



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, 20 October 2011

Time: 3.00 pm

Venue: The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00am on Wednesday 19 October 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 7 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 - 26)

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on Thursday 14 July 2011 and Thursday 18 August 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 19 October 2011**. 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) Monkbar Hotel, St Maurices Road, York, YO31 7JA (11/02185/FULM) (Pages 27 - 56)

Four storey extension to rear to create additional bedrooms and conference rooms and alterations to existing hotel (application to extend time period for implementation of permission 08/01647/FULM). *[Guildhall Ward]*

b) The Bar Convent, 17 Blossom Street, York, YO24 1AQ (11/02220/LBC) (Pages 57 - 64)

Internal alterations including creation of a bedroom and two ensembles. *[Micklegate Ward]* [Site Visit]

c) Cygnet Inn, Cygnet Street, York, YO23 1AG (11/02372/FUL) (Pages 65 - 74)

Erection of 2 two storey houses and 4 three storey houses with associated parking following demolition of existing public house (revised scheme). *[Micklegate Ward]* [Site Visit]

d) 134 Boroughbridge Road, York, YO26 6AL (11/02339/FUL) (Pages 75 - 86)

Conversion of ground floor flat to fish and chip shop with ground floor extension at rear for storage and seating in eating area, plus first floor rear extension to flat to create three bedroom flat and

alteration to vehicle parking and access in forecourt (resubmission).
[Acomb Ward] [Site Visit]

- e) **Castle Museum, The Castle, York, YO1 9RY (11/02229/LBC)**
(Pages 87 - 94)

Internal alteration to visitors toilets including removal of walls.
[Guildhall Ward] [Site Visit]

- f) **Bootham School, 51 Bootham, York, YO30 7BT (11/01998/FULM)** (Pages 95 - 110)

Alterations to existing music building and erection of new single and two storey music and arts building. Minor alterations to assembly hall. *[Guildhall Ward]* [Site Visit]

- g) **Bootham School, 51 Bootham, York, YO30 7BT (11/01999/LBC)**
(Pages 111 - 120)

New Music and Art building, including alteration and extension to Assembly Hall building. *[Guildhall Ward]* [Site Visit]

- h) **Hotel Du Vin, 89 The Mount, York, YO24 1BL (11/02039/FUL)**
(Pages 121 - 128)

Permanent retention of smoking shelter to rear following approval of temporary planning permission dated 13.05.2010. (10/00376/FUL) *[Micklegate Ward]* [Site Visit]

- i) **Go Mobile, 11 Church Street, York, YO1 8BG (11/00480/FUL)**
(Pages 129 - 136)

Change of use from retail (use class A1) to hot food takeaway (use class A5) with extract grille to first floor window (retrospective).
[Guildhall Ward]

6. **Appeals Performance and Decision Summaries** (Pages 137 - 154)

This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3-month period up to 30th June 2011, and provides a summary of

the salient points from appeals determined in that period. A list of outstanding appeals as at 30th August 2011 is also included.

7. Enforcement Cases Update (Pages 155 - 328)

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 or Matthew Parkinson by **5pm on Tuesday 18 October 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.

Members please note that due to a software problem officers were unable to provide the Cases Closed update in size 14 font.

8. 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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- 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;
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Further information about what's being discussed at this meeting

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

Access Arrangements

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

Scrutiny Committees

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

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

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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE

SITE VISITS

Wednesday 19 October 2011

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

| TIME (Approx) | SITE | ITEM |
|--------------------------------|----------------------------|--------------------|
| 11.10 | 134 Boroughbridge Road | 5d |
| 11.40 | Bootham School, 51 Bootham | 5 f & g |
| 12:20 | Bar Convent, 17 Blossom St | 5b |
| 12:40 | Hotel Du Vin, 89 The Mount | 5h |
| 13:00 | Cygnet Inn, Cygnet Street | 5c |
| 13:30 | Castle Museum | 5e |

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City of York Council

Committee Minutes

| | |
|-----------|--|
| MEETING | WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE |
| DATE | 14 JULY 2011 |
| PRESENT | COUNCILLORS WATSON (CHAIR), GILLIES (VICE-CHAIR), CRISP, JEFFRIES, REID, SEMLYEN, CUTHBERTSON (AS A SUBSTITUTE FOR CLLR ORRELL), RICHES (AS A SUBSTITUTE FOR CLLR GUNNELL) AND HEALEY (AS A SUBSTITUTE FOR CLLR GALVIN) |
| APOLOGIES | COUNCILLORS GALVIN, GUNNELL AND ORRELL |

6. INSPECTION OF SITES

The following sites were inspected before the meeting.

| Site | Attended by | Reason for Visit |
|--------------------------------------|--|--|
| 10 Bracken Hills, Upper Poppleton | Councillors Jeffries, Reid, Semlyen and Watson. | As objections had been received and the officer recommendation was for approval. |
| 3 Little Stonegate | Councillors Galvin, Gillies, Horton, Morley and Reid.. | As objections had been received and the officer recommendation was for approval. |

7. DECLARATIONS OF INTEREST

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.

Councillor Healey declared a personal and prejudicial interest in plans item 5a (10 Bracken Hills, Upper Poppleton) as he had agreed to speak on behalf of local residents of his ward in

opposition to this application. He took no part in the debate or vote on this item.

Councillor Gillies declared a personal non prejudicial interest in plans item 5a (10 Brackenhills, Upper Poppleton) as he lives about 150 yards from the application site. He confirmed that he had no previous involvement in this application. When the joint owner of the property stood up to speak in support of the application, Councillor Gillies declared a personal non prejudicial interest as the speaker had done some building work for him in the past.

8. 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 12 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.

9. MINUTES

RESOLVED: That the minutes of the meeting of the West and City Centre Area Planning Sub Committee held on 16 June 2011 be approved and signed by the Chair as a correct record.

10. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

11. 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.

11a 10 Brackenhills Upper Poppleton York YO26 6DH (11/00422/FUL)

Members considered a full application from Mrs Gwen Bentley for a single storey side and rear extension and the raising of the roof to provide first floor accommodation.

Officers advised Members that an objector had submitted some further information and it had been requested that this be put before the committee. Copies of the existing and proposed footprint (scale 1:100) and a drawing of the existing and proposed front elevation of the house were therefore circulated to the committee.

Officers also advised that in addition to the objections listed in the report at paragraph 3, an objection had also been received from the occupier of no 8 Brackenhills. They advised Members that the objection from 11 Sycamore View was with regard to drainage proposals.

Some photographs of the site were circulated for the benefit of those Members who were not able to attend the site visit.

Representations were received from a neighbour at 8 Brackenhills in objection to the application. With the Chair's agreement, she placed some scale models (1:40) on the table in order to help Members visualise the proposals. She stated that these proposals would create one of the largest properties in terms of scale and footprint on one of the smallest plots on the street. She drew Members' attention to the plans which she had

produced and which had already been circulated. She raised concerns based on the following seven factors:

- the large footprint in relation to the size of plot;
- the height of the proposed property
- the forward position in relation to the neighbouring property
- the angle of the building
- the roof size and appearance
- the large front facing gable end
- its closeness to the boundary.

She asked that the application be refused due to its scale and dominant nature.

In response to a question, the speaker confirmed that one side of the road consisted solely single storey bungalows and on the other side there were bungalows with five 2 storey houses at one end of the road. She provided clarification of the how the proposed roof height would compare to neighbouring properties.

Representations were also received from the joint owner of 10 Brackenhills, in support of the application. He noted that the officer's report had addressed all the objections which had been put forward and reminded Members that the planning officer had recommended approval.. He advised the Committee that he was a builder with 50 years experience and made the following points in relation to the application:

- the front driveway would be block paved with parking for 3 cars and would provide wheelchair access for his disabled nephew.
- the proposed extension would allow them to create a downstairs ensuite bedroom for his nephew to use when he came to stay and therefore they was the need for an additional upstairs bedroom.
- the roofline would be visually inline with other properties.
- there were 2-storey houses opposite, the one directly opposite having had multiple extensions.

Councillor Healey spoke in objection to the application on behalf of 17 local residents who had put forward objections. He advised the Committee that most residents' concerns related to the scale and appearance of the proposed extension. He made the following points:

- it would have the largest footprints of any property in the street yet is on one of the smallest plots

- the garden amenity space would be greatly reduced leaving only a very small garden.
- It is doubtful whether there would be room to park 3 cars on the drive and if correct this would create a crowded effect.
- It would be the only property in the street with no front garden which would impact on the street scene.
- It would create the highest property on that side of the road
- the roof is not into proportion to ground floor of building creating a top heavy appearance
- the front facing gable end would create a negative visual impact on the street
- the forward position combined with angle and closeness to boundary would give it an odd skewed appearance
- It does not take into account guidelines in Local Development Framework and Poppleton Village Design Statement
- it would be over dominant and incongruous and would impact negatively on other properties

In response to the issues raised by Councillor Healey, officers advised that the garage was below normal standards but that the available parking area was adequate.

Councillor Gillies moved and Councillor Cuthbertson seconded a motion to refuse the application on the grounds that the proposed extension was too large for the size of plot and would have a negative impact on the street scene due to its height and density. On being put to the vote, this motion fell.

While other members acknowledged that the footprint would be large, they did not believe there was sufficient justification to refuse the application and pointed out that it would be the applicant, rather than other residents, who would be most affected by the loss of garden space and this was his choice to make.

Councillor Watson moved and Councillor Crisp seconded a motion to approve the application. On being put to the vote, this motion was carried.

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 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.

Note: Councillor Riches entered the meeting when the first speaker was addressing the Committee. As he had not been present for the officer's update, he did not take part in the vote on this application.

11b Borders 3 Little Stonegate York (11/00399/FUL)

Members considered a full application from Mr Paul Herring of City of York Council for the change of use from retail (use class A1) to youth cafe and associated offices, meeting and training space. The Committee agreed to discuss the application for listed building consent (Minute 11c refers) alongside this application.

Officers expanded on the details of the proposals contained within the report. They explained that these would include a gallery area and multi use space, meeting rooms, office space, a stage area and a cafe area. Its uses could include provision for clubs covering art, dance, creative writing, sci-fi and drama and the ability to host quiz night and band performances as well as other uses.

Representations were received from the applicant on behalf of City of York Council in support of the application. He advised the Committee that he had taken on this project as Chair of York Young People's Trust and advised that they have the city council and St Michael the Belfry as partners with support from York CVS and other organisations. He explained that the aim was to provide a space for young people to be able to go to and consider it to be their own and that this should be in the city centre, somewhere safe, warm and comfortable with support available from other services. He advised that he would ensure that the specific conditions which had been put forward would

be adhered to. He circulated some photographs of the area inside the building which had been digitally enhanced to show how the space would appear.

In response to a question regarding cycle parking outside the building, he advised that space was limited but explained that dedicated cycle parking was available in the town centre including opposite Betty's tea rooms and this was covered by CCTV. Officers confirmed that applications for new uses within the city centre did not require cycle racks to be provided but envisaged the use of existing racks in the city centre.

Members discussed how young people with special access requirements would be able to gain entry to the building. They noted that this would be via a separate entrance where a ramp could be temporarily placed to allow access to the building. They recognised that this was not ideal and were advised that the relevant young people would be consulted on a suitable system which could be put in place which would allow them to alert staff who would then provide assistance as required. Members stressed the importance of this being properly managed and monitored.

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 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.

11c Borders 3 Little Stonegate York (11/00400/LBC)

Members considered an application for Listed Building Consent from Mr Paul Herring of City of York Council for internal alterations in connection with the proposed change of use of the building and separation of the listed former chapel from units 1 and 2 Davygate.

Officers provided an update on the application. They recommended that two further conditions be added, the first requiring a photographic record of the area opened up to accommodate the lift shaft to be taken, and the second requiring the framed Ten Commandments, which are presently located within the basement of the building, to remain on site.

Members acknowledged that there were some compromises to the listed building in that the lift to all floors would break through some historic material and that there were some compromises in regard to open space. However they were supportive of the changes proposed for the internal space and considered it a good use of the building .

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

Additional Condition 4

A descriptive photographic record detailing the first floor area where it is to be opened up to accommodate the lift shall be undertaken and submitted to the Local Planning Authority at the time such works occur. The record shall illustrate the location, age and type of the fabric revealed as a consequence of the opening up works.

Reason: In order that a historical record of the listed building is kept.

Additional Condition 5

The framed Ten Commandments which are presently located within the basement of the building shall remain onsite. If they are proposed to be relocated, their relocation shall be approved in writing by the Local Planning Authority, and carried out in accordance with the approved details.

Reason: In the interests of preserving the historic interest and understanding of the building.

REASON: The proposal, subject to the conditions listed in the report and the additional conditions 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.

12. ENFORCEMENT CASES UPDATE

Prior to consideration of this item, Councillors Reid and Cuthbertson left the meeting due to prior commitments.

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's area.

Councillor Watson, Chair
[The meeting started at 3.00 pm and finished at 4.45 pm].

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| | |
|-----------|--|
| MEETING | WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE |
| DATE | 18 AUGUST 2011 |
| PRESENT | COUNCILLORS WATSON (CHAIR), GILLIES (VICE-CHAIR), CRISP, GALVIN, GUNNELL, JEFFRIES, REID, SEMLYEN AND HYMAN (AS A SUBSTITUTE FOR CLLR ORRELL) |
| APOLOGIES | COUNCILLOR ORRELL |

13. INSPECTION OF SITES

The following sites were inspected before the meeting.

| Site | Attended by | Reason for Visit |
|--|---|--|
| Go Outdoors, Foss Bank | Councillors Crisp, Galvin, Gunnell, Reid, Semlyen and Watson. | As objections had been received and the officer recommendation was for approval. |
| Narioi Stables, Boroughbridge Road (A59) | Councillors Crisp, Galvin, Gunnell, Reid, Semlyen and Watson. | As objections had been received and the officer recommendation was for approval. |
| Land lying to the north of the Science Building, Askham Bryan College, (Equine Hospital) | Councillors Crisp, Galvin, Gunnell, Reid, Semlyen and Watson. | To familiarise new Members with the site. |
| 47 Askham Fields Lane, Askham Bryan | Councillors Crisp, Galvin, Gunnell, Reid, Semlyen and Watson. | As objections had been received and the officer recommendation was for approval. |
| Doctors Surgery, 40 Moorcroft Road, | Councillors Crisp, Galvin, Gunnell, Reid, Semlyen and Watson. | As objections had been received and the officer recommendation was for approval. |

14. DECLARATIONS OF INTEREST

Councillor Reid declared a personal non-prejudicial interest in plans item 3f (Doctors Surgery, 40 Moorcroft Road) as she is a patient at that surgery.

Councillor Semlyen declared a personal and prejudicial interest in plans item 3f (Doctors Surgery, 40 Moorcroft Road) as she had registered to speak on behalf of local residents in objection to this application. After speaking from the floor, she left the room and took no part in the debate or vote on this item.

Councillor Gillies declared a personal and prejudicial interest in plans item 3e (47 Askham Fields Lane, Askham Bryan) as he knew the one of the speakers who had registered to speak in objection to the application as she was clerk to Askham Bryan Parish Council. He left the room for this application and took no part in the debate or vote on this item.

Councillor Watson declared a personal non prejudicial interest in plans item 3b (5 Wains Road, Dringhouses) as the applicant is a City of York planning officer. Other members of the committee asked that it also be noted that they knew the applicant on the same terms.

15. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

16. 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.

16a Go Outdoors, Foss Bank, York YO31 7JB (11/01872/ADV)

Members considered an advert application for the display of two part illuminated signs, three non illuminated product listing signs and two banner signs.

Officers provided the following updates:

- Comments had been received from Councillor Potter on behalf of local residents raising concerns over the loss of amenity due to the signs and expressing the view that they already feel overlooked.
- Guildhall Planning Panel object on the grounds that the signs are out of scale with surrounding environment.
- Two further letters from residents had been received which reflect the objections already listed in the report regarding the impact on the conservation area, light pollution and views of York Minster.

Officers clarified that this is the second application which had been submitted, the previous one having been for illuminated signs whereas this application was for smaller signs, some of which were not illuminated at all and some only partially.

They noted that draft condition 2 requires all illumination to be turned off between 20.30 and 08.30 each day and asked Members to agree to this being amended to allow for halogen lights to be left on overnight for security purposes. They also asked Members if they would be happy for the hours of illumination to be changed to coincide with store opening hours, with a latest time of 9pm, to allow for later opening such as at Christmas.

Members acknowledged that this was a prime commercial site but that the signs had been erected without planning permission which had upset local residents leading to objections being put forward. They were satisfied that the applicant had taken advice from officers and had been able to reduce the amount of light pollution. Furthermore they accepted that the store needed to be able to address security issues and be able to use halogen lights when the store was closed.

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

Amended Condition 2

All signage illumination permitted by this approval shall be turned off outside of the opening hours of the shop and in any event not later than 21.00 on any day.

Reason: In the interests of visual amenity.

