months of the opening date.

5.0 CONCLUSION

5.1 Officers consider that this temporary solution is appropriate on a short term basis only. If the trial/temporary period is successful, it would provide the opportunity for a permanent building in this area that could enhance the setting and assist in the economic viability of the listed building, as recommended by national policy in PPS5: Planning for the Historic Environment. It is therefore recommended temporary permission be granted.

6.0 RECOMMENDATION: Delegate to officers to approve after consultation period.

COMMITTEE TO VISIT

1 This permission allows the structure to be erected within the following periods only:

- 1.12.2010 to 10.1.2011
- 1.6.2011 to 5.9.2011
- 1.12.2011 to 10.1.2012
- 1.6.2012 to 5.9.2012
- 1.12.2012 to 10.1.2013
- 1.6.2013 to 5.9.2013

At all other times the structure shall be fully removed from the garden deck area.

Reason: As the proposed structure is only deemed acceptable in terms of its impact on the historic environment provided it is temporary only, with the intention that

should the proposed use continue, a permanent solution will be sought.

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

Proposed plans and elevations 05.10-02B
Landscaping drawings by Vector - VL10187 L13 revised version date stamped 2.11.2010, 14C and 15.

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

3 The landscaping scheme listed in the approved plans shall be implemented prior to 1.1.2011. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In the interests of the historic setting and visual amenity.

4 The valance at eaves level shall be coloured white to match the colour of the main structure.

Reason: In the interests of appearance.

5 Prior to first use of the development hereby approved a noise management scheme, to demonstrate that noise levels at events would not have a material impact on the surrounding occupants (in particular during the daytime) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be adhered to thereafter. The noise management scheme shall specifically deal with noise from any amplified or live entertainment.

Reason: In the interests of amenity.

7.0 INFORMATIVES:

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the historic setting and amenity. As such the proposal complies with Policies GP1, GP23, HE3 and HE4 of the City of York Development Control Local Plan.

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

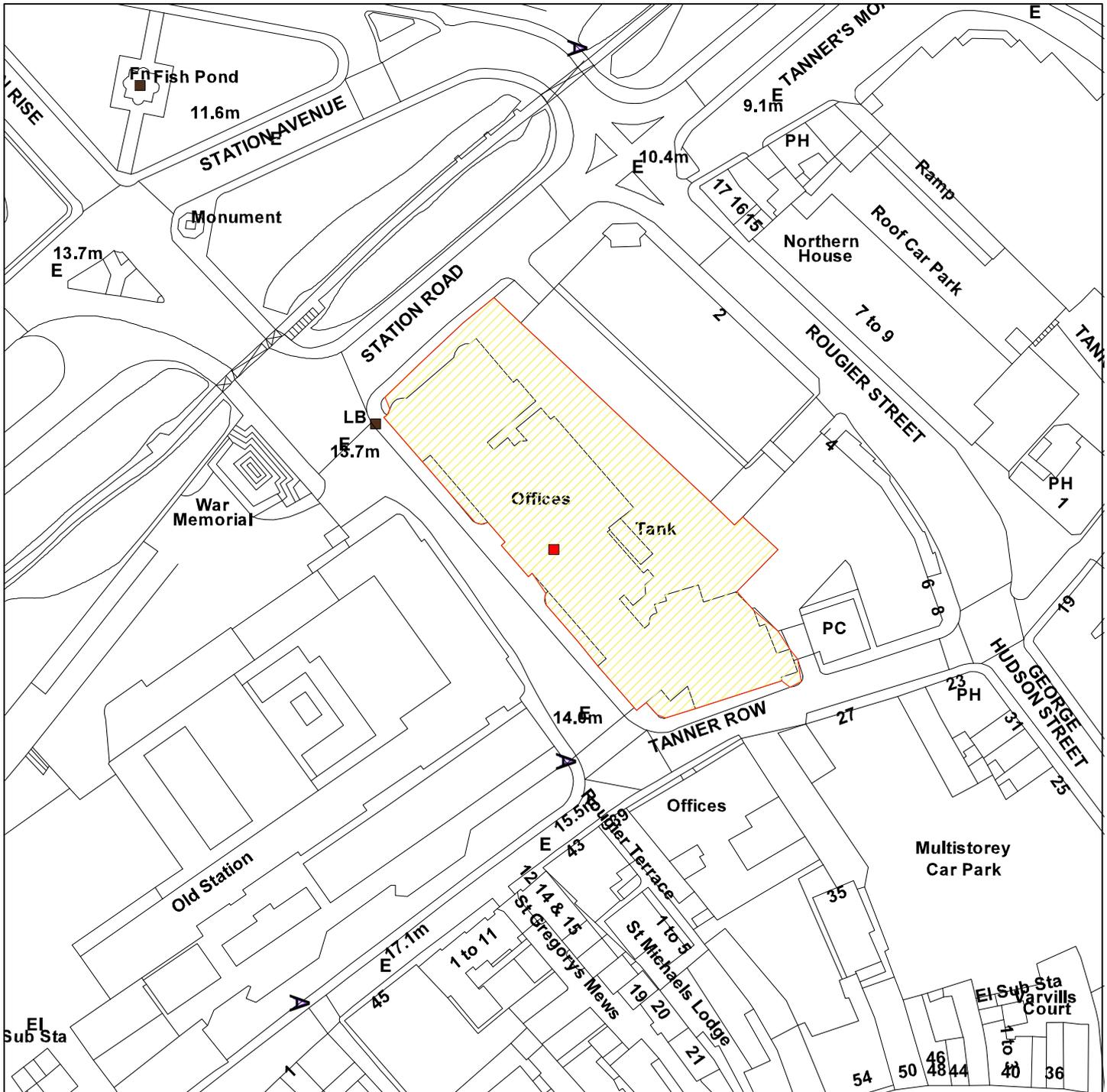
This page is intentionally left blank

Cedar Court Grand Hotel, Station Rise

10/02132/FUL



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	04 November 2010
SLA Number	Not set

This page is intentionally left blank