



Notice of meeting of

West & City Centre Area Planning Sub-Committee

To: Councillors Watson (Chair), Gillies (Vice-Chair), Crisp, Galvin, Gunnell, Jeffries, Orrell, Reid and Semlyen

Date: Thursday, 14 July 2011

Time: 3.00 pm

Venue: The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00am on Wednesday 13 July 2011 at Memorial Gardens.

1. Declarations of Interest

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

2. Exclusion of Press and Public

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

3. Minutes (Pages 5 - 14)

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on 16 June 2011.

4. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for

registering is by 5pm the working day before the meeting, in this case **5pm on Wednesday 13 July**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

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

5. Plans List

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

a) 10 Brackenhills Upper Poppleton York YO26 6DH (11/00422/FUL) (Pages 15 - 24)

Single storey side and rear extensions and raising of roof to provide first floor accommodation. [*Rural West York*] [**Site Visit**]

b) Borders 3 Little Stonegate York (11/00399/FUL) (Pages 25 - 34)

Change of use from retail (use class A1) to youth cafe and associated offices, meeting and training space. [*Guildhall Ward*] [**Site Visit**]

c) Borders 3 Little Stonegate York (11/00400/LBC) (Pages 35 - 42)

Internal alterations in connection with proposed change of use of building and separation of listed former chapel from units 1 and 2 Davygate. [*Guildhall Ward*] [**Site Visit**]

6. Enforcement Cases Update (Pages 43 - 132)

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

If Members have any specific queries or questions regarding enforcement cases, please e-mail or telephone Andy Blain, Hilary Shepherd or Matthew Parkinson by **5pm on Wednesday 13 July 2011** if possible so that officers can bring any necessary information to the meeting.

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

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

Democracy Officers:

Name: Catherine Clarke and Louise Cook (job share)

Contact Details:

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

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

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

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

Contact details are set out above.

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- Monitor best value continuous service improvement plans

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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE

SITE VISITS

Wednesday 13 July 2011

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

TIME (Approx)	SITE	ITEM
11:10	10 Brackenhill, Upper Poppleton	5a
11:45	3 Little Stonegate	5b and 5c

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City of York Council

Committee Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	16 JUNE 2011
PRESENT	COUNCILLORS WATSON (CHAIR), GILLIES (VICE-CHAIR), CRISP, GALVIN, GUNNELL, JEFFRIES, ORRELL, RICHES (SUBSTITUTE) AND HYMAN (SUBSTITUTE)
APOLOGIES	COUNCILLORS REID AND SEMLYEN

1. INSPECTION OF SITES

The following site was inspected before the meeting.

Site	Attended by	Reason for Visit
Land to the North of Low Westfield Road, Copmanthorpe	Councillors Crisp, Galvin, Gillies, Gunnell, Jeffries, Orrell and Watson.	As objections had been received and the officer recommendation was for approval.

2. DECLARATIONS OF INTERESTS

At this point in the meeting, Members were invited to declare any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

3. MINUTES

RESOLVED: That the minutes of the meeting of the West and City Centre Area Planning Sub Committee held on 27 April 2011 be approved and signed by the Chair as a correct record.

4. PUBLIC PARTICIPATION

Prior to the meeting it had been agreed by the Chair and Officers that the opportunity would be given for someone to speak generally in relation to wind farms and wind turbines.

The Chair of Copmanthorpe Wind Farm Action Group addressed the Committee. He explained that he had lived in Copmanthorpe for 27 years and the action group had been formed after proposals for the wind farm were put forward. He advised Members that the group had organised a petition which had over 1700 signatures in opposition to the wind farm mast and farm. He acknowledged that this application was for only one wind monitoring mast but that an application for a wind farm would follow. He reported that the majority of local residents were against this application and deeply disturbed by future proposals for a wind farm, which would be an intrusion in the green belt and very close to residential properties and would lead to concerns including air safety and noise. He distributed a photo montage illustrating how a wind farm would look.

5. 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.

5a 136 The Mount York YO24 1BW (11/00304/FUL)

Members were advised that this full application from Mr Donald Salter, for the demolition and erection of a wall to create off road parking, had been withdrawn by the applicant prior to the meeting.

5b 136 The Mount York YO24 1BW (11/00039/LBC)

Members were advised that this application for listed building consent from Mr Donald Salter, for the demolition of part of the

boundary wall and erection of a new relocated wall, had been withdrawn by the applicant prior to the meeting.

5c Land North of Low Westfield Road Copmanthorpe York (11/00289/FUL)

Members considered a full application from Banks Renewables Ltd for the erection of a cable stayed wind monitoring mast up to a maximum height of 70 metres for a temporary period of three years.

Officers circulated a written update to Members in respect of this application and read this out for the benefit of those present at the meeting. They provided the following information.

- At the committee site visit on 15th June, the marker indicating the proposed site appeared to be in the wrong place and may have been up to 100m to the east of the proposed site. They confirmed that the measurements expressed in the committee report were correct.
- The applicant has stated that there would be 8 land anchors (for the guy wires) rather than the 5 previously stated in their supporting information. This was not considered to further impact on the visual amenity of the proposed wind monitoring mast or its setting within the landscape.
- A further 70 signatures have been added to the petition submitted by the Copmanthorpe Wind Farm Action Group making the total number of signatures on the petition 1778.
- A further letter has been received from the York Civic Trust. In relation to the wind turbine, they stated that this would have a negative impact on the residents of Copmanthorpe, there should be a buffer zone of 1500 metres between a wind turbine and any dwellings and it would cause low frequency modulation. They submitted a photomontage of the wind turbines and dwellings within Copmanthorpe.
- A further two letters of objection had been received, the majority of concerns raised related to wind turbines,

however no issues not already reported in the committee report were put forward with regard to the wind monitoring mast and the potential wind turbines.

- Two letters of support had been received since the agenda had been published. The first of these had been received from someone who had made comments in support previously and these had been expressed in representation section of the committee report. This letter raised some further points in relation to wind turbines but officers explained these were not considered to be a material planning consideration for this application. In the second letter of support the majority of comments again related to wind turbines, however in relation to the mast, the letter stated that “to turn down the opportunity to monitor the potential source of renewable energy that could make a contribution to York’s future energy needs and carbon reduction targets would go against all of the above points but also render the stated aim for York to be a “leading environmentally friendly city meaningless” (*This letter was circulated at the meeting at the request of the author as she was not able to attend the meeting personally to address the Committee under public participation.*) A full copy of the officer’s update has been published online with the agenda papers.