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 for the following reasons: In accordance with PPG:19 Advertisements and policies GP21 and HE8 of the City of York Local Plan, the proposed signage, due to its location, scale, design, materials and the proposed extent and means of illumination would not detract from the character and appearance of the conservation area. There would not be an adverse impact on safety, due to the location of the signs and the extent of illumination proposed.

**16b 5 Wains Road, Dringhouses, York, YO24 2TP
(11/01594/FUL)**

Members considered a full application from Mr Matthew Parkinson for a detached summerhouse to the rear of his property.

RESOLVED: That this 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 residential amenity of neighbouring properties and impact upon the visual amenity of the street scene. As such the proposal complies with Policy GP1 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

16c Land Lying to the North of The Science Building, Askham Bryan College, College Service Road, Askham Bryan, York (11/01155/FULM)

Members considered a major full application from the Minster Veterinary Practice and Askham Bryan College for the erection of seven single storey buildings forming an equine hospital and training centre with associated outdoor facilities, car parking and new access.

Officers advised that Structures and Drainage had objected due to insufficient information having been received by the developer to determine the potential impact the proposal may have on the existing drainage systems. However they had advised that this information could be sought by a condition DRAIN 1. Officers further advised that the agent had since submitted draft heads of terms which outline the proposed educational use of the facility and which could be used when considering any conditions on this issue.

Representations were received from the agent in support of the application. He stated that the scheme proposes a centre of excellence in equine practice and in educational terms the equine practice and college were inextricably linked therefore students would benefit. He advised the Committee that the current site in Poppleton was cramped and inadequate. The opportunity for the facility to be situated on the college campus would mean that students in equine practice would not need to go off site for the practical content of their course. In response to queries from Members, the Principal of the College provided further information on courses and students numbers. Members asked that a condition be added requiring the college to provide a plan of student involvement detailing which courses would involve practical teaching and training at the equine hospital and that a record of student involvement in the practice be maintained thereafter.

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

Additional Condition 17

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

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

Additional Condition 18

Prior to the commencement of development on site an educational statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall specify which educational courses from Askham Bryan College will be undertaken teaching and training at the equine hospital, the number of hours of teaching for each course and the type of teaching undertaken at the hospital. A record of this information shall be maintained by Askham Bryan College and the veterinary practise occupying the site. The educational use of this site shall be carried out in accordance with these approved details from when the development hereby approved comes into use and the hours of teaching and training to Askham Bryan College students within the hospital shall not fall below that specified in the agreed educational statement.

Reason: So the proposal complies with the preferred educational use of the Major Developed Site in the Green belt, and to maintain an educational link between the proposed development and Askham Bryan College.

REASON

The proposal, subject to the conditions listed in the report and the additional conditions above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the openness of the Green Belt, design and

landscape considerations, and highway issues. It is considered that very special circumstances, namely the establishment of a veterinary facility with improved facilities, together with the additional educational opportunities that would result from the collaboration with the college, together with the limited visual impact of the proposal due to the existing and proposed screening arrangements and the particular site characteristics would minimise the harm to the Green Belt. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, Policies GB1, GP1, GP9 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

16d Nairobi Stables, Boroughbridge Road, York, YO26 6AP (11/01044/FUL)

Members considered a full application from Mr R Wood for the erection of 5.5m diameter wind turbine on a 9m tower and the erection of a detached garage.

Officers provided the following update to Members.

- the third drawing referred to in condition 2 should state drawing B not A.
- Condition 5 should be re-worded to restrict the use of the garage/car port to the use applied for.
- condition 6 should be reworded to clarify that that there is no requirement for him to build the garage/car port but that if it is then the generators should be relocated inside it within 1 month of its completion.
- A letter of objection had been received from two residents of Westfield Lane stating that no notice had been given to the people of Poppleton or other nearby residents, the turbine would be visually harmful and would harm the green belt, the proposed garage was not appropriate and concerned about noise pollution.

Officers explained that during the site visit, the applicant had explained that the application showed the turbine on top of one

bund but that it would in fact be on the site of a removed bund therefore the plan would need to be revised before the application was approved.

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

Amended Condition 2

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

Drawing numbers 2010.013.25 No 100 Rev A received 17th May 2011
Drawing numbers 2010.013.25 No 101 Rev B received 31st August 2011

Drawing numbers 2010.013.25 No 201 Rev B received 9th August 2011

Drawing numbers 2010.013.25 No 202 Rev B received 31st August 2011

Reason: For the avoidance of doubt and to ensure that the

Amended Condition 5

The garage / car port building hereby approved shall only be used for the purposes of storing equipment required in connection with the generation of electricity from the wind turbine hereby approved or for the purposes of the parking of vehicles for the owner of the lands domestic use or for the maintenance of the fishing lakes.

Reason: In the interests of ensuring that the development complies with national and local development policies for the Green Belt.

Amended Condition 6

Any existing generators and all equipment required in connection with the generation of electricity from the turbine hereby approved shall be relocated within the garage/car port building hereby approved within 1 month of that building being completed.

Reason. In the interests of ensuring that the development complies with national and local development policies for the Green Belt in terms of the ensuring the building is used for what was applied for.

REASON: The proposal, subject to the conditions listed in the report and the amended conditions above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the locality and the greenbelt. As such, the proposal complies with Policies GP1, GB1, GB4 and GP5 of the City of York Council Development Control Local Plan (2005); national planning guidance contained in Planning Policy Guidance 2 "Green Belts", Planning Policy Statement 22 "Renewable Energy" and "Planning for Renewable Energy - A Companion Guide to PPS22".

**16e 47 Askham Fields Lane, Askham Bryan, York, YO23 3PS
(11/01622/FUL)**

Members considered a full application from Mr Ian Thornton for a two storey side and single storey front and rear extension.

Representations were received from the next door neighbour in objection to the application. She made the following points:

- Her conservatory had been built one foot away from their boundary which was marked by a hedge (and shown as such on the deeds) Her neighbour had since then removed the hedge (with her agreement) but had then build a wall tight up to her conservatory without permission.
- She also stated that the front one storey extension is forward of the boundary line, therefore against planning guidance and understood at site visit that this was to be altered.

The applicant stated that following the site visit, they had reached a compromise on the height of the wall alongside the

neighbours conservatory. He advised that he was happy to lower the height of the wall and increase the distance between the wall and the neighbour's conservatory in order to allow better access. Officers advised that they could condition this in terms of finish but couldn't start redesigning the extension now.

Members acknowledged that the proposed extension was a large one but noted that the plot itself was also large and several other properties on the street already had large extensions.

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

Additional Condition

Within 1 month of the date of this permission, a revised plan shall be submitted to the local planning authority for their written approval of the single storey rear extension hereby permitted showing the finish of the guttering and wall of said extension with the boundary and adjacent building of no.49 Askham Fields Lane. The development shall be built in accordance with this approved plan.

Reason. In the interests of the amenity of the neighbour and the maintenance of the guttering on buildings on this boundary.

REASON: The proposal, subject to the conditions listed in the report and the additional condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to the streetscene, residential amenity or the openness of the green belt. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GP1, H7 and GB4 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

**16f Doctors Surgery, 40 Moorcroft Road, York YO24 2RQ
(11/01398/FUL)**

Members considered a full application from The Partners Medical Group for four cooling units to the side elevation of the surgery (retrospective).

Representations were received from the next door neighbour in objection to the application. He raised the following concerns:

- Noise levels from units – suggested units should only be in operation between 8am and 6pm Monday to Saturday so as not to impact on residents amenity.
- Visual impact: This is a pleasant residential area – question whether units meet character of the area.

He pointed out that when the applicants applied for planning permission last year, they did not make any statement regarding the need for air conditioning units being envisaged. He reminded members that when planning permission was granted, the Committee had agreed that 1m should be left between site and side on my house and now the units have been installed without permission in this 1m gap.

Representations were heard from Councillor Semlyen, Ward Member for Dringhouses and Woodthorpe. She reminded Members that the units had been installed without permission thereby bypassing the planning process, which no longer left a 1m gap between the surgery and the neighbouring property. She stated that they were not in keeping with the character of the street, were unsightly from the front and closer to the road than shown on the plans recently submitted. She questioned the need for the units based on the fact they did not appear to have been in use.

Members pointed out that the medical practice had had every opportunity to consider the need for air conditioning at the time of the original planning application but this was not raised although the application was debated very fully at committee.

They acknowledged that they could not argue whether the medical practice had a need for units or not but raised concerns that they had not been able to see (and hear) the air

conditioning units in use so as to be able to assess the noise impact.

Members noted that the Environmental Protection Unit had assessed the noise from the units and were not concerned about the levels, therefore the only grounds for refusal would be visual intrusion on local residents and particularly the neighbour next door. Members noted that the units were easy to move so as to allow the neighbour access for maintenance on his property when needed.

Members agreed that a condition should be added if approved to restrict the use of the air conditioning units to 8am-6pm Monday to Friday and 8am to 1pm on a Saturday with no operation of units allowed on Sundays or bank holidays.

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

Amended Condition 2

The hereby approved air conditioning units shall only be operated between the hours of 08:00 to 18:00 Monday to Friday, 08.00 and 12.00 on a Saturday and not at all on Sundays and Bank Holidays.

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

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 of the area or neighbouring residential amenity. As such the proposal complies with Policy GP18 of the City of York Development Control Local Plan.

Councillor B Watson, Chair
[The meeting started at 3.00 pm and finished at 4.40 pm].

COMMITTEE REPORT

Date: 20 October 2011 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 11/02185/FULM

Application at: Monkbar Hotel St Maurices Road York YO31 7JA

For: Four storey extension to rear to create additional bedrooms and conference rooms and alterations to existing hotel (application to extend time period for implementation of permission 08/01647/FULM)

By: Mr Rishi Sachden

Application Type: Major Full Application (13 weeks)

Target Date: 9 November 2011

Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to Monkbar Hotel, which occupies the corner of Monkgate and St Maurice's Road. The hotel currently has 99 guest rooms and 8 conference rooms. The facilities are located within the main building, above ground floor level at 18, 20, 22, 24, and 26 Monkgate, at the lodge building (which fronts St Maurice's Road) and in the three two-storey outbuildings/garage blocks to the north and east of the main building.

1.2 The main building is 3½ storey in height of brick, slate roof and lead dormers. It was built in the 1980's and extended in the 1990's. The building is not listed but is within the Central Historic Core Conservation Area.

1.3 The application is for the renewal of planning permission 08/01647/FULM, granted at planning committee in September 2008. The proposal is to increase the number of guestrooms from 99 to 129 and reduce the number of car parking spaces on-site from 43 to 36. Four of the guestrooms would be in the existing garage block located at the north of the site, otherwise the new facilities would be within a proposed extension in the centre of the site. The extension would have a footprint of 12m by 12.5m, with an extra 1m by 3.6m for the associated stairwell. In height, materials, shape and detailing it would replicate the main building. It is also proposed to re-configure the car parking layout on site. Double height car storage places would be accommodated in two of the garage blocks. A coach parking space is retained within the site.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Application Reference Number: 11/02185/FULM

Item No: 5a

Page 1 of 7

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Conservation Area GMS Constraints: Central Historic Core CONF
Listed Buildings: Grade 2; Monkbar Hotel 28 Monkgate York YO31 7PF 0932
Schools GMS Constraints: St. Wilfrid's RC Primary 0230

3.0 CONSULTATIONS

Highway Network Management

3.1 Advise comments as previous application.

Guildhall Planning Panel

3.2 No objections.

Publicity

3.3 Four objections have been made to the application. The reasons are as follows:

- Due to the height of the extension and its proximity to Monkgate Cloisters it would be over-dominant and lead to overlooking of houses.
- Loss of parking would have a knock-on effect on the area.

4.0 APPRAISAL

4.1 Since 1 October 2009 applicants are able to submit an application to renew an unimplemented planning permission. The facility applies to applications made on or before 1 October 2009. It allows applicants to apply for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development.

4.2 National policy guidance established in Greater Flexibility for Planning Permission advises that in determining applications for extensions of time, LPA's should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date. LPA's should, in making their decisions, focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of permission. LPA's may refuse applications to extend the time limit for permissions

where changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably.

4.3 The original committee report is attached as an annexe to this report. Relevant planning policy has not changed since the report and therefore the original recommendation still stands.

5.0 CONCLUSION

5.1 There have been no material changes in planning policy since the original permission was granted in 2008. As such it is recommended a fresh planning permission be granted. The conditions of approval will be altered accordingly as some of the original requirements have since been agreed by the LPA.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

S6301/AL (0)
005G - ground floor plan
006 - first floor
007 - second floor
008 - third floor and roof
041 - elevations and sections
042 - elevations and materials

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

3 The development hereby approved shall achieve at least a BREEAM very good rating or equivalent. Prior to occupation of the building hereby approved a BREEAM Post Construction review confirming such shall be submitted to, and agreed to in writing by the Local Planning Authority and the development implemented accordingly.

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

4 The materials to be used externally shall match those of the existing main hotel building in colour, size, shape and texture, as shown on drawing 042.

Reason: To achieve a visually acceptable form of development.

5 Hard and soft landscaping of the site (including the junction with St Maurice's Road) shall occur in accordance with drawing 903A (which was received in April 2008). This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

6 All waste, including recyclables shall be stored internally.

Reason: To encourage recycling and to maintain visual amenity in accordance with policies GP1 and GP4a of the CYC Local Plan.

7 Secure and covered cycle storage for at least 18 cycles shall be provided onsite and retained for such use at all times.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

Informative - It was previously agreed the cycle store would be within a building at the north end of the site, as shown on site plan drawing 901A.

8 Prior to installation of the vehicle stacking system, details of all machinery, plant and equipment to be installed and any proposed noise mitigation measures shall be submitted to the local planning authority. These details shall include maximum (L_{Amax}(f)) and average (L_{Aeq}) sound levels (A weighted), and octave band noise levels they produce. All such machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be appropriately maintained thereafter.

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

Informative- The required details shall identify the noise impact on the nearest residential premises (indoors and outdoors). You are reminded that should the required details demonstrate that the system would be unacceptable, in terms of impact on residential amenity, then it may not be installed.

9 Site drainage shall occur in accordance with the following details -

- Topographical survey by Malcolm Hughes Land Surveyors received 28.4.2009
- Surface water run-off calculations submitted by Fairhurst Consultants
- Drainage plan (9) 902

Reason: To reduce flood risk, in accordance with PPS25 and in agreement with the Environment Agency and Marston Moor Internal Drainage Board.

10 ARCH2 Watching brief required -

11 A site investigation shall be undertaken based upon the findings of the desk study (carried out in jan 2009 by sub surface north east limited). The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.

Reason: For the protection of human health and the wider environment.

12 A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing at the site.

Informative: The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

Reason: For the protection of human health and the wider environment.

13 A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing at the site.

Reason: For the protection of human health and the wider environment.

14 Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development at the site.

Reason: For the protection of human health and the wider environment.

7.0 INFORMATIVES:

Notes to Applicant

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

Section 62 - General Power of Improvement (Mr Michael Kitchen Tel:1336)

Section 184 - Vehicle Crossing (Mr Stuart Partington Tel: 551361)

Your attention is drawn to the Safer York Partnership comments which suggest that CCTV systems be installed to monitor the car park.

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

accordance with manufacturers instructions.

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

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

(f) There shall be no bonfires on the site

3 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, residential amenity, highway safety and flood risk. As such the proposal complies with Policies HE2, HE3, HE10 GP1 and V3 of the City of York Local Plan Deposit Draft.

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 16 September 2008 **Parish:** Guildhall Planning Panel

Reference: 08/01647/FULM
Application at: Monkbar Hotel St Maurices Road York YO31 7JA
For: Four storey extension to rear to create additional bedrooms and conference rooms and alterations to existing hotel
By: Mr Rishi Sachden
Application Type: Major Full Application (13 weeks)
Target Date: 13 October 2008

1.0 PROPOSAL

Application site

1.1 The application relates to Monkbar Hotel, which occupies the corner of Monkgate and St Maurice's Road. The hotel currently has 99 guest rooms and 8 conference rooms. The facilities are located within the main building, above ground floor level at 18, 20, 22, 24, and 26 Monkgate, at the lodge building (which fronts St Maurice's Road) and in the three two-storey outbuildings/garage blocks to the north and east of the main building.

1.2 The main building is 3.5-storey in height of brick, slate roof and lead dormers. It was first granted permission in the 1980's and was extended in the 1990's. The building is not listed but is in the Central Historic Core Conservation Area.

1.3 The site is surrounded by houses to the north and east; Monkgate Cloisters to the north is three-storey, of a similar design to the hotel. To the east housing on St Maurice's Road and Cloisters Walk is three/two storey in height.

1.4 Nearby grade II listed buildings are the public house (Keystones) on the corner of St Maurice's Road and Goodramgate and at 28 Monkgate, which is commercial/residential. The city walls are also around 45m south of the application site.