Officers reminded Members that this application was for a wind monitoring mast and Members needed to consider this application on its own merits. They advised that granting permission for a mast would not set a precedent for a wind farm in the area and would not affect their future decision making abilities.

Representations were received from a local resident and member of Copmanthorpe Wind Farm Action Group in objection to the application. He drew Members attention to the petition and made the following points:

- CYC planning guidelines state that no structure should be higher than this Minster (60m) The proposed mast is 70m.
- A mast would be a dominant feature on a flat landscape and would impact on the character of the land.
- The proposed mast would be unlikely to give a true idea of wind speed at height of turbine.

- Rufforth Airfield is within 3000m from the proposed site leading to concerns for aircraft safety.
- Use of the mast to conduct a bat survey is inappropriate

Representations were also received from the Director of York Civic Trust (YCT). He made the following points:

- Views and height of structures matter. – they are important, precious and fragile components of historic landscape - only the Minster currently breaks up the skyline.
- A tall structure beyond the historic core would affect the appearance – we do not agree that the monitoring mast will not harm the appearance of York’s landscape. A mast would be an incongruous feature on the landscape and would dominate the skyline.
- Report suggests 30 sites suggested in York. Need to send clear message that York is not a site for renewable energy. Not happy with possible future for York.

Further representations were heard from the Chair of Copmanthorpe Wind Farm Action Group on the wind monitoring mast. He stated that:

- Copmanthorpe Wind Farm Action Group strongly object to the application for a mast
- A 70m structure is inappropriate on agricultural land
- The developer has not conducted a proper site survey. On the application he has ticked “no” to hedgerows being part of landscape.
- The site is only a few miles from the city centre. The site is important to Copmanthorpe but also to the city. The greenbelt protects the historic setting of York. The site is beside a main approach road from the A64 into York and should be protected as it is such an important area.
- Is impossible to divorce the proposal for pilot mast from wind farm – there is only one aim of the mast.

Representations were heard from a local resident in objection to the application. She made the following points:

- The countryside is a recreational release for residents of villages. By taking this amenity away, residents of

Copmanthorpe will be fully fenced in A64, railway line and wind mast.

- There is a huge amount of emotion and depth of feeling locally about the application.
- The mast would be too close to people's homes. Carmarthenshire Council extended the separation distance from 500m to 1500m

Representations were heard from a Copmanthorpe Parish Councillor. He reported:-

- The site is important to village and plays a key role in preserving York's historic setting. It contains ancient hedgerows, native trees and an abundance of wildlife. It is used recreationally on a daily basis.
- Mast is only half a mile from a field used regularly by the public
- Open landscape enjoys protection of number of policies and guidelines
- Government has just published findings of UK National Ecosystem Assessment and a White Paper. Also need to consider York – New City Beautiful vision.
- Need to preserve historic character and setting of the city. Not place for mast or wind farm.

Representations, in objection, were also heard from another member of Copmanthorpe Wind Farm Action Group. He raised the following issues:-

- Forthcoming localisation bill – we shouldn't pre-empt this by approving this application – urged members to defer proposal
- Important to understand purpose of mast – essential for CYC to state that there is no link between mast and turbines.
- Unacceptable to have wind farm so close to residential properties
- Too close to beautiful historic city and no benefit for York.
- Wind turbines are a costly, ugly and wasteful form of electricity generation.

The agent spoke on the applicant's behalf in support of the application. He explained that he was a senior developer with the Banks Group and made the following points.

- There is a compelling national and local need for renewable energy – this is set out in local Core Strategy
- Want to work with City of York to assess whether the city has the capacity for a wind farm
- Policy states that a certain level of energy should be provided by renewable energy – this is not in the report but it is a material factor
- Data from a wind monitoring mast is needed to apply for funding but is not a prerequisite for an application for a wind farm. Environmental Protection Unit has requested that wind monitoring takes place before an application for a wind farm is submitted.

Members asked how reliable the data collected by the mast would be and whether a mast could be sited further away from the proposed site for a wind farm. The agent stated that information on wind speeds could be collected at various heights on the mast. He advised that if the mast was sited further away, some of the information collected could still be applied but with less confidence and that information was better collected at proposed site.

In response to a query regarding noise levels, the Environment Protection Officer explained that the mast would provide indicative levels of wind which could be used to inform on noise levels however the mast would not provide data on noise levels in its own right.

With regard to the length of permission applied for, the agent advised that 12 months would be the absolute minimum needed in order to collect the required data but longer would be preferable and that he would be happy to for Members to reduce the temporary permission to 2 years if they preferred.

Councillor Healey spoke in opposition to the application. He suggested that the applicant was approaching local authorities looking for suitable sites for monitoring masts within the authority area and raised concerns that by allowing this mast to be erected, it could be allowing them all over York. He asked the Committee to reject the application.

Officers stressed that each planning application was considered on its own merits and approving a wind mast would not set a precedent for a future proposal for a wind farm.

The Chair read out an email which he had received from three children, aged 16, 14 and 9 expressing their support for both a monitoring mast and wind farm.

Members queried whether it would be possible to condition this application to require an application for a wind farm to be submitted immediately. Officers advised that onerous requirements should be avoided and that any condition must be in relation to the application itself so this was not possible.

Officers checked the distance between the proposed mast and a nearby footpath used by walkers and confirmed this was 160m. The Environmental Protection Officer responded to a query regarding Minimum separation distances from properties and explained that this can vary from between 400m and 1500m and that the specified distance would depend on the topography of area. He advised that topography also affected wind speed hence need for wind monitoring mast.

Members noted that excavation for the mast would create an opportunity for an archaeological investigation as stated in paragraph 3.14 of the report. Officers drew Members attention to proposed condition 3 (ARCH1) and answered specific questions in relation to this.

Members questioned whether “very special circumstances” applied to the mast and officers advised that renewable energy can constitute very special circumstances. The legal officer read out the reason for approval, as contained in the report, which stated “..... *It is considered that very special circumstances, namely its temporary nature, have been demonstrated to justify development within the green belt.*”

Members acknowledged and accepted the evidence and advice provided by planning and legal officers. They noted that the consultation had resulted in many objections being received and a petition with over 1700 signatures. They suggested it would have been more sensible for the applicant to submit an application for the monitoring mast and wind turbines at the same time.

Members agreed that the application should be refused as the mast would be visually intrusive and would therefore constitute

inappropriate development in the greenbelt and that it would have a detrimental effect on the York landscape.

RESOLVED: That the application be refused.

REASON: The wind monitoring mast constitutes inappropriate development in the Green Belt for which very special circumstances have not been demonstrated. By reason of its height, design and positioning within an open landscape the proposal would harm the openness of the Green Belt and would have a detrimental impact on the visual amenity of the area and the setting and historic character of the City of York. As such the proposal would be contrary to Policy GB1, SP2, and SP3 of the Development Control Local Plan and paragraph 13 of Planning Policy Statement 22 'Renewable Energy' and guidance in Planning Policy Guidance 2 'Green Belts'.

Councillor B Watson, Chair

[The meeting started at 3:00pm and finished at 4:50pm]

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COMMITTEE REPORT

Date: 14 July 2011 **Ward:** Rural West York
Team: Householder and **Parish:** Upper Poppleton Parish
 Small Scale Team Council

Reference: 11/00422/FUL
Application at: 10 Brackenhill Upper Poppleton York YO26
 6DH
For: Single storey side and rear extensions and
 raising of roof to provide first floor
 accommodation
By: Mrs Gwen Bentley
Application Type: Full Application
Target Date: 2 May 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 The application seeks permission for the erection of a single storey side extension, single storey rear extension and the raising of the roof to provide first floor accommodation.

1.2 The application has been called to committee by Cllr B Hudson due to the level of public interest in the application.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYGP1 Design

CYH7 Residential extensions

3.0 CONSULTATIONS

Upper Poppleton Parish Council - Object on the following grounds:

- Neighbours raise objections
- Loss of light to numbers 8 and 12 Brackenhills and the properties along Chantry Gap to the rear
- Conservatory to the rear is a substantial brick built extension
- Would be out of keeping with the other properties along the street
- Contrary to the Village Design Statement

Neighbours – 17 letters of objection received from 2,3,4,5,6,9,11,12,14,19 Brackenhills, one objector from Leeds, 12 and 13 Chantry Grove, 7 Orchard Road, 11 Sycamore View, 3 Dikelands Lane and 159 Long Ridge Lane on the following grounds:

- Description of the works does not reflect what is being proposed
- Drawings are inaccurate
- Existing street scene comprises of low building heights and space between the properties which would be lost
- Style out of keeping
- Would be higher than any other bungalows within the street
- 35% height increase and 50% width increase to a property that sits 2.4m further forward than the neighbours would create a building that dominates the north side of Brackenhills
- Loss of space around the property
- Overdevelopment of the site
- Loss of light to numbers 8 and 12 Brackenhills
- Loss of view from the kitchen window of number 12 and a loss of enjoyment
- Extension would be visible from the front room and entrance to the bungalow
- Does not accord with the village design statement
- Would overhang the boundary of number 8
- Cluttered roof including the sun pipes and velux
- Result in an overbearing intrusion in the streetscene
- Would not sympathetically relate to neighbouring properties
- Loss of enjoyment of garden to 12 and 13 Chantry Grove
- Loss of light to garden area of number 12
- Inappropriate parking proposed

4.0 APPRAISAL

4.1 Key Issues

- Impact upon neighbours amenity
- Impact upon the character of the area and the streetscene
- Design

Planning Policy

4.2 The relevant City of York Council Draft Deposit Local Plan Policies are H7 and GP1. Policy H7 'Residential Extensions' of the City of York Local Plan Deposit Draft sets out a list of design criteria against which proposals for house extensions are considered. The list includes the need to ensure that the design and scale are appropriate in relation to the main building; that proposals respect the character of the area and spaces between dwellings; and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy.

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

4.4 The Poppleton Village Design Statement is also a material consideration. It was adopted as Supplementary Planning Guidance in August 2003. It states that; the size, scale and massing of new buildings and extensions should harmonise with neighbouring properties and spaces; contemporary design should complement and be in sympathy with existing building character and; space should be maintained around dwellings to avoid the loss of soft landscape.

Scheme

4.5 The application site is a detached bungalow located along Brackenhills. The street is characterised by large detached two storey dwelling to the south side and small detached bungalows to the north. These bungalows vary between those with the gable end facing the

highway and slightly higher bungalows which present the pitched roof to the highway. They are relatively uniform in their design. The application site lies fifth in a row of six bungalows with its gable facing the highway.

4.6 At present the bungalow has a width of approximately 6.6m with a flat roof garage attached to the side of the dwelling, although set back, which projects out 3.8m. It has an eaves height of 2.3m and a ridge height of 4.4m. It is proposed to extend to the side of the dwelling, adjacent to number 8 Brackenhills, by approximately 3.4m. This would run flush with the front and rear elevation of the dwelling. The scheme also seeks permission to create additional accommodation within the roof by increasing the existing pitched roof to cover the proposed side extension. This would raise the ridge height of the existing dwelling to 5.7m, an increase of approximately 1.3m. Three large first floor windows are proposed to the front elevation with three velux rooflights and three sunpipes proposed to each elevation.

4.7 It is also proposed to erect a single storey rear extension which would project out by 3m and would have a width of 5m. It would be constructed with a pitched roof and would be located centrally within the rear elevation. Off street parking would be provided to the front of the dwelling on an area to be block paved.