Proposal

1.5 The application is for planning permission to add 30 guest bedrooms and 1 conference room. Four of the guestrooms would be in the existing garage block (c) located at the north of the site, otherwise the new facilities would be within a proposed extension in the centre of the site. The extension would have a footprint of 12 by 12.5 metres, with an extra 1m by 3.6m for the associated stairwell. In height, materials, shape and detailing it would replicate the main building. It is also proposed to re-configure the car parking layout on site, the number of car parking spaces on-site would be reduced from 43 to 36. Double height car storage places would be accommodated in two of the garage blocks (a & c). A coach parking space is retained within the site.

Relevant site history

1.6 In January 2001 planning permission was granted for an extension to the hotel on a similar footprint/scale to that proposed in this application. The permission was for a pool/leisure facility at ground floor level and 25 guest rooms above. There would have been 43 car parking spaces available and 20-25 cycle parking spaces, the latter in two dedicated cycle stores.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006
Conservation Area Central Historic Core 0038
City Boundary York City Boundary 0001
DC Area Teams Central Area 0002
Listed Buildings Grade 2; Monkbar Hotel 28 Monkgate York YO31 7PF
0932

2.2 Policies:

CYGP1 Design
CYHE3 Conservation Areas
CYHE2 Development in historic locations
CYV3 Criteria for hotels and guest houses
CYHE10 Archaeology

3.0 CONSULTATIONS

Internal

Design, Conservation and Sustainable Development

3.1 The application site concerns a large hotel, which has a historic frontage onto Monkgate and contemporary development extending back from St Maurice's Road. The application proposes an extension to the existing contemporary development.

3.2 The proposal was the subject of pre-application advice earlier this year and appears to have been submitted in accordance with the advice given. At pre-application stage it was suggested that soft landscaping measures/planting in the car park area would soften the impact of the development in terms of impact on the character and appearance of the conservation area. The Applicants appear to have addressed this with proposed planting to the forecourt of the hotel.

3.3 The development has been designed to replicate the existing building and the materials specification contained on drawing no. AL(0)042 details materials to match existing. The wide visibility splay to St Maurice's Road means that the site is very visible from the conservation area. Generally, the neighbouring developments to the proposed extension are contemporary and are of varying heights but generally, three to four stories. The proposed development will therefore not be out of keeping its surrounds.

Environmental Protection Unit

3.4 Requested a noise assessment to assess the impact of the car storage system, as noise from such may affect guests and surrounding occupants. Also ask for conditions to be attached regarding investigation into any contamination of the site and subsequent remediation requirements.

Highway Network Management

3.5 There was originally concern that the relocated coach parking bay (when proposed at the front entrance to the site) was not provided with a turning circle within the site. As such it would need to perform such a manoeuvre in the highway. St Maurice's Road forms part of the inner ring road and vehicles turning etc in the road here would be harmful to the flow of traffic and detrimental to highway safety. It was requested that the coach parking space be relocated, and provided with a turning circle onsite.

3.6 Due to the location of the site (close to the city centre and transport links) a shortfall in parking provision would not be objected to.

3.7 The subsequently revised layout (drawing 005G) was deemed to be acceptable in terms of the coach parking and turning arrangements. However the proposed cycle storage is only capable of readily holding 12 bicycles, and therefore it is recommended that additional cycle storage for 2 bikes be provided.

Sustainability Officer

3.8 Ask for a condition to require that the scheme achieves a BREEAM 'very good' rating.

External

Planning Panel

3.9 Pending.

English Heritage

3.10 No comment. Ask that the decision be made considering relevant policy and conservation officer advice.

Safer York Partnership

3.11 Suggest the use of CCTV for the car park. Between July 2007 and 2008 there were 24 recorded crimes within a 50m radius of the site, 7 of these related to 'auto-crime' (6 incidents of theft from a vehicle, 1 of vehicle theft).

Visit York

3.12 Pending.

York Drainage Consultancy

3.13 Make the following points and advise that these measures will need to be agreed to by the applicants, they would then be conditions were the application approved.

- The applicant should provide a topographical survey and proposed finished floor and ground levels, to ensure that there will not be any detriment to the drainage of existing properties.
- Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer or watercourse is available.

- In accordance with PPS25 and in agreement with the Environment Agency and Marston Moor Internal Drainage Board, peak run-off from brown-field sites must be attenuated to 70% of the existing rate. Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

Publicity (site notice, neighbour notification and press notice)

3.14 The deadline given for comment was 20 August. 7 objections to date have been received. Comments are as follows -

Highway safety related

- There will be limited access/space for servicing. Comments relate to glass/waste collections, as well as visitors vehicles.
- Limited car parking given the increase in rooms. This will increase noise levels and demand for parking in the surrounding streets. St Maurice's Road is already a busy street, it is part of the inner ring road, and cars struggle to park at the hotel site. The scheme will thus be detrimental to highway safety.
- Suggest that the hotel offer incentives for guests whom do not use a private motor vehicle.
- Coaches attempting to park will create noise and air pollution.

Visual and residential amenity

- The extension would lead to a loss of privacy to the occupants of the dwellings in Monkgate Cloisters.
- Loss of value to houses in Monkgate Cloisters
- The landscaping scheme is unrealistic, as there is inadequate space for trees between car parking spaces.
- The extension is too high/dominant, it constitutes overdevelopment of the site and would harm the appearance of the area.

4.0 APPRAISAL

Key issues

4.1 The key issues are as follows:

- Principle
- Design and visual impact on the surrounding area
- Amenity of surrounding occupants
- Highway safety
- Sustainability
- Flood risk

Principle

4.2 Policy V3 of the Local Plan states planning permission will be granted for extensions to existing premises provided the proposal:

- Is compatible with its surroundings in terms of siting, scale and design.
- Would not result in the loss of residential accommodation which when originally built had less than four bedrooms.
- Would not have an adverse effect on the residential character of the area.
- Is well related in terms of walking, cycling and access to public transport in relation to York City Centre or other visitor attractions.

4.3 In terms of design and location the site is considered appropriate for a hotel expansion. Design and amenity is covered in more depth in paragraphs 4.6-4.7 and 4.9-4.12. The extension does not involve the loss of housing. Overall it is considered the extension accords to policy V3 and is thus acceptable in principle.

Design and visual impact on the surrounding area

4.4 GP1 Refers to design, for all types of development. It states that development proposals will be expected to, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with the surrounding area; use appropriate materials; avoid the loss of open spaces, vegetation and other features which contribute to the quality of the local environment; retain, enhance, or create urban spaces; provide and protect amenity space; provide space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from overdominant structures.

4.5 The site is within a designated conservation area (Central Historic Core). Within such areas, the Council has a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area. Policies HE2 and HE3 of the Local Plan are relevant in this

respect. HE2 states that within conservation areas, or locations which affect the setting of listed buildings development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regards to local scale, proportions, details and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character or appearance of the area. Policy HE3 states that within Conservation Areas, proposals will only be permitted where there is no adverse effect on the character or appearance of the area.

The extension

4.6 The proposed extension by virtue of its design - size, height, materials and detailing would compliment the main hotel building and the surrounding housing such as Monkgate Cloisters, which are of similar style and design to the hotel. The development respects it's setting, and is of reasonable appearance; it would preserve the appearance of the conservation area.

4.7 The development would block a vista of mature trees, with the bar walls behind from some of the houses on Monkgate Cloisters. The extension would be some 55m from the city walls and 37m from the rear elevation from the Monkgate Cloisters houses. Due to the separation distances and the (considered) appropriate height of the proposed extension, it is considered that the loss of this view would not be contrary to policy HE2 which seeks to 'maintain views, landmarks and other townscape elements'. Of more importance (in planning terms) is that views, setting and openness from the public realm would not be adversely affected, as this is the thrust of policy SP3 of the Local Plan which relates to safeguarding the historic character, setting and distinct environment of the centre of York.

The landscaping

4.8 The layout has been revised, and the coach parking space has been relocated from the front entrance of the site, to its previous/existing location toward the rear of the site, between garage blocks A and B. Also the disabled parking bays have been amended at the other side of the main entrance, so they have a shared access strip (which is acceptable to Highway Network Management). These amendments allow for significantly more soft landscaping/planting to the front entrance of the site. This softens the appearance of the car park and enhances the appearance of the conservation area.

Amenity of surrounding occupants

4.9 Amenity is covered in policy GP1 that advises that developments should not lead to undue adverse impact from noise disturbance, overlooking, overshadowing or from overdominant structures.

4.10 The extension would, at its nearest point, be 10m from the back garden of 1 Cloisters Walk to the east and 31m from houses to the north (Monkgate Cloisters). Facing east there would be a bedroom window on the end elevation at second floor level overlooking the houses' rear garden. Separation distances between rear elevations and back gardens are commonly around 12-14m between units on Cloisters Walk, where buildings are either 2 or 3 storey in height. A distance of 10m is generally considered adequate, in terms of what is appropriate from a window into a garden. Overall it is considered the separation distances proposed are reasonable for a city centre location, where an element of overlooking is to be expected. Also accordingly, and because of the proposed extension's height, the building would not be unduly overbearing or overdominant.

4.11 Noise levels associated with the proposed vehicle stacking system are required to make sure it would not cause disturbance when in use. The stacking system would be located below guestrooms in garage block c, and in close proximity to houses at 1 and 14 Cloisters Walk.

4.12 Condition 8 asks for noise levels of the system. If there were unresolved concerns, the stacking system could be omitted from the proposal, potentially reducing the amount of car parking spaces to 26. Highway Network Management have confirmed they would accept the amount of car parking, should this occur.

Highway safety

4.13 T4 seeks to promote cycling and states that all new development should provide storage for cycles in accordance with the standards in appendix E of the Local Plan.

4.14 A covered cycle parking store is provided within the site for staff. This can accommodate around 12 - 14 cycle parking spaces. According to the Local Plan a minimum of 13 spaces should be provided for a development of this size (1 space per 10 bedrooms). It is suggested a condition requires details of the cycle storage as the space allocated is limited and preferably more space, not the minimum requirement, would be dedicated to cycle storage (around 20 spaces).

4.15 36 car parking spaces are provided on site, which Highway Network Management feel is more than adequate due to the proximity of the site to the city centre and public car parking spaces.

4.16 The coach parking space has been moved back to its existing location, this enables it to turn within the site, thus not blocking St Maurice's Road. As such the development will not affect highway safety.

Sustainability

4.17 It is a requirement of policy GP4a of the Local Plan that a sustainability statement is submitted. The proposed development should meet the requirements of the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction, which was adopted for development control purposes on 22.11.07. For commercial developments which involve the creation of 500 sq m + floorspace, it is a requirement that the scheme achieves a BREEAM standard of very good.

4.18 A preliminary BREEAM assessment has been carried out by the applicants which advise that a BREEAM rating of very good could be achieved (score of 55.4% gained, 55% minimum for very good). The requirement that a very good rating could be secured through a planning condition (condition 3). There is scope to improve the preliminary score through producing a travel plan, use of water butts, improving recycling arrangements, and possibly incorporating renewable energy technology.

4.19 A condition is suggested to clarify where the dedicated waste and recycling stores are located, to ensure that they are provided and that they are visually acceptable.

Flood risk

4.20 The site is not in a flood risk area. However to ensure the risk of flooding elsewhere is not enhanced, the conditions requested by the Drainage Consultancy, in paragraph 3.12 can be attached to any permission.

5.0 CONCLUSION

5.1 It is considered the development is in accordance with policy. The extension would appear acceptable and would not harm residential

amenity. The development would be sustainable and there would be no undue impact on highway safety and flood risk.

5.2 Conditions are suggested to ensure amenity is controlled in terms of the vehicle stacking system and details of the bin stores and landscaping. There are also conditions relating to sustainability and the provision/design of cycle stores.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

S6301/AL (0)

005G

006

007

008

041

042

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

3 Prior to occupation of the building hereby approved the developer shall submit in writing a formal BREEAM assessment or equivalent, for the Design and Procurement stages for the building hereby approved. All assessments shall be followed by a BREEAM Post Construction review to be submitted after construction at a time to be agreed in writing by the local planning authority. All assessments shall confirm the minimum 'Very Good' rating, or equivalent, anticipated in the preliminary BREEAM assessment submitted with the application, and be agreed to in writing by the local planning authority.

Reason: In the interests of sustainable development, in accordance with the requirements of policy GP4a of the Draft Local Plan and the

Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction.

4 The materials to be used externally shall match those of the existing main hotel building in colour, size, shape and texture, as shown on drawing 042.

Reason: To achieve a visually acceptable form of development.

5 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 to be planted and/or retained.

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

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

6 Prior to development commencing details of the storage space for recyclable materials shall be approved in writing by the Local Planning Authority and retained for such use at all times, unless an alternative arrangement is agreed in writing by the Local Planning Authority.

Reason: To encourage recycling and to maintain visual amenity in accordance with policies GP1 and GP4a of the CYC Local Plan.

7 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

Informative

The details must demonstrate there is adequate space for at least 14 cycles (and preferably 20). It is considered that the cycle parking allocation as shown on drawing 005G is inadequate as this would not accommodate the minimum requirement.

8 Prior to installation of the vehicle stacking system, details of all machinery, plant and equipment to be installed and any proposed noise mitigation measures shall be submitted to the local planning authority. These details shall include maximum (L_{Amax}(f)) and average (L_{Aeq}) sound levels (A weighted), and octave band noise levels they produce. All such machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be appropriately maintained thereafter.

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

Informative

You are reminded that should the required details demonstrate that the system would be unacceptable, then it may not be installed.

9 Prior to development commencing the following details shall be submitted to and approved in writing by the Local Planning Authority. The development shall commence in accordance with the approved details.

- A topographical survey and proposed finished floor and ground levels. To ensure that there will not be any detriment to the drainage of existing properties.

- Demonstrate that peak run-off from the site shall be attenuated to 70% of the existing rate. This should include storage volume calculations, using computer modelling, which must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

Reason: To reduce flood risk, in accordance with PPS25 and in agreement with the Environment Agency and Marston Moor Internal

Drainage Board.

10 Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer or watercourse is available.

Reason: In the interests of mitigating flood risk, in accordance with policy GP15a of the Local Plan.

11 ARCH2 Archaeological watching brief required

12 HWAY14 Access to be approved, details required

13 A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development commencing at the site.

Informative: This should where possible date back to 1800.

Reason: For the protection of human health and the wider environment.

14 A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.

Reason: For the protection of human health and the wider environment.

15 A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing at the site.

Informative: The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

Reason: For the protection of human health and the wider environment.

16 A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing at the site.

Reason: For the protection of human health and the wider environment.

17 Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development at the site.

Reason: For the protection of human health and the wider environment.

7.0 INFORMATIVES:

Notes to Applicant

1. INFORMATIVE:

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

Section 62 - General Power of Improvement (Mr Michael Kitchen Tel:1336)

Section 184 - Vehicle Crossing (Mr Stuart Partington Tel: 551361)

Your attention is drawn to the Safer York Partnership comments which suggest that CCTV systems be installed to monitor the car park.

2. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the conservation area, residential amenity, highway safety and flood risk. As such the proposal complies with Policies HE2, HE3, HE10 GP1 and V3 of the City of York Local Plan Deposit Draft.

3. The developer's attention should also be drawn to the various

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

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

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

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

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

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

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

- There shall be no bonfires on the site.

Contact details:

Author: Jonathan Kenyon Development Control Officer

Tel No: 01904 551323

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Annex 2

City of York Council

Committee Minutes

| | |
|-----------|--|
| MEETING | WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE |
| DATE | 16 SEPTEMBER 2008 |
| PRESENT | COUNCILLORS SUE GALLOWAY (VICE- CHAIR, IN THE CHAIR), CRISP, STEVE GALLOWAY, GALVIN, LOOKER, REID AND HEALEY (SUBSTITUTE) |
| APOLOGIES | COUNCILLORS HORTON, GILLIES AND SUNDERLAND |

26. INSPECTION OF SITES

The following sites were inspected before the meeting

| Site | Attended by | Reason for Visit |
|--|--|--|
| Salt and Pepper, 19 Tanner Row | Councillors Crisp, Sue Galloway, Healey Looker, Galvin. | To familiarise members with the site |
| The Orchard, Tyn Garth, Acaster Malbis | Councillors Crisp, Sue Galloway, Healey Looker, Galvin. | As objections had been received and to familiarise members with the site |
| Monkbar Hotel, St Maurices Road | Councillors Crisp, Sue Galloway, Healey Looker, Galvin. | To familiarise members with the site |
| 40 Goodramgate | Councillors Crisp, Sue Galloway, Healey Looker, Galvin. | To familiarise members with the site |
| Thorntons PLC, 15 Parliament Street | Councillors Crisp, Sue Galloway, Healey Looker, Galvin. | To familiarise members with the site |

27. DECLARATIONS OF INTEREST

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

None were declared

28. MINUTES

RESOLVED: (i) That the minutes from the meeting held on Thursday 17 July 2008 be approved and signed by the Chair as a correct record subject to removing Cllr Reid's name from the Church of St James The Deacon site visit.