Impact upon amenity

4.8 The proposed works would significantly increase the mass of the dwelling and its impact upon neighbours amenity must be considered. With regard to the impact upon number 8 Brackenhills the impact is considered to be minimal. The application site lies to the west of this property and as such any overshadowing would take place during the evening. However, the extension would be side onto the blank side wall of the neighbouring property and as such there would be no impact in terms of loss of amenity to any rooms within the property. Furthermore it is considered that as the proposed roof pitched away from the side boundary, any overshadowing to the neighbouring rear garden would be minimal and would not result in an unacceptable loss of amenity. The dwelling would project further to the front than the neighbour at number 8 but again this would not result in an obtrusive structure when viewed from the rooms within number 8 due to a distance of approximately 4m between the side elevation of the extension and the nearest window.

4.9 With regard to the impact upon number 12 Brackenhills again the impact is considered to be minimal. A kitchen window is located to the

side elevation of the neighbouring property, which faces east. As such early morning sun enters this room. The dwelling is located some 6m away from the side elevation of the application site with the proposed ridge being approximately 11m away. It is considered that there may be a small reduction in light entering the kitchen window, particularly during the morning in winter months but not to a degree to warrant a refusal. In addition, the gardens to the properties to the rear are a distance of approximately 6m away and any overshadowing arising would be to the furthestmost portions of the garden.

Impact upon the character of the street scene

4.10 It is appreciated that the proposed works would result in large scale additions to the dwelling. However, the increase in height of 1.3m would result in a dwelling of a similar height to the neighbouring property at number 8 Brackenhills, albeit with a different orientation. As such it is not considered that it would overdominate this property, or the neighbouring property at number 12 due to the degree of separation between that already exists. Concerns have been raised that the space around the dwelling would be lost. However, the layout of the street does not incorporate uniform spaces between the dwellings, with some constructed up close to the boundary and others being inset but with flat roof garages to the side. It should also be noted that permitted development rights would allow a single storey side extension of a similar width to be erected up to a maximum height of 4m without the need for planning permission. However, it is accepted that this may not be a realistic fallback position in the present case given the applicants desire to provide bedroom accommodation within the enlarged roof space.

4.11 Concerns have also been expressed with regard to the cluttered appearance that would be created by the velux rooflights and sun pipes. However it is considered that these would not appear overly intrusive in the streetscene.

4.12 A number of concerns have been expressed with regard to the impact the dwelling would have upon the character of the area and the streetscene. It is accepted that the extension would create a structure that would be more visually prominent within the street, however, this does not necessarily result in it having a detrimental impact upon the streetscene. It is the case that the dwelling sits further forward than its immediate neighbour at no. 8 Brackenhills, but the driveway to the side of this property would provide a degree of visual separation. On balance

it is not considered that the impact would be so detrimental as to warrant a refusal.

4.13 The area is characterised by small bungalows to the north side of the street but immediately opposite lie larger two storey properties, one of which has had a large extension. When seen in context with the street as a whole, it is not considered that the proposed works would appear unduly detrimental to the streetscene.

5.0 CONCLUSION

5.1 It is considered that the proposed extension would not have any detrimental impact upon neighbours residential amenity in terms of overdominance or loss of light. The works would create a visually prominent dwelling within the streetscene but it is considered that on balance it would not be to a degree to warrant refusal.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing numbers 0010-A-2011 Existing Plan

Drawing numbers 0010-B-2011 Proposed Plan received 22 June 2011

Block Plan received 22 June 2011

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

3 VISQ1 Matching materials

4 Development shall not begin until details of the proposed materials to be used and method of surface water drainage of the car parking area have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

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

these details for the proper surface water drainage of the site.

**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 residential amenity or the overall character of the area. As such the proposal complies with Policies GP1 and H7 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

Contact details:

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

Tel No: 01904 551352

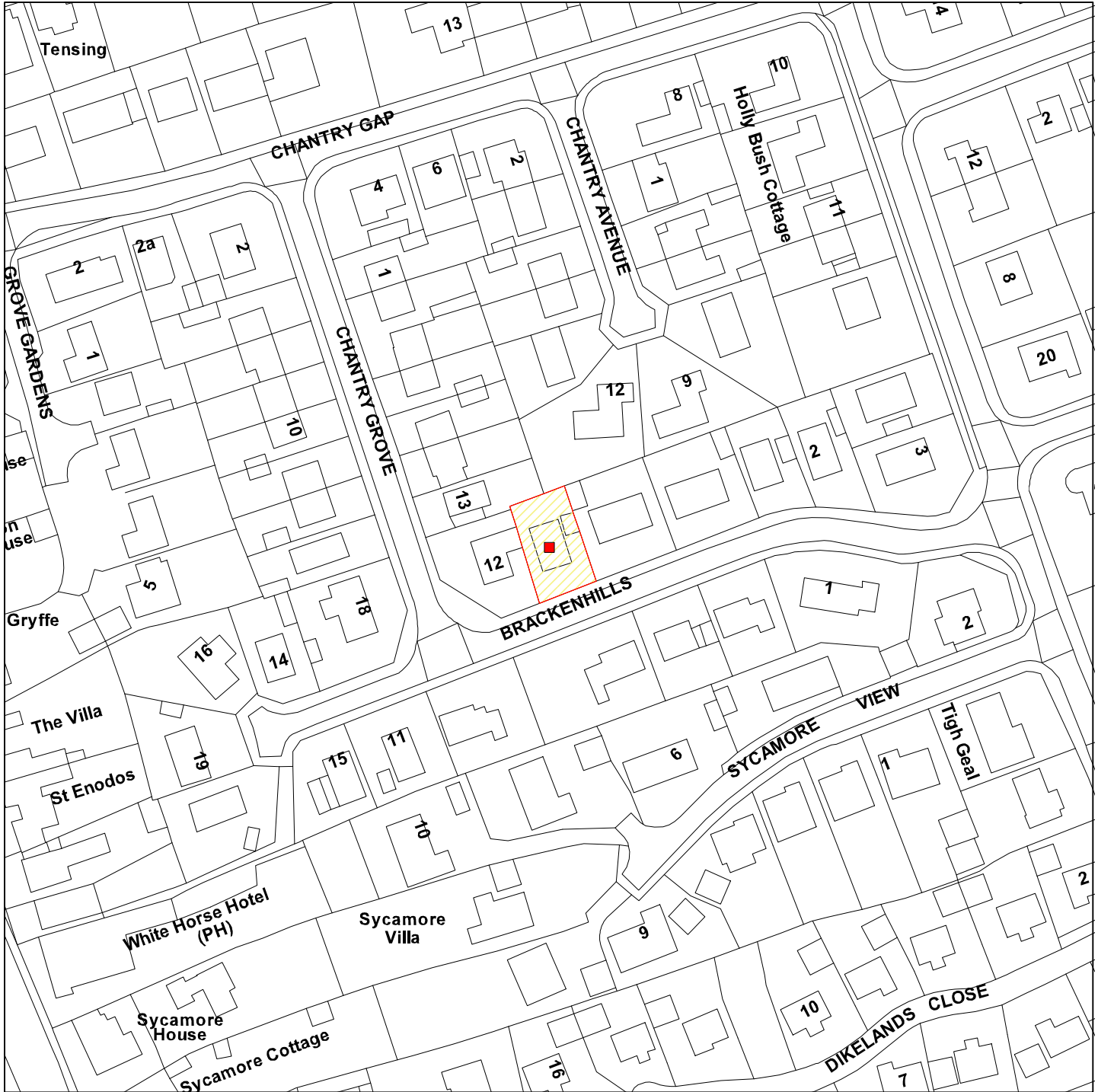
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10 Brackenhills Upper Poppleton

11/00422/FUL



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	04 July 2011
SLA Number	Not Set

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COMMITTEE REPORT

Date: 14 July 2011 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 11/00399/FUL
Application at: Borders 3 Little Stonegate York
For: Change of use from retail (use class A1) to youth
cafe and associated offices, meeting and training
space.
By: Mr Paul Herring
Application Type: Full Application
Target Date: 22 April 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to 3 Little Stonegate. The building was originally a Methodist Chapel, built in 1851. It was altered and converted into a printing works in 1901. The building is grade 2 listed. Little Stonegate is within the central shopping area, the street is not defined as a primary shopping street. The site is within the Central Historic Core Conservation Area.

1.2 In 2000 the building was incorporated into 1-5 Davygate, there are presently bridge links and a lightwell between the two premises. It is proposed to remove this connection and create two separate units. Planning permission has been granted under application 11/00780/LBC for these alterations.

1.3 The building was last used for retail, with an ancillary cafe. Planning permission is sought to change the use of the building to a youth cafe/training centre and general facility for young persons; similar to a youth club. The use would retain the cafe facilities on the upper level and include educational activities such as Duke of Edinburgh Award, homework clubs, interest groups and performance space. It is proposed to open between 08:00 and 22:00.

1.4 The application is brought to planning committee as councillors determined the previous application by the applicants, CYC Young People's Services, to locate this operation at 31 Fossgate

(10/01303/FUL). The application was approved at planning committee in November 2010. However occupation of the building did not occur. The applicants have previously operated a youth cafe, called Fuse, at 27 Swinegate, in the building now occupied by Oscars.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area
Conservation Area GMS Constraints: Central Historic Core
Listed Buildings GMS Constraints: Grade 2; 3 Little Stonegate York

2.2 Policies:

CYGP3 Planning against crime
CYHE3 Conservation Areas
CYHE4 Listed Buildings
CYS5 Non-retail uses in shopping streets
CYS6 Control of food and drink (A3) uses

3.0 CONSULTATIONS

City Development

3.1 Consider the proposed use would be appropriate in the city centre. It is asked that, in line with policy, officers should be satisfied there is an identified need for the proposed use and there would not be undue harm to amenity.

Design, Conservation and Sustainable Development

3.2 Support the scheme in principle; the proposed use, as a meeting place/performance space, clearly fits with the original use as a chapel. There is no objection to the lower floor area alterations, which would not affect the character of the building. Officers were initially concerned with the amount of sub-division on the upper floors, which has now been reduced, to avoid a material impact on the open character of these spaces. Further justification was also requested with regards the alterations to the secondary stair, which it is proposed to upgrade, so it provides a means of escape in line with building regulation requirements.

Environmental Protection Unit

3.3 To consider the amenity of surrounding occupants, it is asked that details of any additional plant such as air-conditioning or required kitchen equipment to deal with cooking smells, be submitted to the Local Planning Authority for approval.

Guildhall Planning Panel

3.4 Support the application

Police Architectural Liaison Officer (ALO)

3.5 Comments that analysis shows the street suffers from high levels of crime and anti-social behaviour, predominantly due to the night time economy. There have been 21 recorded incidents between March 2010-2011. Recommendations are as follows:

- Windows to the lower level of the building are at footpath level and could be susceptible to damage. It is suggested external grilles are fitted to protect the windows.
- Access control to the building and CCTV is recommended. However it is added there are existing cameras that cover the street.
- Management of activities within and outside the building is necessary, and should be a condition of any planning permission.
- Consider it necessary that the premises closes at 22:00 hours. It is desirable to avoid exposing young persons to intoxicated persons. Research shows teenagers can be influenced by adult drinking behaviour and it is important that they are not given the indication that rowdy/drunken behaviour is acceptable.

Publicity

3.6 An objection from the cafe next door has been received, which objects to the type of persons the proposed use would bring to the area.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of the proposed change of use
- Amenity of surrounding occupants
- Crime and disorder
- Heritage assets - the listed building and the conservation area

PRINCIPLE OF THE PROPOSED USE

4.2 Little Stonegate 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.

4.3 The premises would attract visitors throughout the day and reverting the Chapel to a separate unit would re-introduce the Little Stonegate entrance. The previous use lead to a somewhat dead frontage onto Little Stonegate. The proposed use would therefore compliment retail activity within the street and add to its vitality. As such in principle the proposed use is deemed to be acceptable.

AMENITY OF SURROUNDING OCCUPANTS

4.4 Policy GP1 of the local plan seeks to preserve amenity. GP1 advises that there should be no undue adverse impact from noise disturbance, overlooking, overshadowing or from overdominant structures.

4.5 It is proposed to operate the cafe until 22:00 hours each day of the week and during the evening there will at times be entertainment including live and recorded music. The application site is in a commercial area. There are no residential premises immediately nearby. To each side of the application site are cafe/bars, at no.1 next door there is hotel accommodation on the upper floors. The use would cease at a reasonable time and noise within the building is unlikely to cause disturbance to neighbouring occupants as there is an existing stairwell at one end of the building, and partitions will be added to create rooms at the other end, so there would be a reasonable buffer between the main space, where performances would occur, and neighbours. It is unlikely undue noise disturbance would occur.