(ii) That the minutes from the meeting held on Thursday 14 August 2008 be approved and signed by the Chair as a correct record.

29. PUBLIC PARTICIPATION

It was reported that nobody had registered to speak at the meeting under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

30. 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.

**30d Monkbar Hotel, St Maurices Road, York, YO31 7JA
(08/01647/FULM)**

Members considered a major full application from Mr Rishi Sachden for a four storey extension to the rear to create additional bedrooms and conference rooms and alterations to existing hotel.

Representation were received by Mr Pinder in objection to the application. He informed Members he was also representing

other residents of Monkgate Cloisters and their main concerns were:

- The extension would lead to loss of privacy to the occupants of the dwellings in Monkbar Cloisters as the extension would be within 50 metres from some kitchen windows
- The extra traffic, car parking and the demand for parking in the surrounding streets
- The height of the extension.

Some members expressed concerns regarding the parking provision and the noise that could be generated from the stacking system.

RESOLVED: That the application be approved subject to the conditions listed in the report.¹

REASON: That 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 character and appearance of the conservation area, residential amenity, highway safety and flood risk. As such the proposal complies with Policies HE2, HE3, HE10 GP1 and V3 of the City of York Local Plan Deposit Draft.

Action Required

1. To issue the decision notice and include on the weekly planning decision list within agreed timescales. SL

Councillor Sue Galloway, Chair

[The meeting started at 3.00 pm and finished at 4.30 pm].

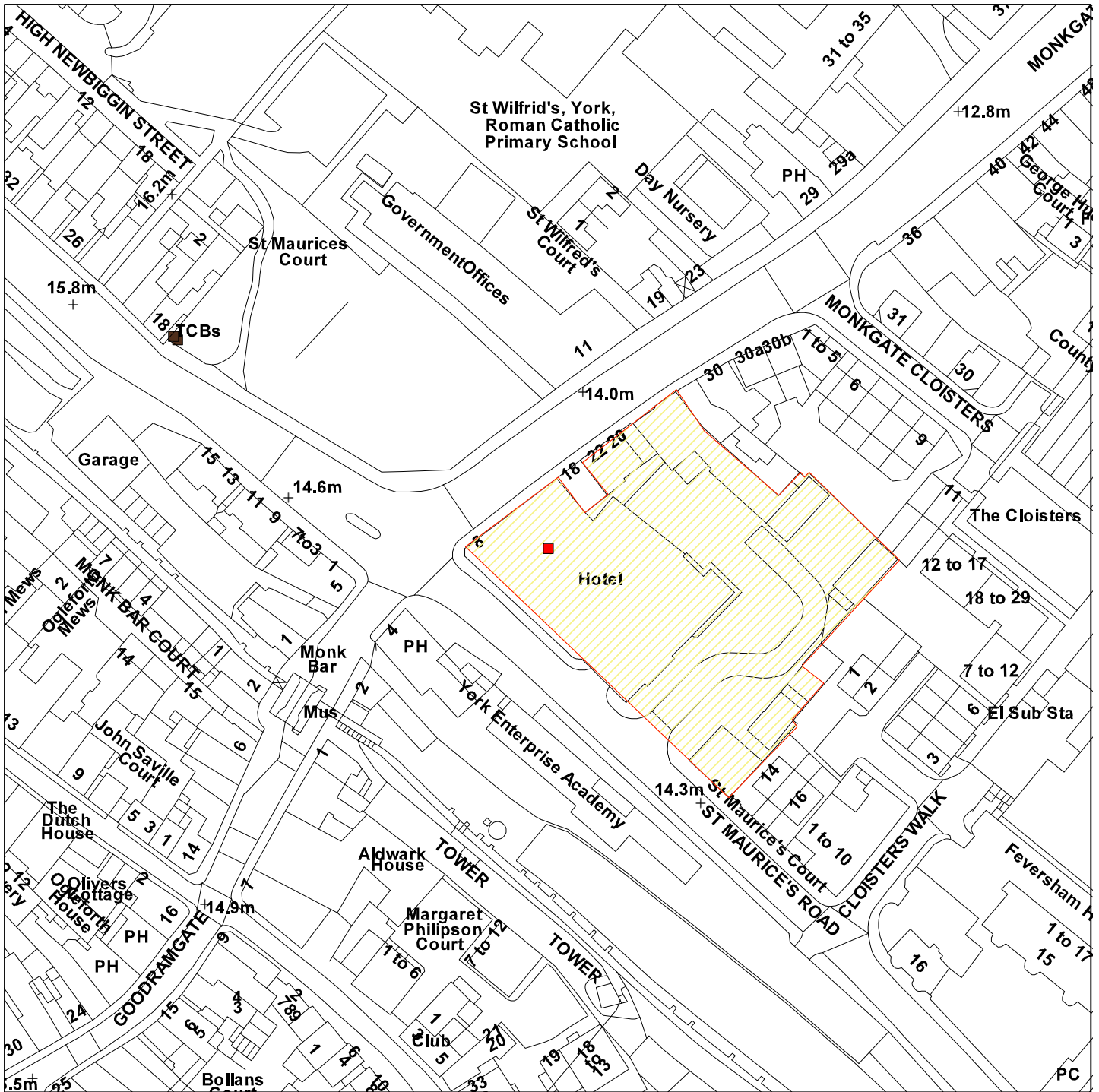
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11/02185/FULM

Monk Bar Hotel, St Maurices Road



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| Organisation | City of York Council |
| Department | City Strategy |
| Comments | |
| Date | 07 October 2011 |
| SLA Number | Not Set |

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COMMITTEE REPORT

Date: 20 October 2011 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 11/02220/LBC
Application at: The Bar Convent 17 Blossom Street York YO24 1AQ
For: Internal alterations including creation of bedroom and 2 no. en-suites
By: Bar Convent (Trust)
Application Type: Listed Building Consent
Target Date: 12 October 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks listed building consent for internal works at the Bar Convent, a Grade II * listed building situated within the Central Historic Core Conservation Area. The front entrance range dates from 1786-9, and fronts earlier buildings including the relatively unaltered Chapel block of 1766-9.

1.2 The proposals relate to internal alterations to existing compartments to enable the creation of an en-suite bathroom within an existing bedroom at first floor level and the conversion of a third floor kitchen that is no longer required to form a new bedroom and en-suite bathroom. The works would complement the existing bed and breakfast accommodation at The Bar Convent. To enable the creation of en-suite bathrooms and improve WC facilities within the building, new runs of foul drainage pipework are required that connect to existing soil vent pipes.

JUSTIFICATION FOR WORKS

1.3 The applicant advises that the current bed and breakfast business provides a substantial proportion of the income that needs to be generated to support the upkeep of the buildings, and maintain a facility to support the community of Sisters. The upgrading works would improve the level of ensuite facilities to a level that is generally expected in the bed and breakfast market.

PLANNING HISTORY

1.4 Listed building consent was granted in 2005 to convert underused laundry and kitchen facilities to new bedrooms with en-suites and to convert some of the smaller bedrooms to provide ensuite facilities for adjoining bedrooms (LPA Ref. 05/02163/LBC). The Trust undertook some of the approved works but there were

insufficient funds to carry out all the works. The current application revisits the proposals with minor alterations.

1.5 The application is presented to the West/ City Centre Planning Sub-Committee for a decision at the request of Cllr Brian Watson given the extent of the alterations to the listed building.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Listed Buildings GMS Constraints: Grade 1; The Bar Convent And Railings, Blossom Street York

Listed Buildings GMS Constraints: Grade 2; 19-21 Blossom Street York

2.2 Policies:

CYHE4 Listed Buildings

3.0 CONSULTATIONS

3.1 Design, Conservation and Sustainable Development- No objections subject to conditions

3.2 English Heritage- The application should be determined in accordance with national and local policy guidance, and on the basis of the Council's conservation advice.

3.3 Micklegate Planning Panel- No objections in principle, and strongly support the proposal to introduce double glazing which is sympathetic and in keeping with the historic building

4.0 APPRAISAL

4.1 Key Issues

- Impact on the character and appearance of the listed building

POLICY CONTEXT

4.2 Planning Policy Statement 5 " Planning for the Historic Environment " seeks to ensure that the special characteristics of listed buildings are not adversely affected by inappropriate alterations/ additions.

4.3 POLICY HE4 of the Local Plan relates specifically to listed buildings and states that consent for development in the immediate vicinity of listed buildings, demolition, internal and external alteration, and changes of use will only be granted where there is no adverse effect on the character, appearance or setting of the building.

APPRAISAL

3rd FLOOR KITCHEN WORKS-

4.4 The loss of the third floor kitchen would not be a significant loss to the character of the listed building. Breakfast is now served in the cafe area, and the first and second floors retain kitchen facilities. The works to convert the space to a single bedroom with ensuite facilities would be sympathetic to the fabric of the listed building. The previous approval of listed building consent converted the kitchen into a larger family room with ensuite facilities, and Members are advised that this consent could be implemented.

ENSUITE ACCOMMODATION TO 1st FLOOR BEDROOM-

4.5 The proposed ensuite accommodation in the existing bedroom is similar to the scheme that was approved in 2005. The differences being the replacement of a macerator facility to the adjoining disabled toilet, with the introduction of a new foul drainage run which will serve both toilet facilities, and connect into an existing SVP in the rear courtyard.

SECONDARY GLAZING-

4.8 To reduce noise levels, the applicant proposes secondary glazing to the proposed bedroom window that would be formed in the existing 3rd floor kitchen. It is considered that there is reasonable justification for the alterations, as this window fronts Blossom Street and the proposed form of secondary glazing has been already installed to 3rd floor windows in a similar manner. Further details would be required to be approved if Members are minded to approve the application.

DRAINAGE-

4.9 It is proposed that the new foul water drainage for the new ensuite facility for the 3rd floor would run externally for a short run. It would not be visible from street level or from any adjoining buildings, being shielded by the roof slope that fronts the corner of Blossom Street and Nunnery Lane. Internally, the new foul drainage would be routed through floor structure, lift shafts, roof spaces and across corridors. It is considered that the internal and external routes have been carefully considered to be as unobtrusive as possible and sympathetic to the structure of the listed building.

REDUNDANT AIR CONDITIONING UNITS-

4.10 There are 3 No. redundant air conditioning units that are attached to an external wall that are visible through a staircase window. Their removal as part of the proposed works would enhance the appearance of the listed building.

5.0 CONCLUSION

5.1 The proposed works would enhance the facilities of an existing business in a sustainable location. The works have been carefully designed to have minimum disturbance and interference on the fabric of the listed building, respecting its special interests as a Grade II* listed building. The proposed changes are justified and would allow the business to offer market standard accommodation, securing the long term future of the building. There would be no conflict with planning policy HE4 and GP1 of the Local Plan and national guidance contained in Planning Policy Statement 5 " Planning for the Historic Environment. " It is recommended that conditional listed building consent is granted subject to conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

2 PLANS1 Approved plans

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

a) Details/specifications for the openings required to the external walls for the foul drainage pipework associated with the new en-suite bathrooms

b) Large scale details of the proposed secondary glazing unit to the window opening of the new bedroom at third floor level

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

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

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

Contact details:

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

Tel No: 01904 552407

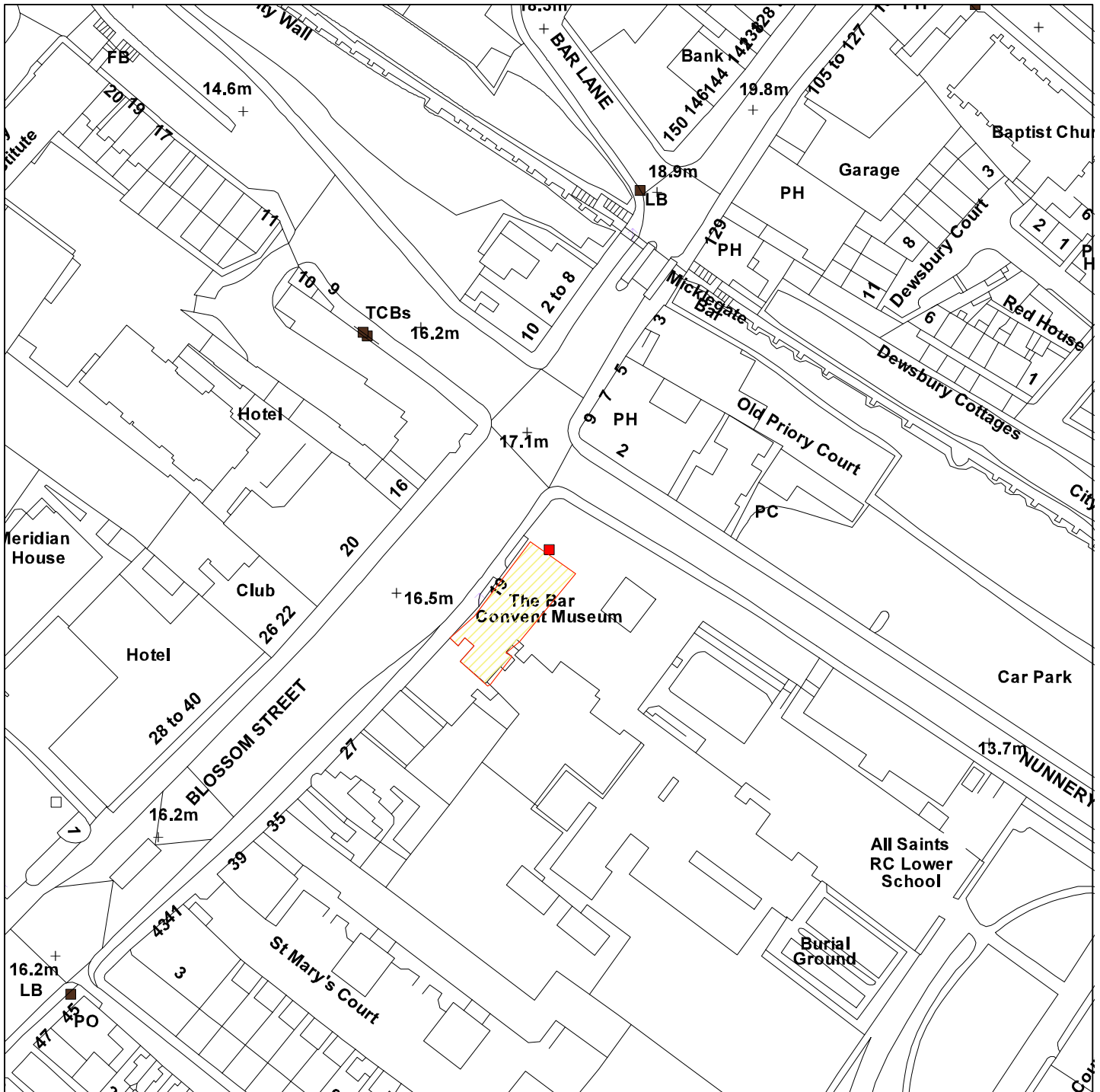
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11/02220/LBC

Bar Convent, 17 Blossom Street



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| Organisation | City of York Council |
| Department | City Strategy |
| Comments | |
| Date | 07 October 2011 |
| SLA Number | Not Set |

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COMMITTEE REPORT

Date: 20 October 2011 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 11/02372/FUL
Application at: Cygnet Inn Cygnet Street York YO23 1AG
For: Erection of 2no. two storey houses and 4no. three storey houses with associated parking following demolition of existing public house (revised scheme)
By: Mrs Suzanne Shaw
Application Type: Full Application
Target Date: 3 November 2011
Recommendation: Refuse

1.0 PROPOSAL

1.1 The application is a variation of an approved scheme to demolish the public house onsite and develop a terrace a 5 houses. This scheme proposes a 6th house (shown as plot 1 on drawing SPD 01F) at the northwest end of the terrace.

1.2 Apart from to the north, where there is a grassed area, the site is surrounded by 2-storey houses along St Benedict Road and Cygnet Street. There are examples of 3-storey housing in the nearby area, along Dove Street and Cygnet Street to the west, and the flats to the north/northeast of the site.

1.3 The application has been called in by Cllr Fraser, so that committee members can consider the impact of the additional unit proposed on surrounding residents.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Schools GMS Constraints: Scarcroft Primary 0220

2.2 Policies:

CYL1B Loss of local leisure facilities
CYGP1 Design
CYH4A Housing Windfalls
CYL1C Provision of New Open Space in Development
CYED4 Developer contributions towards Educational facilities

CYHE10 Archaeology

3.0 CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 Officers raise the following issues -

- The car parking space for plot 1 would not be large enough. 2.4m by 4.8 is the required size for a space whereas the proposed space would only be 4.4m long. The arrangement would lead to a parked car overhanging the footpath.
- It is recommended the areas to be used for car parking spaces are of a single robust material which would not deteriorate due to vehicle use. It is suggested the areas are block paving.