4.6 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. It is proposed to add an extract flue which would terminate at ridge level. The location of the flue indicates cooking smells and odour would not have an adverse impact on surrounding occupants (there is a window on the rear roofslope of 5/7 Little Stonegate). Details of the equipment, to ensure it is fit for purpose, will be required as a condition. When it was proposed to locate this use on Fossgate, only temporary planning permission was given, to monitor the site, given the amount of residential premises nearby. A temporary permission is deemed unnecessary at this site, as there are not neighbouring residential premises.

CRIME AND DISORDER

4.7 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.

4.8 The application site, and the pertinent part of Little Stonegate are already covered by CCTV. Staff will have appropriate qualifications/experience and would monitor the entrance and the comings and goings of persons. The operators are aware they have a responsibility to monitor users of the facility in the immediate area. Officers agree with the Police Architectural Liaison Officer, that appropriate management of the premises is important. A management plan, which would include contact details of the operators of the premises, can be secured as a condition of planning permission.

HERITAGE ASSETS

4.9 National policy note PPS5: Planning for the Historic Environment makes a presumption in favour of conservation. Alterations must be justified. However it also recognises that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term. In determining applications local planning authorities should weigh the public benefit of the proposal (for example, that it helps

to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and recognize that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss. Policy HE3 of the Local Plan advises that proposals will be expected to preserve the character and appearance of the conservation area.

4.10 The only external change proposed is the kitchen flue, which would be at the rear, and not seen from the public realm, therefore there would not be a material impact on the conservation area.

4.11 Within the building partitions on each floor level are proposed, there would be a stage screen on the two upper floor levels, a goods lift would be replaced with a passenger lift and alterations to the secondary stair are required so it provides the required secondary means of escape. These alterations are each deemed to be justified and required to allow the full use of the host building. Whilst there is some impact on the character of the space on the upper two floors, the plans have been amended, so the new rooms are predominantly confined to the space behind the balcony, where they are not they only project no more than 1.8m from the side walls. The scheme strikes a balance between allowing the required use and reasonably preserving the character of the space. The staircase to be altered is not original, building regulations officers have confirmed the works are necessary. A more comprehensive explanation of the changes is detailed in the companion application for listed building consent: 11/00400/LBC, to summarise the impact on the listed building is deemed to be acceptable.

5.0 CONCLUSION

5.1 The proposed development would be acceptable in policy terms; it would positively contribute to the vitality and viability of the shopping street and would not have an undue impact on amenity. The changes to the listed building are justified, to allow its full occupation now it will again be independent, and would not lead to unacceptable harm to the building. It is recommended the application be approved.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 PLANS1 Approved plans - YPC/011C and YPC/012C and 13 received 28.6.2011

3 The premises shall only be open to customers/non-staff members between the hours of 08:00 and 22:00 each day of the week.

Reason: In the interests of the amenity and to avoid issues regarding crime and disorder.

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, contact details of staff and publicity of the premises to the locality, and prevention of litter creation. The plan shall be updated accordingly when necessary and the premises shall operate in accordance with the management plan at all times.

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

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

Reason: In the interests of amenity in accordance with policy S6 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 impact on heritage assets, the vitality and viability of the street and the city centre,

amenity and crime and disorder. As such the proposal complies with Policies GP1, GP3, HE3, HE4, S5 and S6 of the City of York Development Control Local Plan.

Contact details:

Author: Jonathan Kenyon Development Management Officer

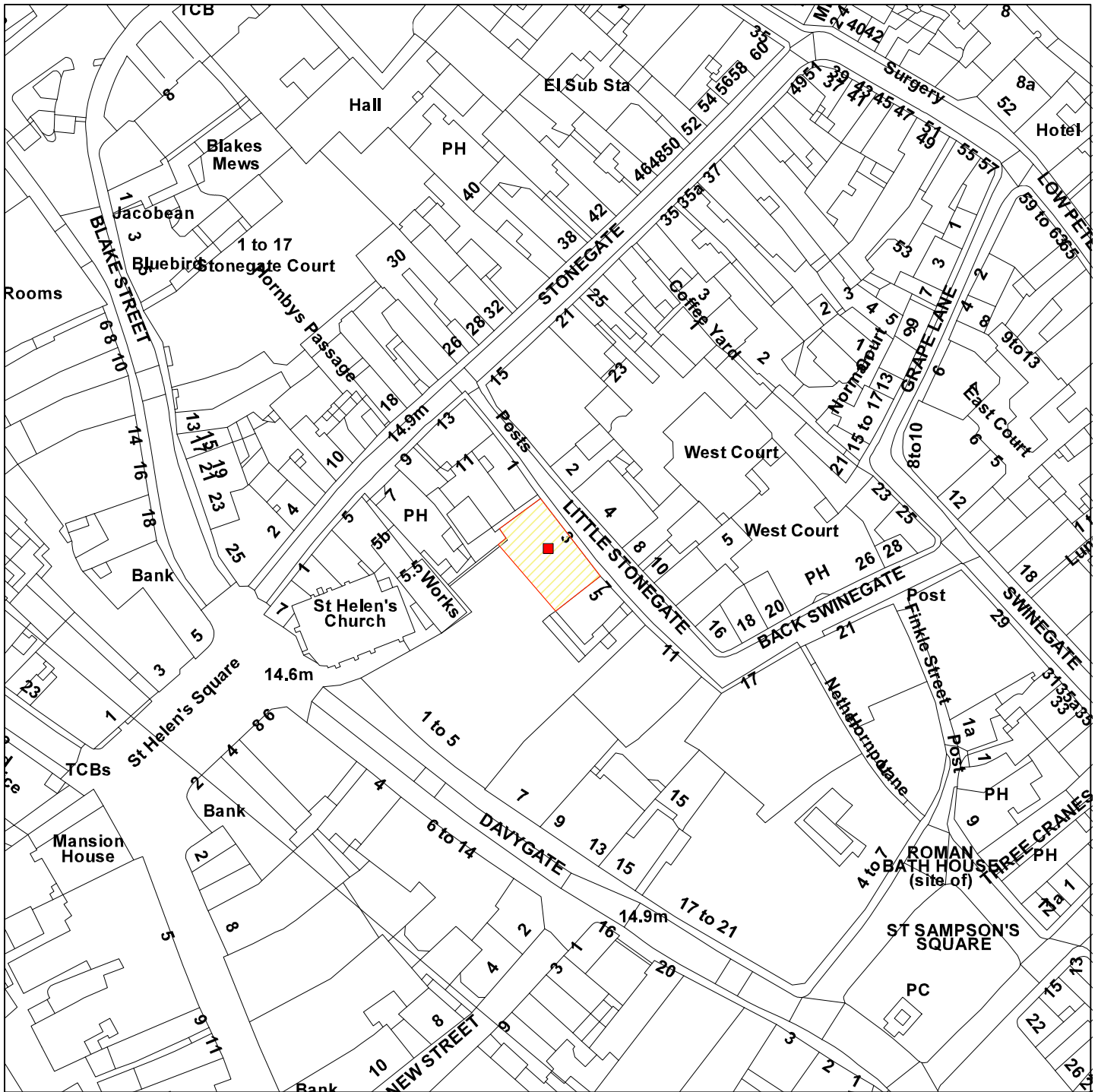
Tel No: 01904 551323

3 Little Stonegate

11/00399/FUL & 11/00400/LBC



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	04 July 2011
SLA Number	Not Set

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COMMITTEE REPORT

Date: 14 July 2011 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
 Commercial Team

Reference: 11/00400/LBC
Application at: Borders 3 Little Stonegate York
For: Internal alterations in connection with proposed change of use of building and separation of listed former chapel from units 1 and 2 Davygate
By: Mr Paul Herring
Application Type: Listed Building Consent
Target Date: 21 April 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to 3 Little Stonegate. The building was originally a Methodist Chapel, built in 1851. It was altered and converted into a printing works in 1901. The building is grade 2 listed.

1.2 In 2000 the building was incorporated into 1-5 Davygate, there are presently bridge links and a lightwell between the two premises. It is proposed to remove this connection and create two separate units. Planning permission has been granted under application 11/00780/LBC for these alterations.

1.3 The building was last used for retail, with an ancillary cafe. Listed building consent is sought to change the use of the building to a youth cafe/training centre and general facility for young persons; similar to a youth club. The use would retain the cafe facilities on the upper level and include educational activities such as Duke of Edinburgh Award, homework clubs, interest groups and performance space. To accommodate the proposed use the following alterations are proposed:

- Basement - the installation of partition walls to create meeting rooms, storage rooms and w/c.
- Replacement of the goods lift with a passenger lift serving each floor.
- Alterations to the secondary stair so it would comply with building regulations.

- Installation of a screen behind the stage and partitions behind the screen wall at the southeast end of the building.
- Additional extract/ventilation for the kitchen.

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; 3 Little Stonegate York YO1 2AX 0650

2.2 Policies:

CYHE4 Listed Buildings

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development

3.1 Support the scheme in principle; the proposed use, as a meeting place/performance space, clearly fits with the original use as a chapel. There is no objection to the lower floor area alterations, which would not affect the character of the building. Officers were initially concerned with the amount of sub-division on the upper floors, which has now been reduced, to avoid a material impact on the open character of these spaces. Further justification was also requested with regards the alterations to the secondary stair, which it is proposed to upgrade, so it provides a means of escape in line with building regulation requirements.

4.0 APPRAISAL

KEY ISSUES

4.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant listed building consent, the local planning authority shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

POLICY

4.2 PPS5: Planning for the Historic Environment makes a presumption in favour of conservation. Alterations must be justified. However it also recognises that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term. In determining applications local planning authorities should weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and recognize that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss.

ALTERATIONS

Basement area

4.3 The installation of partition walls to create meeting rooms, storage rooms and w/c at basement area is supported as this space does not form part of the open character that occurs in the two upper levels of the chapel. The partitions allow prudent use of the space and would be reversible without harm to historic fabric. There would not be a detrimental impact on the character or historic interest of the building.

Lift, stage screen and partitions at the southeast end of the building on the upper floors.

4.4 The proposed lift would give inclusive access to each floor and is proposed to replace the redundant lift in this area. It would be enclosed by partitions around 1.8m by 2.5m and be situated next to the secondary stairwell. On the top floor the lift does not require an over-run, so it would terminate below ceiling level.

4.5 The stage screen would be 3.3m from the back wall and there would be partitions added behind to create various rooms and circulation space. The applicants advise the number of meeting rooms and storage space are required to enable the proposed use. The changes are reversible and would not harm historic fabric, and by concentrating the additions to one end of the space and keeping their size to a minimum, the character of the open space would not be unduly compromised.

Alterations to the secondary stair so it would comply with building regulations.

4.6 Due to the proposed capacity of the building, an alternative means of escape is required (this has been confirmed by building control officers). The width of the steps needs to be increased and the stairwell fire protected. The existing stairwell retains its C18 balusters but otherwise has been altered and is not original. PPS5 recognises that buildings have to adapt over time to allow them to stay economically viable, as is the case here. There is acceptable justification for the change, which will allow the chapel to operate as a stand-alone building. Large scale details shall be required of the stair as a condition of the consent, with the intention of retaining and re-using the original balustrade.

Additional extract/ventilation for the kitchen.

4.7 The kitchen would be on the top floor which requires the least amount of ductwork to allow the extraction of cooking fumes. A method statement and large scale details are required to clarify, and minimise, the impact on the buildings fabric.

5.0 CONCLUSION

5.1 The building will become independent and the proposed changes are necessary to fit the brief for the proposed use and to bring the building up to present building regulations. There will not be undue harm to the historic or architectural interest of the listed building. Approval is recommended.