LANDSCAPE OFFICER

3.2 With regards the landscaping scheme shown officers advise Holly and Robinia would not be a suitable species. Suggested alternatives include Pyrus calleryana 'Chanticleer', Sorbus 'Cardinal Royal' or S. 'Sheerwater Seedling' and /or more of the Malus and Crataegus. If the scheme is approved officers recommend conditions to safeguard the existing ash tree and grassed areas, secure a suitable planting scheme, and ensure planting conditions will support successful establishment of new trees that will be critical to the amenity of the development /street.

ENVIRONMENTAL PROTECTION UNIT

3.3 No objection. Recommend informatives with regards demolition/construction works and in case unexpected contamination is found onsite.

LIFELONG LEARNING AND CULTURE

3.4 As there is no on site open space commuted sums should be paid to the Council for amenity open space and play space which would be used to improve a local site such as Scarcroft Green or Scarcroft Allotments and sports pitches which would be used to improve a facility within the South Zone of the Sport and Active Leisure Strategy.

POLICE ARCHITECTURAL LIASON OFFICER

3.5 No response on the revised scheme.

MICKLEGATE PLANNING PANEL

3.6 No response to date.

PUBLICITY

3.7 No written representations have been made.

4.0 APPRAISAL

4.1 Key issues

- Principle of development
- Design and amenity
- Sustainability
- Highway network management
- Open space and Education provision
- Drainage
- Archaeology

PRINCIPLE OF THE DEVELOPMENT

4.2 The previous planning approval (application 10/02755/FUL) established that development of the site for residential and the loss of the public house would not conflict with policy.

Loss of community facility

4.3 Policy L1b of the Local Plan advises that permission will only be granted for the change of use of leisure facilities (including pubs) where; the it can be demonstrated that the facility is no longer needed; or there are alternative sites in the catchment area. The proposal is not contrary to L1b as there are alternative facilities nearby. Within 500m of the public house there are 6 other public houses and also the Guppy's Enterprise Club which is used by community groups. The building was sold to the applicants in 2009 as it was not profitable. The applicants have also been unable to make the business viable, which, while not definitive, indicates a lack of need for the facility.

Residential development

4.4 Due to the location of the site, residential development would be consistent with national policy in PPS3: Housing which seeks to deliver housing in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure and Local Plan policy H4a which seeks to locate housing in sites within the urban area, and sites which have good accessibility to jobs, shops and services.

DESIGN AND AMENITY

4.5 PPS3 advises that good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities. Reflecting policy in PPS1, it requires good design which will contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. LPA's are required to create places, streets and spaces which meet the needs of people, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity and maintain and improve local character. Pertinent to this case it advises LPA's to deliver schemes which are; well laid out so that all the space is used efficiently, accessible and user-friendly, and well integrated with, and complementary to, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.

4.6 Local Plan policy GP1 relates to design principles to be applied to all types of development. It states that development proposals must, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with the surrounding area; avoid the loss of open spaces which contribute to the quality of the local environment; retain, enhance, or create urban spaces; provide and protect amenity space; provide space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or overdominance.

4.7 The conservation area appraisal for the Central Historic Core proposes to extend the conservation area boundary, to include parts of Dale Street, Dove Street and Cygnet Street. The extension would include properties on the west side of Dove Street and those on the south side of Cygnet Street (NW of the site) due to the historic merit of some of the buildings in this area. The document is a material consideration; it will form part of the evidence base for York's Local Development Framework. National policy contained within PPS5 advises that the design of a development affecting the setting of a conservation area may play an important part in determining its impact. The contribution of setting to the historic significance of an asset can be sustained or enhanced if new buildings are carefully designed to respect their setting by virtue of their scale, proportion, height, massing, alignment and use of materials.

4.8 Officers consider the additional house at the northwest of the site proposed would over-develop the site. The end elevation of the proposed house at plot 1 would be around 8.6m from the front elevation of nos. 7 and 8 Cygnet Street. In particular for no.8 the proposed house would be over-bearing and over-dominant; main living room windows would be faced with a predominantly blank brick wall and outlook would be restricted. As such the scheme is deemed to be contrary to PPS3

and GP1; officers are of the view 5 dwellings would sit far more comfortably on the site. The applicants have previously drawn attention to 1-4 Taurus Court on Cygnet Street where the separation distance is similar. However this relates to the outlook from a new house, rather than the outlook from an existing house being compromised, but regardless each case must be determined on its own merits, and under present planning policy.

4.9 The other matters regarding design and amenity are all as per the previous scheme which were deemed to be acceptable; there would be no undue harm to the amenity of other surrounding houses.

SUSTAINABILITY

4.10 York has an interim planning document which requires housing development of five or more homes to achieve a code for sustainable homes rating of 3 stars and provide at least 10% of its energy demand from on site renewable resources. Both measures can be secured by condition. The plans indicate panels will be added to the roof as means of gaining renewable energy.

HIGHWAY NETWORK MANAGEMENT

4.11 The plans show additional pavements to the NE and NW of the application site outside the red line. The details of such will need to be agreed with highway network management and conditions are suggested to secure such. The plans have been amended so car parking spaces are now at least the minimum 2.4m by 4.8m and the surfacing to the car parking areas would be block paving. As such there are no objections on highway grounds.

OPEN SPACE AND EDUCATION PROVISION

4.12 Policy L1c of the Local Plan states developments for all housing sites will be required to make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted sum payment will be required for off site provision. Policy ED4 states that in considering proposals for new residential development, any consequences for existing educational facilities will be assessed in accordance with the approved supplementary planning guidance. Where additional provision is necessary as a direct result of the proposal, developers shall be required to make a financial contribution toward the provision of such facilities. Similar guidance is included in policy C6.

4.13 There is a requirement to contribute towards open space in the area and education (£11,652.83), the latter toward a primary school space as there are no spaces within such schools in the catchment area. Previously the contribution toward open space was £8,556. This would increase by £1,172, to £9,728 due to

the extra 2-bed house, based on the August 2011 update. The previous permission was subject to a legal agreement which secured the contributions.

DRAINAGE

4.14 Of the Local Plan Policy GP15a: Development and Flood Risk advises sustainable drainage schemes are encouraged. Otherwise discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced. The site is all hardstanding. Soft planting areas and permeable surfaces are to be introduced that will reduce surface water run-off. No proposed levels have been supplied and it has not been demonstrated soakaways will work adequately or that surface water would not run-off onto adjacent land. As such a condition would be required to detail drainage proposals.

ARCHAEOLOGY

4.15 The site is within the city centre area of archaeological importance as such HE10 is relevant. The policy seeks to preserve important archaeological remains. Accordingly a watching brief would be required on all groundworks.

5.0 CONCLUSION

5.1 Refusal is recommended as the additional house would lead to overdevelopment of the site. Subsequently there would be a harmful impact on the amenity of the occupants of 7/8 Cygnet Street. The proposal fails to comply with national policies PPS1, PPS3 and Local Plan policy GP1.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed development would lead to overdevelopment of the site and have an undue impact on the amenity levels of surrounding occupants at 7 and 8 Cygnet Street. The proposed house on plot 1 would appear over-bearing and over-dominant and lead to a loss of outlook from the aforementioned dwellings.

The scheme would fail to deliver the type of housing required in PPS3: Housing (in particular paragraphs 12-17), and would be contrary to Local Plan policy GP1 which expects development proposals to be of a scale and mass that is compatible with neighbouring buildings and ensure that residents living nearby are not dominated by overbearing structures.

7.0 INFORMATIVES:

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

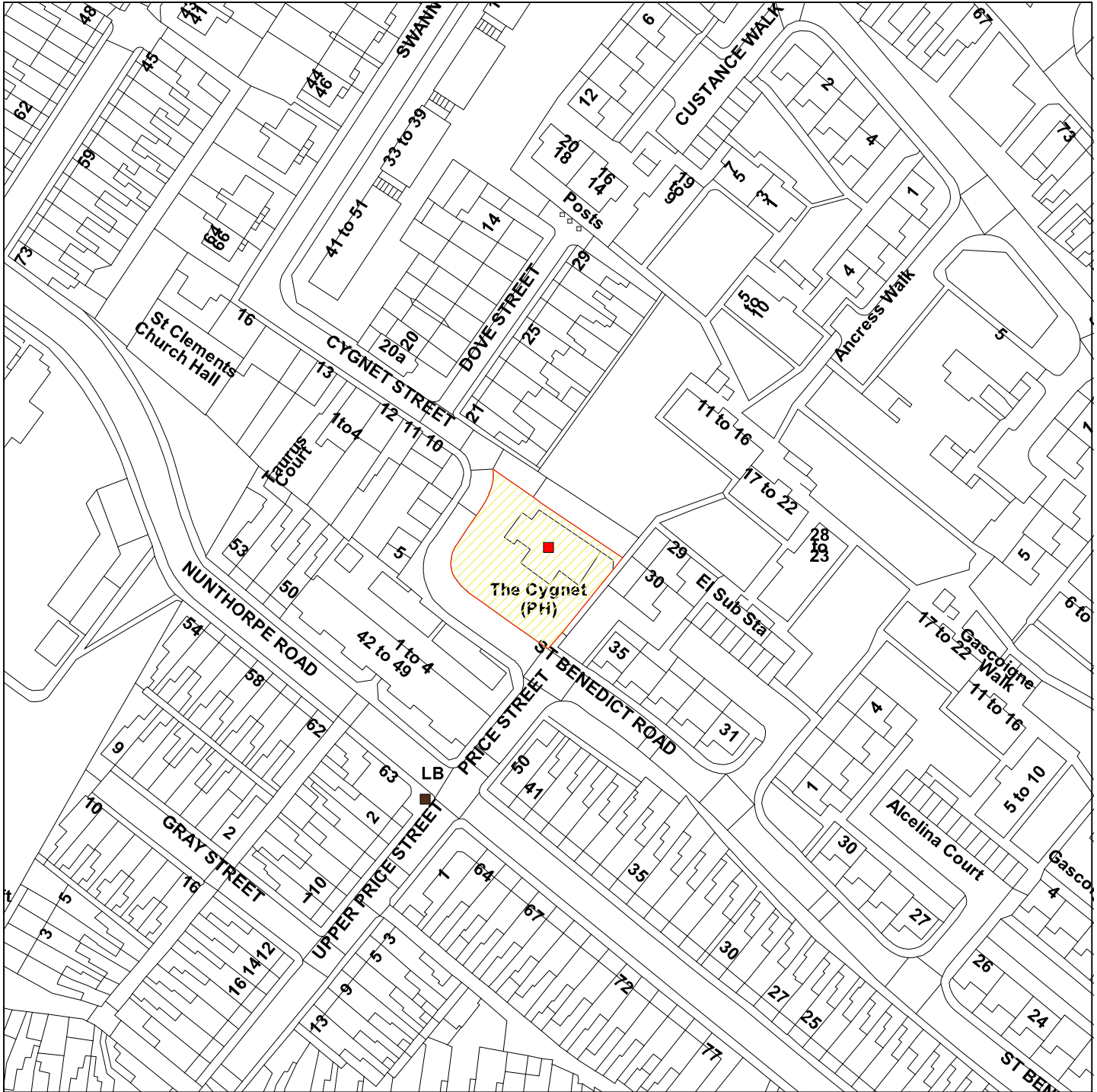
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11/02372/FUL

Cygnets Inn, Cygnets Street



GIS by ESRI (UK)



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| Organisation | City of York Council |
| Department | City Strategy |
| Comments | |
| Date | 07 October 2011 |
| SLA Number | Not Set |

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City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

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

2.2 Policies:

CYGP1 Design

CYT4 Cycle parking standards

CYE4 Employment devt on unallocated land

CYH8 Conversion to flats/HMO/student accom

CYS6 Control of food and drink (A3) uses

CYH9 Loss of dwellings or housing land

3.0 CONSULTATIONS

INTERNAL:-

3.1 Highway Network Management - any views will be reported verbally at the meeting.

3.2 Structures and Drainage Engineering Consultancy object to the proposal on the grounds of insufficient information being supplied with the proposal in respect of the disposal of surface water from the site.

3.3 Environmental Protection Unit object to the proposal on the grounds of insufficient information being submitted in respect of insufficient information being supplied with the proposal in respect of odour mitigation, hours of operation and storage of food at the premises.

EXTERNAL:-

3.4 Safer York Partnership raise no objection in principle to the proposal but raise concerns in respect of the suggested opening hours for the take away use and point out the potential risks in terms of anti-social behaviour arising from having a number of take-away uses gathered together in a single area.

3.5 Councillor T.Simpson-Laing objects to the proposal on the grounds of a loss of family housing and a saturation of take-away uses in the surrounding area.

3.6 One letter of objection has been received in respect of the proposal from a neighbouring residential property. The following is a summary of its contents:-

* Concern at the impact of parking generated by the proposed conversion and take away use on surrounding streets;

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- * Concern at the impact of the development upon the residential amenity of neighbouring properties through noise, odours and loss of privacy;
- * Concern at the impact of the proposal upon local property prices.

4.0 APPRAISAL

4.1 KEY CONSIDERATIONS INCLUDE:-

- * Impact upon the residential amenity of neighbouring properties;
- * Impact upon the living conditions of future occupants of the proposed flat;
- * Loss of an existing family house;
- * Impact upon the safety and convenience of highway users;
- * Impact upon the local surface water drainage system.

IMPACT UPON RESIDENTIAL AMENITY:-

4.2 Policy H8 of the York Development Control Local Plan sets a firm policy presumption that planning permission for conversion of an existing dwelling to flats would only be forthcoming where there would not be an adverse impact upon residential amenity through noise disturbance or the residential character of the area by virtue of the conversion alone or cumulatively with a concentration of such uses. Similarly in relation to the fish and chip shop element of the proposal, Policy S6 of the Draft Local Plan sets a presumption that permission will only be forthcoming where any impact upon the amenities of occupiers as a result of traffic, noise, smell or litter would be minimal.

4.3 The proposed development is a composite one incorporating a conversion and extension to form a 3 bed flat and a fish and chip shop with ancillary storage facilities and associated access and car parking work. The surrounding area is in mixed use with a shopping parade adjacent to the south east and residential development within the wider surroundings. The scheme as amended envisages the construction of single storey storage extension to the rear of the property with an area of external amenity space for the flat occupier some 6.4 x 8.2 metres in area. This would largely remove the harm to the residential amenity of nearby occupiers caused by the previous scheme. In relation to the proposed fish and chip shop element of the proposal, information has been submitted in relation to the proposed extraction and filtration system. Details of the specific location of the plant, its noise output and the precise means of odour mitigation have not however been submitted and neither have details of the proposed food storage units and any noise implications. On balance it is felt that a refusal of the proposal could not be sustained on these ground alone as they could be effectively conditioned as part of any permission.

4.4 The proposal envisages single and two storey elements projecting into the former rear garden area. The two storey element would be some 4.4x5.4 metres in area and 6.6 metres to the ridge and would parallel that previously approved in

respect of 136 Boroughbridge Road. The single storey extension would continue from the rear of the two storey element covering a further area of 5.6x5.4 metres. Both extensions would be cement rendered in terms of their external treatment. Nos. 130 and 132 Boroughbridge Road have even more substantial rearward extensions and it is felt that the proposals in terms of their scale and massing would not have a significant impact upon the amenity of neighbouring properties or the visual amenity of the wider street scene.

IMPACT UPON THE LIVING CONDITIONS OF FUTURE OCCUPANTS OF THE PROPOSED FLAT:-

4.5 The proposal as amended envisages the conversion of the upper floor of the existing property together with the addition of a rear extension to form a three bedroom flat. An external amenity area for drying out washing etc would be provided to the rear of the single storey storage extension some 6.4 x 8.2 metres in area. Access via a gate would also be afforded to the amenity area to the rear of 136 Boroughbridge Road. The application details indicate that storage for cycles and bins associated with the flat would be provided within the rear storage building associated with the fish and chip shop use. It is felt therefore on balance that the harm to the living conditions of future occupants of the proposed flat caused by the scheme as originally submitted has effectively been dealt with.

LOSS OF AN EXISTING FAMILY HOME:-

4.6 Policy H9 of the York Development Control Local Plan sets a firm policy presumption that planning permission will not be granted for development that would result in a net loss of dwellings or housing land, either allocated or with planning permission, loss of individual residential properties needing to be considered against individual site circumstances and the character of and desired uses in the surrounding area.

4.7 The application site was constructed as a single house for family occupation and was used as such up until recent times. In recent years it has without authorisation been converted into two flats. It lies within a small area of shops and is physically separated from the remaining residential properties along Boroughbridge Road by the unit at No 136. To the south east of the premises are a number of uses commonly found in a small shopping parade such as a cafe, a second hand dealer and a veterinary practice. The property has no readily defined curtilage along the street frontage with parking associated with the adjacent business premises directly adjacent to the building itself and the amenity of any occupant as a family home would thereby be compromised. The nature of the adjacent businesses would to a certain extent militate against single family occupation. A number of the business premises including the properties to either side have flats above. On balance it is therefore felt the loss of the property as single family accommodation would not be

harmful and that the terms of Policy H9 of the Draft Local Plan would therefore be complied with.

IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS:-

4.8 The proposal seeks the reconfiguration of parking and access arrangements associated with Nos 128 to 136 Boroughbridge Road. Rather than the existing somewhat disorganised pattern with vehicles accessing and egressing the paved forecourt at several points along the Boroughbridge Road frontage, the proposal would create a "one way" system with accessing traffic only coming from the access point adjacent to 136 Boroughbridge Road and egressing traffic leaving by the access point close to 130 Boroughbridge Road. Traffic accessing the spaces associated with 128 Boroughbridge Road would be two way. This arrangement does however give rise to a number of safety concerns in respect of pedestrians using the crossing of Boroughbridge Road in the near vicinity with a need to physically identify an area of clear separation between the crossing and the parking and circulation area. The applicant has suggested the erection of cycle stands associated serving the local businesses between the parking area and the area of the crossing. In terms of its impact upon the street scene and also in terms of highway safety the erection of a low wall up to 1 metre in height to separate the crossing from the parking and circulation area would be more appropriate. It is therefore recommended that any permission be conditioned to require the submission of further details of the proposed parking and circulation space within the street frontage forecourt area for further written approval. Subject to that approval it is felt on balance that any impact upon the safe and free flow of traffic would be within acceptable levels.

IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE:-

4.9 Policy GP15a) of the York Development Control Local Plan sets a firm requirement that developers must satisfy the Local Planning Authority that any flood risk will be successfully managed with the minimum environmental effect and ensure that the site can be developed, serviced and occupied safely. The application site lies within defined Flood Zone 1 and is therefore at the lowest identifiable risk of flooding. Difficulties do however exist in terms of the surface water drainage serving the site, which form part of the applicant's justification for the works being undertaken in part retrospectively. Concern has also been expressed in relation to the level of information submitted with the application relating to the surface water drainage of the site. In refusing the previous application at the site it was noted that surface water drainage was a matter which could clearly be conditioned in order to secure the achievement of an acceptable scheme in view of the relatively low risk to adjoining properties. It is therefore recommended that any permission be conditioned to require the submission for prior approval of a detailed drainage scheme.

OTHER ISSUES:-

4.10 Concerns have been expressed in relation to the part retrospective nature of the proposal. Whilst the commencement of development without the requisite authorisation is clearly an issue of concern it is not a material consideration in terms of determining the planning application. Concern has been expressed in relation to an over intensification in the number of hot food outlets in the vicinity. The applicant has indicated the intention to provide an internal seating area which would help ameliorate a number of the problems commonly associated with hot food takeaway uses such as litter, which should be conditioned to remain ancillary to the main take away use. The issue of the number of take away uses in the vicinity is clearly acknowledged, however the level of intensity is not such as to give rise to an issue of cumulative impact and in any case Central Government Planning Guidance outlined in PPS4 "Planning and Economic Development " strongly discourages the use of commercial competition as a material consideration in these circumstances.

5.0 CONCLUSION

5.1 The development envisages a composite proposal incorporating the conversion of the ground floor to a fish and chip shop, the first floor to a three bedroom flat with a two storey rear extension, together with a single storey rear extension incorporating a storage and seating area for the proposed fish and chip shop with associated alterations to the external forecourt space. The application site as a dwelling house, albeit one that has had a recent unauthorised use as two flats, does not readily provide an acceptable environment as a single family house. The proposals envisage the creation of a pattern of development more in line with that prevailing in the immediate surroundings. However, a number of concerns remain notably in respect of surface water drainage and the nature and location of the proposed odour mitigation and fume extraction system. It is felt on balance however that these matter matters may be the subject of a condition on any planning permission. Other concerns have also been raised such as the largely retrospective nature of the development. Whilst these are quite understandable they do not amount to a significant material planning consideration in terms of determining the application. On balance it is therefore felt that an acceptable form of development can be achieved through an appropriately conditioned approval.

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:-

Drawing Refs: - 7D, DP4E, BP2, DP1 and P1 Date Stamped 30th August 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 VISQ8 Samples of the external materials

4 Notwithstanding the application details hereby approved full details of the proposed refrigeration, air circulation, extraction and odour mitigation system including its location, acoustic detail and the finishes of any components external to the building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the cafe/takeaway use. The development shall thenceforth be undertaken in strict accordance with the details thereby approved prior to the development being first brought into use.

Reason: - To safeguard the residential amenity of neighbouring properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

5 The cafe/hot food take-away use shall operate only between the following hours:

Monday to Saturday 12.00hours to 22.00 hours

Sundays or Bank Holidays 12.00hours to 14.00hours

Reason: - To safeguard the residential amenity of neighbouring properties and to secure compliance with Policy GP1 and S6 of the York Development Control Local Plan.

6 The rear seating and storage area hereby authorised shall be used solely in conjunction with the cafe/takeaway use.

Reason: - To safeguard the residential amenity of neighbouring properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

7 DRAIN1 Drainage details to be agreed -

8 Notwithstanding the application details hereby approved full details of the layout of parking space and circulation arrangements within the front forecourt of the application site, including measures to prevent pedestrian/vehicular conflict shall be submitted to and approved in writing by the Local Planning Authority within 28 days of the date of this permission. The development shall thenceforth be undertaken in strict accordance with the details thereby approved prior to the development being first brought into use and shall be maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: - To secure the safety and convenience of highway users.

9 Notwithstanding the submitted details, the doorway giving access from the Cafe/Takeaway seating area to the rear amenity area shall be single leaf only in dimension and shall be solely used for the purposes of an emergency exit and shall be clearly identified as such. The amenity area shall not be used as an outside seating or storage area for the cafe/takeaway use.

Reason:-To safeguard the residential amenity of neighbouring properties and to secure adequate amenity space for the residential use at the premises in compliance with Policy GP1 of the York Development Control Local Plan.

7.0 INFORMATIVES: Notes to Applicant

1. HIGHWAY WORKS

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

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

2. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon residential amenity of neighbouring properties ,impact upon the living conditions of future occupants of the proposed flat, loss of an existing family house, impact upon the safety and convenience of highway users and impact upon the local surface water drainage system. As such the proposal complies with Policies GP1, T4, E4, H8, H9 and S6 of the City of York Development Control Local Plan.

3. CONTROL OF POLLUTION ACT:-

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

following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

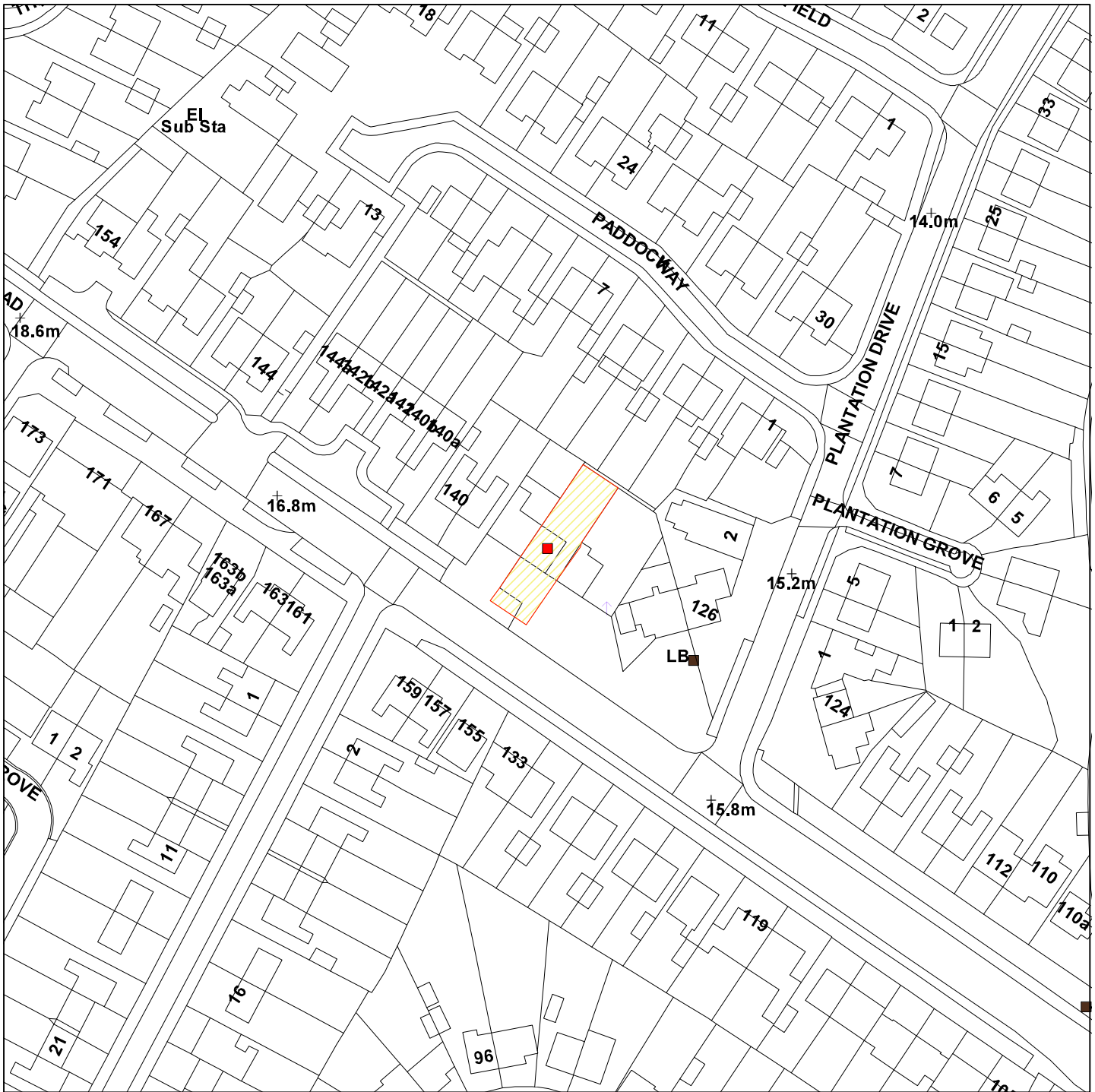
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11/02339/FUL

134 Boroughbridge Road, YO26 6AL



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| Organisation | City of York Council |
| Department | City Strategy |
| Comments | |
| Date | 07 October 2011 |
| SLA Number | Not Set |

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COMMITTEE REPORT

Date: 20 October 2011 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 11/02229/LBC
Application at: Castle Museum The Castle York YO1 9RY
For: Internal alteration to visitors toilets including removal of walls
By: Mr Andrew Morrison
Application Type: Listed Building Consent
Target Date: 14 October 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks listed building consent for internal works within three adjacent rooms at the Castle Museum. The proposed internal alterations relate to the existing visitor toilets on the ground floor of the former Female Prison, adjacent to the 'Kirkgate' display. The works include the reconfiguration of the existing layout of the toilet facilities and staff rest room within the original compartments. The existing staff rest room would become a disabled toilet/baby changing facility. The existing male and female visitor toilets are in poor condition, with exposed pipework and electrical conduit present. The intention is to upgrade the existing male and female toilets in a manner that would connect to the museum experience.

1.2 The style of the works would incorporate "highlights" relating to Victoriana and would provide a link with the museum displays, incorporating a display wall; a contemporary interpretation of a Victorian mosaic/tiled floor; graphics to the cubicles that link with the displays and Victorian themes; advertisement mirrors; pedestal basins and wall panelling to hide pipework and aid cleaning.

1.3 The Castle Museum; The Female Prison is a Grade I Listed Building situated within the Castle Precinct and within Central Historic Core Conservation Area No. 1. The Listed Building dates from dates from 1780-83 and was designed by Thomas Wilkinson and John Prince repeating the facade design of the Court House opposite by John Carr. The original building was altered in 1802 with the addition of the wings; the podium and steps were added between 1820 and 1850. Nineteenth century alterations are present by Peter Atkinson. The former Female Prison was modified and the yard roofed over as part of the conversion to a museum in 1938.

JUSTIFICATION FOR WORKS

1.4 The agent has advised that there is no disabled facility in this part of the Museum, and the works in general would enhance the visitor experience.

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1.5 The application is presented to the West/ City Centre Planning Sub- Committee for a decision at the request of Cllr Brian Watson given the extent of the alterations to the listed building.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Listed Buildings GMS Constraints: Grade 1; Castle Museum The Female Prison Castle Precinct

Scheduled Ancient Monuments GMS Constraints: SMR No.13275; York Castle(including Clifford's Tower)

2.2 Policies:

CYHE4 Listed Buildings

3.0 CONSULTATIONS

3.1 Design, Conservation and Sustainable Development- No objections subject to conditions

3.2 English Heritage- The application should be determined in accordance with national and local policy guidance, and on the basis of the Council's conservation advice.

3.3 Guildhall Planning Panel- No objections but have reservations about the recreation of an historic period that is misleading to users

4.0 APPRAISAL

4.1 Key Issues

- Impact on the character and appearance of the listed building

POLICY CONTEXT

4.2 Planning Policy Statement 5 " Planning for the Historic Environment " seeks to ensure that the special characteristics of listed buildings are not adversely affected by inappropriate alterations/ additions.

4.3 POLICY HE4 of the Local Plan relates specifically to listed buildings and states that consent for development in the immediate vicinity of listed buildings, demolition, internal and external alteration, and changes of use will only be granted where there is no adverse effect on the character, appearance or setting of the building.

APPRAISAL

4.4 It is appreciated that the existing visitor toilets need to be updated and that there is a need for a disabled/ baby changing facility within this part of the museum as the existing facilities are located in Debtor's Prison wing, beyond the connecting concourse. In principle, the proposed works are reasonably justified and would result in an enhancement for visitors to the Castle Museum.

4.7 The proposed upgrade includes "styling" that compliments the Victorian character of the Kirkgate displays as the existing male and female toilets are utilitarian in character with visibly tired cubicles and fittings, with exposed pipework and electrical conduit. The proposed floor changes, wall tiling, suspended ceilings, moulded joinery, ventilation fans, and sanitary fittings would be acceptable. The removal of the existing toilet lobbies would not be a significant loss as they are a relatively modern intervention. The existing doors and associated joinery would be retained.

5.0 CONCLUSION

5.1 The proposed works would significantly improve the facilities in the Female Wing of the Castle Museum, complimenting the Kirkgate experience. The works would not harm the significance or special interest of the interior of the Listed Building and they would comply with Policies HE4 and GP1 of the Local Plan and national planning guidance contained in Planning Policy Statement 5 " Planning and the Historic Environment. " It is recommended that listed building consent is granted subject to conditions that cover approval of details and retention of historic features.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

2 PLANS1 Approved plans

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

a) Further details of the design and method of fixing of the internal painted timber shutters to the window opening of the female visitor's toilet. The position of the internal shutters should take account of the inward opening vent present to the existing window.

b) Large scale details of the stud partition proposed adjacent to the existing cill and window opening to the disabled visitor's toilet.

c) Details of the replacement ventilation unit proposed to be inserted within the glass panes of the existing window to the male visitor's toilet.

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

4 The existing entrance and store room doors and architraves to the female visitor's toilet and entrance door to the male visitor's toilet shall be retained in situ.

The existing tiled floor covering to the compartments shall remain in situ beneath the proposed new floor covering.

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

5 The arched opening at the entrance to the visitor toilets shall be made good following the removal of the existing modern partitions that form the existing lobbies to the toilet facilities to match the surrounding materials details and finishes.

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

6 The new timber panelled door to the new partition to the disabled visitor's toilet shall match the design of the existing timber panelled door to the female visitor's toilet.

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

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance,

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with particular reference to the special interests of the listed building. As such, the proposal complies with Policies HE4 and GP1 of the City of York Development Control Local Plan (2005) ; and national planning guidance contained in Planning Policy Statement 5 "Planning for the Historic Environment".

Contact details:

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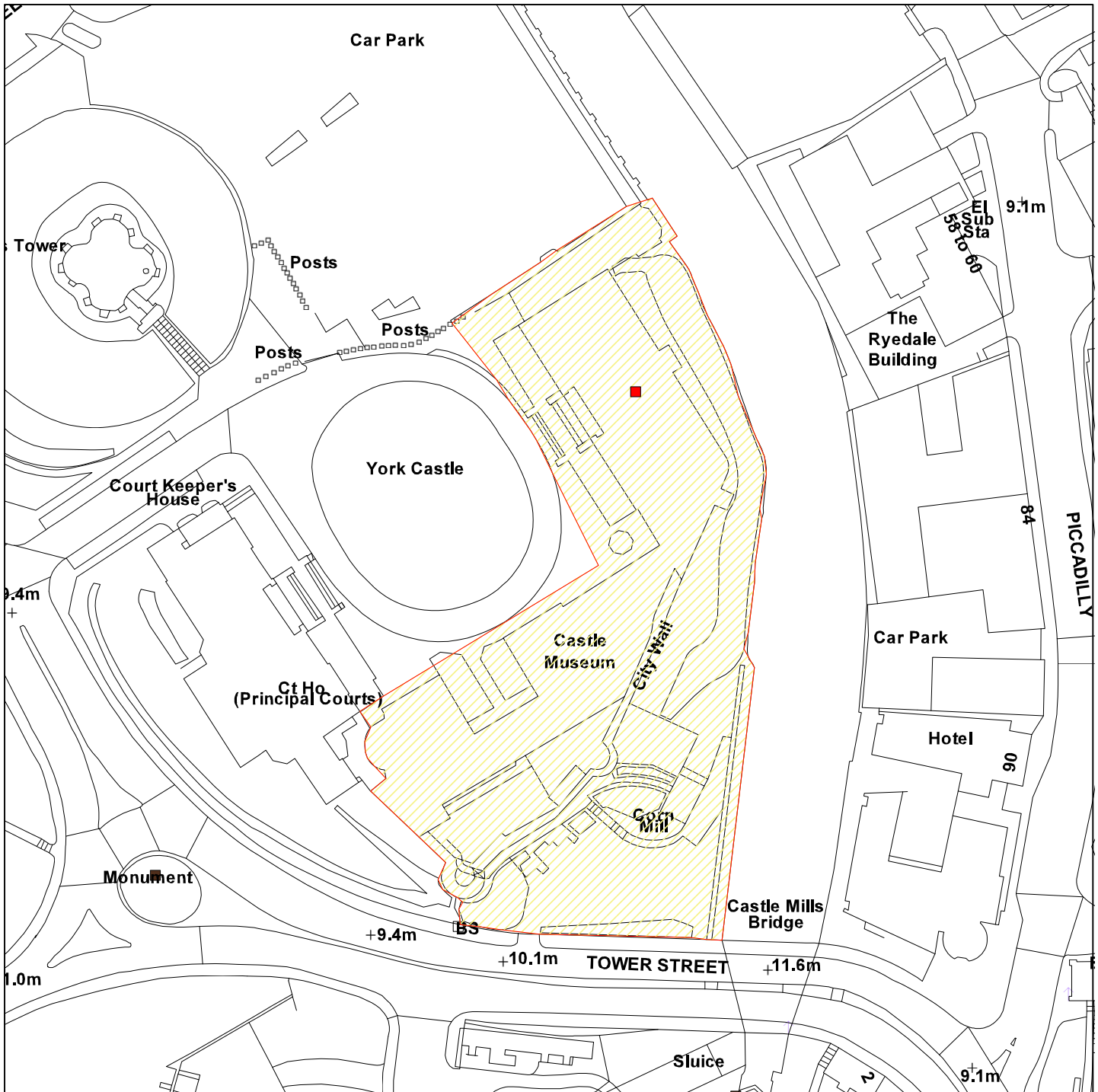
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Castle Museum, YO1 9RY



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| Organisation | City of York Council |
| Department | City Strategy |
| Comments | |
| Date | 07 October 2011 |
| SLA Number | Not Set |

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COMMITTEE REPORT

Date: 20 October 2011 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 11/01998/FULM
Application at: Bootham School 51 Bootham York YO30 7BT
For: Alterations to existing music building and erection of new single and two storey music and arts building. Minor alterations to assembly hall.
By: Bootham School
Application Type: Major Full Application (13 weeks)
Target Date: 7 November 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 Planning permission is sought for a two storey building, which would be located to the south-east side of the grade 2 listed Assembly Hall within the Bootham School site. The new building would provide a performance room, classrooms and a café/foyer/entrance area that would connect into the Assembly Hall. The existing music building, to which the proposed building would also connect, would be converted to provide an exhibition space for art. The proposals will enable the music and art facilities at the school to be linked and the connection will provide the communal gathering space the Assembly Room presently lacks.

1.2 The building would be of comparable massing to the Assembly Hall although the sloping roof would be 1.5m higher at its highest point. The connection to the Assembly Hall would be single storey, glass fronted to form a continuation of the existing ground floor façade. The new building would step forward around 6.5m from the Assembly Hall, although the ground floor would be recessed back by around 2m.

1.3 When viewed alongside the Assembly Hall the proposed building would be predominantly glazed at ground floor level, with timber cladding above and a copper eaves detail. Along the SE elevation the building would have a brick base. The roof would be part flat, in this area it would accommodate photovoltaic panels, with a sloping sedum roof behind. The roof includes four chimneys which allow natural ventilation. The existing music building would receive a single storey extension to its west side and a more recent 2-storey extension to the east elevation would be removed.

1.4 There is a companion application for listed building consent: 11/01999/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

Listed Buildings GMS Constraints:

Grade 2*; 49 Bootham York YO3 7BT 0463

Grade 2 : Bootham School Assembly Hall Bootham

Grade 2*; Bootham School, Library And Railings 51 Bootham 0462

Grade 2*; 47 Bootham York YO3 7BT 0464

2.2 Policies:

CYED1 Primary and Secondary Education

CYGP1 Design

CYGP4A Sustainability

CYHE3 Conservation Areas

CYHE4 Listed Buildings

CYHE10 Archaeology

CYGP15 Protection from flooding

3.0 CONSULTATIONS

Design and Conservation

3.1 Officers support the scheme. Considering PPS5 guidance the proposals would have less than significant harm, caused due to the loss of the landscaped setting of the Assembly Hall. The impact is though mitigated; the proposed building has merits in its own right, which in time will add to the considerable architectural legacy on site and the scheme delivers considerable benefits through improving facilities at the Assembly Hall and at Bootham School overall.

3.2 The Assembly Hall was designed as a stand-alone building and the green landscape surroundings assist in softening the harshness of the concrete. It is fundamental that the pavilion quality of the existing building can still be appreciated. The Hall foyer has a fully glazed screen wall, whilst the wall mainly looks out to the south and west, a single panel wraps around the SE corner. This preserves the open quality of the Hall and the weightless appearance of the concrete upper tier. Unfortunately the corner would be altered to allow for the link through to the new building. In addition the staircase which gives relief to the SE elevation of concrete would be retained though subsumed by the extension.

3.3 Harm to the fabric and character of the building caused by linking it to the new structure would be mitigated by the following:

- The new facility would link to the south east corner of the building; the setting of the main entrance facades of the Assembly Hall (NW & SW) would be unaffected. The position for the link has been chose to minimize harm to the structure and maximize useability of the grouped facilities. The link would be at low level and allow the two buildings to read as separate masses.
- The new foyer is glazed and has been set back from the upper floor so that views across the site (toward the Assembly Hall) are revealed at an earlier stage when entering via the pedestrian entrance from Bootham (along Photographic Lane).
- The west facade of the new building has been designed to emphasize the building's independance and its extruded form. In important views from the main school reception, within the site to west, the materials palette would compliment the existing building; copper, glass, and the cedar board cladding to the main spaces, which will echo the texture of the concrete on the Assembly Hall, eventually go silvery grey and tone in with the adjacent building. The bricks chosen for the ground floor and separating stair towers would not be seen externally close to the existing building.

Countryside Officer

3.4 The bat survey carried out in June 2011 found no evidence of bats roosting within any of the buildings surveyed and very little bat activity was recorded overall.

3.5 There is suitable foraging habitat on site and nearby however, and it is likely that a roost is present within close proximity. As such care should be taken during building work in case any bats may take up residence in the future and to ensure that any potential impacts are minimised. Officers ask that an informative or advisory note concerning bats and their protection is included in any consent given. There are also opportunities for encouraging bats and enhancing the site to benefit other wildlife species through for example new planting within the school grounds or by providing special habitat features or roosting opportunities.

Landscape officer

3.6 With regards the overall landscaping scheme officers note that the loss of garden area would be unfortunate, although this has to be weighed up against the benefits of the resulting facility. There is no objection to the scheme and the proposed landscaping is deemed to be acceptable:

- The proposed building and the rearranged external area would result in the loss of approximately eight trees. A couple of these are in poor health. The greatest loss

would be the large Whitebeam and Silver birch for aesthetic reasons, and the mulberry for arboricultural reasons.

- The landscape proposal includes a good selection of compensatory tree planting including several large species where space allows, including replacement Birch and Whitebeam. The new planting would create an attractive approach to the school but the loss of open/garden space would be marked.

- The existing paving arrangement in front of the Assembly Hall should be retained wherever practicable since its design is contemporary with, and directly related to, the building. There are two 'book end' concrete forms at either side of the entrance to the existing paved space; these should be retained. It would also be possible to bring more planting in to the meeting space.

Archaeology

3.7 An evaluation carried out in May 2011 revealed natural deposits at a depth of 1.65m below the modern ground level. Any Roman archaeology that survives on the site is likely to take the form of cut features into the natural, truncated by medieval ploughing.

3.8 In order to mitigate the impact of the development and to record the loss of significance that will arise if the development is approved, it is suggested that an appropriate archaeological strategy will be to undertake a monitored mechanical strip of deposits to the surface of the natural deposits. The natural level would then be cleaned by hand to allow the recognition of archaeological features, which could then be excavated and recorded prior to mechanical excavation of the remaining depth required for construction.

3.9 Officers recommend a watching brief and an archaeological programme of works to analyse and record archaeology found, which can be secured as conditions.

Environmental Protection Unit

3.10 No objection. Ask for an informative to draw attention to the requirements of the Control of Pollution Act which relates to minimising disturbance during construction. Officers are satisfied that noise from the proposed building would not have an adverse impact on neighbours.

Highway Network Management

3.11 No objections.

Drainage Engineers

3.12 Development is in flood zone 1 and therefore should not suffer from flooding. Details of existing and proposed ground levels and surface water drainage have been requested. It is necessary the existing surface water run-off rates are reduced, 70% of the existing rate is desirable.

English Heritage

3.13 No objection to the development in principle. The key issues EH draw attention to are the junction between the existing and proposed building, and any proposals to clean the existing building (note that cleaning is covered in the associated LBC application).

3.14 The Assembly Hall is a building which has a very sculptural presence and was designed to be seen 'in the round'. The south-east side (where the new building is proposed) comprises an uncompromising sheer wall of board-marked reinforced concrete, with a reinforced concrete staircase leading down from first floor level. The new building will abut this escape stair and the south-east wall will be partly covered and partly enclosed within a new courtyard (from which part of the wall of the Assembly Hall would still be visible).

3.15 Detailing of the addition to the Assembly Hall foyer will be important in the protection of the architectural quality and hence the significance of the Assembly Hall. EH have discussed the matter with the school and recommended an approach which would allow the glazing column at the south-east corner to remain fully expressed and turn the corner. The new roof should be attached to the Assembly Hall beneath the chamfered concrete overhang and beneath the top of the existing concrete staircase.

Guildhall Planning Panel

3.16 No objection.

Publicity

3.17 An objection has been made on the following grounds:

- The development will fail to preserve the conservation area. There would be a loss of trees and it is considered that mature trees, especially those which may have been onsite when the school was attended by Joseph Rowntree should be protected.
- Concern that noise from the facility may have an adverse impact on neighbour's amenity.
- The location of construction vehicles and construction in general will have an adverse impact on neighbours, as it is proposed to store vehicles/materials on

the land to the east side of the school, by residential properties at Bootham Place and Bootham Square.

4.0 APPRAISAL

KEY ISSUES

4.1 Key issues are -

- Whether the development is acceptable in principle.
- Impact on heritage assets - listed buildings at the school, the Central Historic Core Conservation Area and archaeology
- Loss of trees
- Amenity of surrounding occupants
- Sustainability of the proposed buildings
- Drainage
- Highway network management

PRINCIPLE OF THE PROPOSED DEVELOPMENT

4.2 Local Plan policy ED1 advises that planning applications for new/extended education facilities will be granted permission provided that:

- a) it would meet a recognised need;
- b) the proposed development is of a scale and design appropriate to the character and appearance of the locality;
- c) an area of open space and playing fields, sufficient to meet the needs of pupils is incorporated in the development;
- d) where a development is capable of a joint or dual use for community benefit, this has been incorporated into the design

4.3 The school has a 6 year masterplan which includes a requirement to improve the music and arts facilities which are presently cramped and unsuitable for some of the students. The proposed development will enhance the facilities at the school and provide a linked area for music, art and performance space, which includes meeting/social space which is presently lacking in the assembly hall. As such the proposals do meet a recognised need. Of the other aspects of policy ED1 b) - this is discussed in the following section, c) the existing playing fields are maintained, and d) there design of the building does allow wider use of the building.

IMPACT ON HERITAGE ASSETS

4.4 In considering whether to grant planning permission for development that affects a listed building or its setting, according to the Planning (Listed Buildings and Conservation Areas) Act 1990, the LPA is required to have special regard to the

desirability of preserving a listed building, its setting and any features of special architectural or historic interest which it possesses. The act advises also that the LPA shall pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area. This is re-iterated in Local Plan policies HE2 and HE3

4.5 National policy PPS5 relates to listed buildings. PPS5 advises that a building's contribution to its setting can be sustained or enhanced if new buildings are carefully designed to respect their setting by virtue of their scale, proportion, height, massing, alignment and use of materials. The PPS recognizes that in some cases change to listed buildings may be necessary over time. Where development would have a harmful impact LPA's are required to weigh the harm against any heritage benefits. The English Heritage companion note to the PPS lists heritage benefits as where a scheme:

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

4.6 The site is within the city centre area of archaeological importance. Policy HE10 of the DLP seeks to preserve important archaeological remains and requires that applications demonstrate no more than 5% of archaeological deposits are disturbed or destroyed during works.

IMPACT ON LISTED BUILDINGS AND THEIR SETTING

4.7 The proposed development would have less than substantial harm on the Assembly Hall and its setting. The heritage benefits that would result are deemed to outweigh the harm. In addition the design issues raised by EH have been addressed. The assessment is contained in the companion LBC report. In summary the scheme is deemed to have an acceptable impact on the listed building and its setting.

IMPACT ON THE CONSERVATION AREA

4.8 The character and appearance of this part of the conservation area is defined by the buildings which front onto Bootham and the adjoining terraced streets; St Mary's,

Grosvenor Terrace and Bootham Terrace which are of strong Victorian character. This character is established in the Central Historic Core Conservation Area Appraisal. Due to the height and location of the proposed building there would only be distant, glimpsed views of the building, beyond the trees, from Photographic Lane and it would not have a significant impact on the character area. In addition the trees that would be removed do not contribute to the character and appearance of the conservation area.

ARCHAEOLOGY

4.9 Local Plan policy HE10 requires archaeological deposits of national importance to be preserved in situ; otherwise an excavation of deposits will be required. Due to the foundations required for the proposed building and the storage tank for surface water, archaeology would be affected. As such conditions have been recommended that require a watching brief on groundworks and an excavation and analysis of deposits that would be disturbed to accommodate the proposed development.

LOSS OF TREES

4.10 There would be a loss of trees, due directly to the footprint of the proposed building, and to accommodate changes to the landscape/layout of the site behind the main school buildings which front onto Bootham. Local Plan policy NE1 states that trees which are of landscape, amenity, nature conservation, or historic value will be protected by refusing proposals which will result in their loss or damage, alternatively when trees are to be removed, appropriate replacement planting should be proposed to mitigate any loss.

4.11 It is proposed 8 trees are removed, 1 of which is deemed to be of moderate value; the others are all of low quality. It is thought the trees are around 50 years old. 13 new trees are proposed. The replacement trees would be aligned along the pedestrian route from Photographic Lane to the school reception and contribute to the setting of a proposed external sitting area to the SE side of the route. In future it is proposed to plant further trees along with landscaping in the area which is presently a car park, to the SE side of the proposed building. A scheme for the car park area is required as a condition of a previous permission which allowed the temporary car park.

4.12 The trees that would be removed are not prominent in views from the public realm, only from surrounding buildings, and therefore there would not be an impact on the character and appearance of the conservation area. Whilst the loss of landscaping is regrettable, as the site becomes more intensely developed, the alterations to the site are required by the school to deliver enhanced facilities and improve the way in which the overall site operates. The proposals adequately compensate for the loss of trees (an overall increase) and therefore the scheme complies with policy NE1.

AMENITY OF SURROUNDING OCCUPANTS

4.13 Local Plan policy GP1 requires that developments ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from overdominant structures. The proposed building will be predominantly of a comparable height to the existing Assembly Hall, the roof would sweep up to the central point in the building, and at this point it would be 1.5m higher than the highest point of the Assembly Hall. To the east of the school site the nearest dwellings are 21/23 Bootham Square and 1-18 Bootham Place. The latter has main living rooms which are orientated to face the proposed building, on the former main living rooms are on the front/rear elevation of the building, thus they do not face the proposed building. At its nearest point the proposed building would be 13m from the garden around 21/23 Bootham Square and 29m from the elevation of Bootham Place which looks toward the proposed building. These separation distances are adequate (they exceed the minimum requirements suggested in national guidance by CABE - By Design - for urban areas) to ensure that undue overlooking would not occur and the proposed building would not be overbearing or over-dominant.