6.0 RECOMMENDATION: Approve

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

2 PLANS1 Approved plans - YPC/011C and YPC/012C and 13 received 28.6.2011

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

a) Sections and roof details of the stage screen, the corridor areas behind and walls and floor to the kitchen / food prep. area, to show how the new partitions/rooms connect and relate to the existing fabric.

b) Replacement external doors.

c) Method statement and external elevation (including notes on materials) to show the extract flue in situ and how it will minimise impact on existing fabric.

d) Alterations to secondary stair to include new balustrade

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

7.0 INFORMATIVES:

REASON FOR APPROVAL

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

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

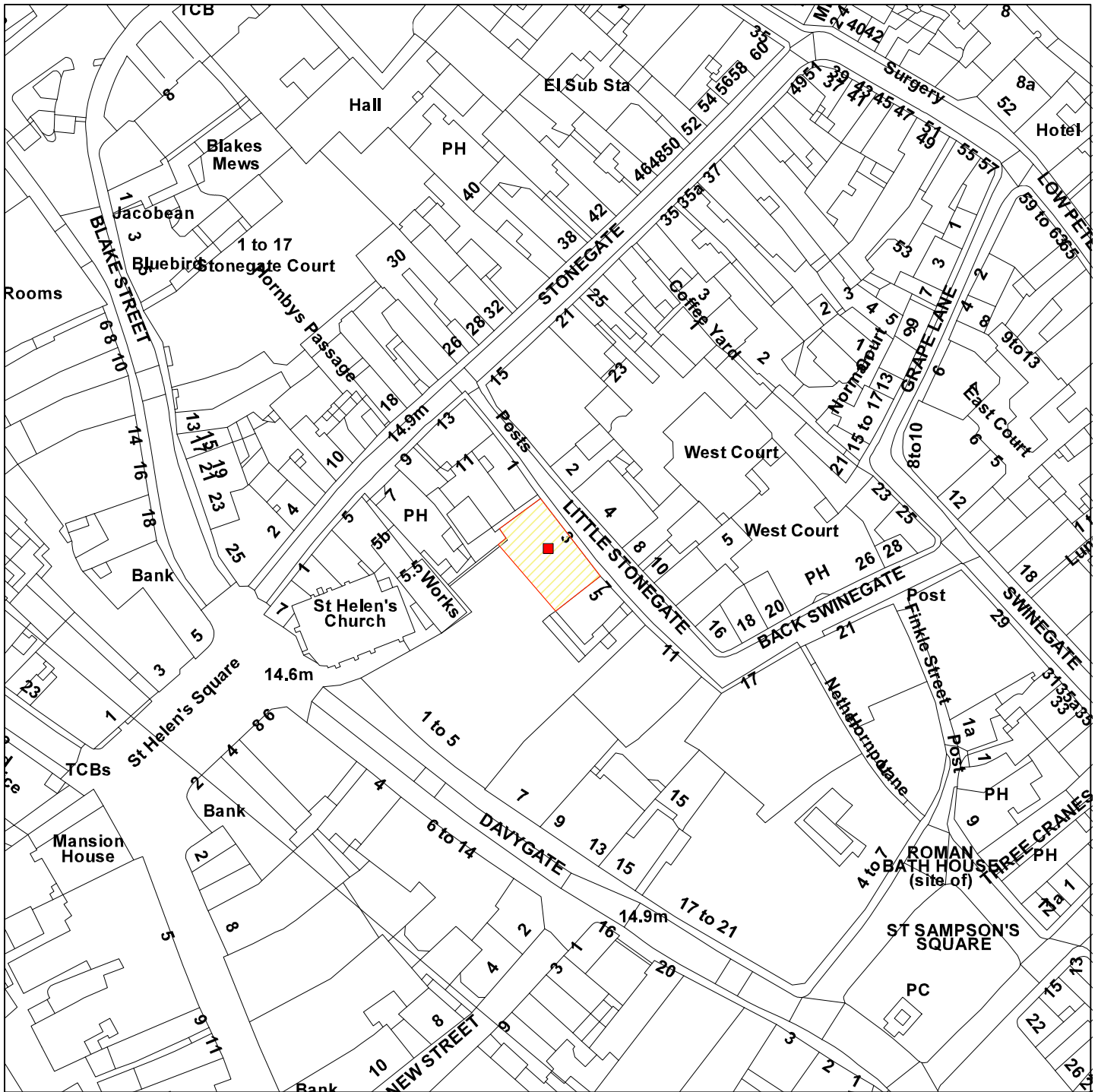
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3 Little Stonegate

11/00399/FUL & 11/00400/LBC



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	04 July 2011
SLA Number	Not Set

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**West & City Centre Area Planning
Sub-Committee****14 July 2011**

Report of the Director of City Strategy

Enforcement Cases - Update**Summary**

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

Background

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

Current Position

5. Members should note that 54 new cases were received for this area within the last 3 months. 50 cases were closed and 199

remain outstanding. There are 77 Section 106 Agreement cases outstanding for this area after the closure of 4 for the last 3 months. Checks are being made on a number of others where it is thought the properties are now occupied but where the required contribution has not been paid. 2 Enforcement Notices have been served with respect to unauthorised developments during this period, one at the Lord Nelson Public House at Poppleton for the unauthorised siting of caravans and another at 85 Clarence Street for an unlawful roller shutter door. A number of others are moving towards the possible serving of enforcement notices and discussions are taking place with Legal Services on these.

Consultation

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

Options

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

Corporate Priorities

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

9. **Implications**

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

Risk Management

- 10 There are no known risks.

Recommendations

11. If members have any queries or questions about cases on this enforcement report then please e-mail or telephone either Matthew Parkinson or Andy Blain by 5pm on Wednesday 13th July. Also, if members identify any cases which they consider could now be closed could they advise officers either at the meeting or in writing, giving reasons why for officers to consider, then that would be helpful in possibly reducing the number of outstanding cases.

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

Contact Details

Author:

Matthew Parkinson / Hilary
Shepherd/
Andy Blain
Planning Enforcement
Officers

Dept Name City Strategy
Tel No. 551647/551314

Chief Officer Responsible for the report:

Chief Officer's name

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

**Report
Approved**



Date 30/6/2011

Specialist Implications Officer(s)

None

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

For further information please contact the authors of this report

Background Papers:

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

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

Annexes

Annex A - Enforcement Cases – Update (Confidential)

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

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of the Local Government Act 1972.

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