4.14 The proposed facility would predominantly be used during school hours and Saturday mornings. There will be occasional evening events which would finish by 22:30. The building design has considered noise breakout from the building and from mechanical plant/equipment. The noise survey submitted with the application advises noise levels would be below the existing ambient noise levels at the nearest noise sensitive fascades (Wandleford House and Bootham Place).

4.15 Environmental Protection Officers can potentially take action under the Control of Pollution Act if there is undue noise disturbance during construction. An informative is proposed to ensure the applicants are aware of such. Planning conditions are not proposed to cover construction. The planning circular 11/95 which relates to the use of conditions advises that conditions should not be used if specific controls are available in other legislation.

SUSTAINABILITY

4.16 The council's interim planning document on sustainable design and construction (IPD) asks that developments of over 500 sq m floorspace achieve a BREEAM rating of at least very good and generate at least 10% of their energy demand from on-site renewable resources.

4.17 The proposed building has been designed to include natural ventilation and photovoltaic panels are proposed on the roof. The sedum roof is also a welcome addition that acts as a sustainable method of reducing surface water run-off and increases biodiversity. The requirements of the IDP can be secured through appropriate conditions.

DRAINAGE

4.18 Policy GP15a of the DLP advises that in new development, discharges should not exceed the capacity of the sewer system and surface water run-off should not exceed the existing rate.

4.19 Surface water flows will be limited by means of water flow control device, such as a hydro-brake. In addition the sedum roof will assist with reducing run-off from the proposed building and we are advised it may be that rainwater from a proportion of the roof would be collected via a rainwater harvesting tank for reuse on site. The final calculations for existing and proposed rates are yet to be agreed although this can be achieved via an appropriate condition which will require at least existing rates be maintained.

HIGHWAY NETWORK MANAGEMENT

4.20 The proposals do not have any implications for highway network management.

5.0 CONCLUSION

5.1 The proposed development is of appropriate design quality to be introduced to the school site. The scheme will upgrade the facilities offered at the site, in particular improving and linking facilities with the grade 2 listed Assembly Hall building. The development would not have an undue adverse impact on the setting of the aforementioned listed building, and in this case the benefits of the new facility outweigh the harm of adding development to this part of the site. Due to the location of the building there would not be a material impact on the conservation area and there would be no undue harm to the amenity of surrounding occupants. Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 PLANS1 Approved Plans

3 The development shall be constructed to a BRE Environmental Assessment Method (BREEAM) standard of 'very good'.

A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Should the development fail to achieve a BREEAM standard of 'very good' a report shall be submitted for the written approval of the

Local Planning Authority demonstrating what remedial measures should be undertaken to achieve a standard of 'very good'. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and paragraphs 2.1 to 2.4 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

4 On-site renewable energy: No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate that no less than 10 % of the development's predicted energy requirements will be provided from on-site renewable energy sources. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development.

Reason: In the interests of achieving a sustainable development in accordance with the requirement of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

5 Materials: Samples of the external timber cladding and copper materials to be used shall be approved in writing by the Local Planning Authority prior to the commencement of the development. A sample panel of the brickwork to be used shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample. The development shall be carried out using the approved materials.

Note: Notwithstanding the palette of materials shown in the submitted sample board the timber finish for window frames, louvers and the exposed structure shall be similar to each other and tone in with the eventual colour of the cedar cladding. To assist in achieving this, it is asked trial samples are provided on site for approval prior to any work commencing.

Reason: So as to achieve a visually cohesive appearance.

6 A detailed hard and soft landscaping scheme shall be approved in writing by the Local Planning Authority prior to development commencing, and the development carried out accordingly. The scheme shall incorporate existing components of the Assembly Hall paving, steps and end blocks, drainage, any fixed components such as fencing, walls or seating, and details of lighting.

This scheme shall be implemented within a period of six months of the completion of the development unless an alternative timescale is agreed by the Local Planning Authority. 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: To preserve the setting of listed buildings within the school site.

7 Trees shown as being retained on Popplewell Associates drawing 2244/9A shall be protected in accordance with BS5837: Trees in relation to construction.

Reason: To ensure that trees are protected during construction.

8 Details of measures to be provided within the design of the new building and landscaping to enhance the biodiversity of the area, such as special habitat features or roosting opportunities, shall be approved in writing by the Local Planning Authority prior to development commencing and the work completed in accordance with the approved details.

Reason: To retain and enhance natural habitats and biodiversity in accordance with policy NE7 of the Local Plan.

9 Details of all machinery, plant and equipment to be installed which is audible outside of the site boundary, when in use, shall be submitted to the local planning authority for approval prior to its first use. These details shall include maximum ($L_{Amax}(f)$) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such machinery, plant or equipment and any noise mitigation measures shall be fully implemented and operational in accordance with the approved details prior to first use and appropriately maintained thereafter.

Reason: In the interests of the amenity of nearby occupants in accordance with policy GP1 of the City of York Draft Local Plan.

10 Details of foul and surface water drainage works shall be approved in writing by the Local Planning Authority prior to development commencing and carried out in accordance with the approved details. Details to include:

a) Calculations and invert levels of the existing and proposed surface water system (to enable the impact of the proposals on the downstream watercourse to be assessed).

- b) Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.
- c) Proposed ground levels (which should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties).
- d) Proposed finished floor levels (which should not be raised above the existing Music and Assembly Hall buildings).
- e) Peak surface water run-off from the development attenuated to 70% of the existing rate (based on 1.40 l/s/ha of connected impermeable areas). The scheme shall include storage volume calculations, using computer modelling, allowing for a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model shall also include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. Note proven existing connected impermeable areas equate to 417m² therefore maximum surface water discharge should be limited to 4.1 l/sec.
- f) Details of future management / maintenance of the proposed drainage system.

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

11 ARCH1 Archaeological programme required -

12 ARCH2 Watching brief required -

7.0 INFORMATIVES: Notes to Applicant

1. BATS

You are reminded that bats are a species protected by law. If bats are discovered during the course of the work, then work should cease in the pertinent area and Natural England consulted.

2. CONTROL OF POLLUTION ACT 1974

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

following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

3. 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, amenity, flood risk and highway safety. As such the proposal complies with Policies HE3, HE4, HE10, GP1, GP15 and ED1 of the City of York Development Control Local Plan.

Contact details:

Author: Jonathan Kenyon Development Management Officer

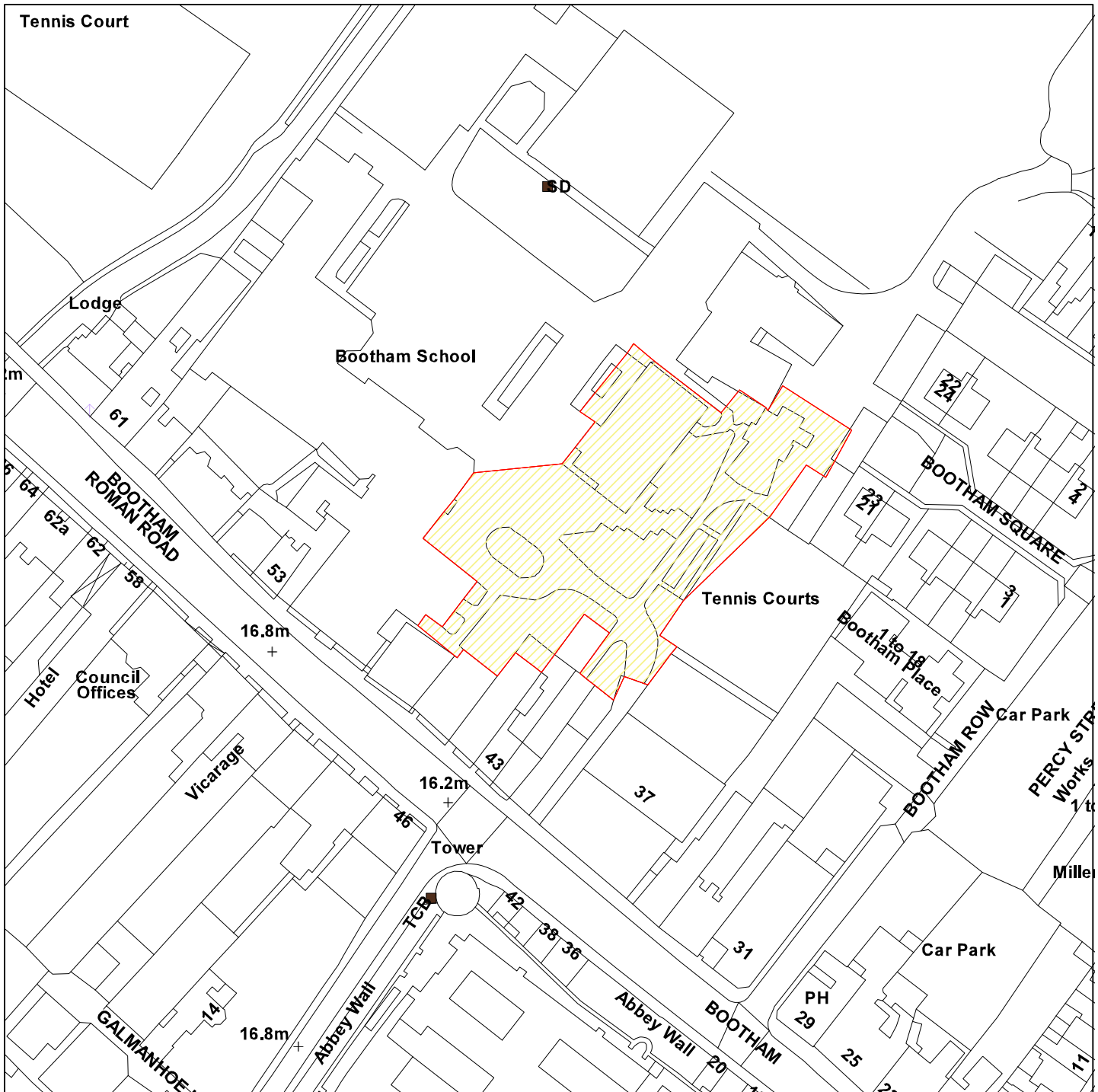
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11/01998/FULM

Bootham School, 51 Bootham



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| Organisation | City of York Council |
| Department | City Strategy |
| Comments | |
| Date | 07 October 2011 |
| SLA Number | Not Set |

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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*; 49 Bootham York YO3 7BT 0463

Grade 2 : Bootham School Assembly Hall Bootham

Grade 2*; Bootham School, Library And Railings 51 Bootham 0462

Grade 2*; 47 Bootham York YO3 7BT 0464

2.2 Policies:

CYHE4

Listed Buildings

3.0 CONSULTATIONS

DESIGN AND CONSERVATION

3.1 Officers support the scheme. The proposals would have less than significant harm, caused due to the loss of the landscaped setting of the Assembly Hall. The impact is mitigated as; the proposed building has merits in its own right and in time will add to the considerable architectural legacy on site, and the scheme delivers considerable benefits through improving facilities at the Assembly Hall and at Bootham School overall.

3.2 The Assembly Hall was designed as a stand-alone building and the green landscape surroundings assist in softening the harshness of the concrete. It is fundamental that the pavilion quality of the existing building can still be appreciated. The Hall foyer has a fully glazed screen wall, whilst the wall mainly looks out to the south and west, a single panel wraps around the SE corner. This preserves the open quality of the Hall and the weightless appearance of the concrete upper tier. Unfortunately the corner would be altered to allow for the link through to the new building. In addition the external staircase which gives relief to the SE elevation of concrete would be retained though subsumed by the extension.

3.3 Harm to the fabric and character of the building caused by linking it to the new structure would be mitigated by the following:

- The new facility would link to the SE corner of the building; the setting of the main entrance facades of the Assembly Hall (NW & SW) would be unaffected. The

position for the link has been chose to minimize harm to the structure and maximize useability of the grouped facilities. The link would be at low level and allow the two buildings to read as separate masses.

- The new foyer is glazed and has been set back from the upper floor so that views across the site (toward the Assembly Hall) are revealed at an earlier stage when entering via the pedestrian entrance from Bootham along Photographic Lane.

- The west facade of the new building has been designed to emphasize the building's independence and its extruded form. In important views from the main school reception, within the site to west, the materials palette would compliment the existing building; copper, glass, and the cedar board cladding to the main spaces, which will echo the texture of the concrete on the Assembly Hall, eventually go silvery grey and tone in with the adjacent building. The bricks chosen for the ground floor and separating stair towers would not be seen externally close to the existing building.

3.4 Officers support the proposed method for cleaning the building. It is the intention to remove organic matter to prevent further absorption of water on the face of the structure. It is not intended to present the building as new, though heavily soiled patches might be improved. Proposals would be benign if carried out when there is no danger of frost.

ENGLISH HERITAGE

3.5 No objection to the development in principle. The key issues EH draw attention to are the junction between the existing and proposed building, and proposals to clean the Assembly Hall building.

3.6 The Assembly Hall is a building which has a very sculptural presence and was designed to be seen 'in the round'. The south-east side (where the new building is proposed) comprises an uncompromising sheer wall of board-marked reinforced concrete, with a reinforced concrete staircase leading down from first floor level. The new building will abut this escape stair and the south-east wall will be partly covered and partly enclosed within a new courtyard (from which part of the wall of the Assembly Hall would still be visible).

3.7 Detailing of the addition to the Assembly Hall foyer will be important in the protection of the architectural quality and hence the significance of the Assembly Hall. EH have discussed the matter with the school and recommended an approach which would allow the glazing column at the south-east corner to remain fully expressed and turn the corner. The new roof should be attached to the Assembly Hall beneath the chamfered concrete overhang and beneath the top of the existing concrete staircase.

3.8 Cleaning: EH question the wisdom of cleaning the concrete in this instance as there are some old concrete repairs that would become more visible than they are now. Also, EH would not wish any cleaning to cause the concrete to become any more vulnerable to corrosion. The issue of applying a protective coating to the external concrete of the Assembly Hall has also been raised by the School. EH suggest that any such coating, along with any proposed cleaning method, be trialled on a small, discreet area to assess its appearance before any wider application is allowed.

GUILDHALL PLANNING PANEL

3.9 No objection.

PUBLICITY

3.10 No objections have been made to the LBC application.

4.0 APPRAISAL

KEY ISSUES

4.1 In considering whether to grant Listed Building Consent, according to the Planning (Listed Buildings and Conservation Areas) Act 1990, the LPA is required to have special regard to the desirability of preserving a listed building, its setting and any features of special architectural or historic interest which it possesses. This is re-iterated in Local Plan policy HE4.

POLICIES

4.2 National policy PPS5 relates to listed buildings. PPS5 advises that a building's contribution to its setting can be sustained or enhanced if new buildings are carefully designed to respect their setting by virtue of their scale, proportion, height, massing, alignment and use of materials. The PPS recognizes that in some cases change to listed buildings may be necessary over time. Where development would have a harmful impact LPA's are required to weigh the harm against any heritage benefits. The English Heritage companion note to the PPS lists heritage benefits as where a scheme:

- Sustains or enhances the significance of a heritage asset and the contribution of its setting.
- Reduces or removes risks to a heritage asset.
- Secures the optimum viable use of a heritage asset in support of its long term conservation.
- Makes a positive contribution to economic vitality and sustainable communities.

- Is an appropriate design for its context and makes a positive contribution to the appearance, character, quality and local distinctiveness of the historic environment.

ASSESSMENT

4.3 The school has a 6 year masterplan which includes improvement of the music and arts facilities which are presently cramped and unsuitable for some of the students. It has been identified that the Assembly Hall lacks a communal focal point where users of the building can gather between performances. The scheme will address these issues, providing a linked area for music, art and performance space, and a meeting/social space which would also serve the Assembly Hall.

4.4 The Assembly Hall building was originally conceived as a stand alone building within an open setting. The main elevations are the NW and SW; those which are predominantly glazed at ground floor level. The landscaping around the building draws people in via the SW corner, aligned with the school's reception entrance. The SE elevation is not one of the primary elevations and thus there is scope to add a building to this side. The proposed connection point at the south corner is most appropriate as it would minimise intervention to the Assembly Hall, and allow combined use of the facilities within the proposed building.

4.5 To address English Heritage comments regarding the design of the connection point a large scale detail has been provided which demonstrates how the link would connect with the existing glazed panels and the concrete above. The connection would sit back slightly from the glass facade to retain the completeness of the existing frontage as recommended by EH. The roof would be glazed with a slight pitch and would abut the concrete above the chamfered base. The connection uses a silicone fixing which avoids using flashings and cutting the existing concrete; the fixing would though require small screw holes to be drilled into the concrete at 400mm intervals.

4.6 The single storey glazed link will allow the two buildings to read as being separate. The new addition would be sympathetic in terms of its massing, materials, proportions and horizontal emphasis. The proposed building would not be over dominant as the amount the ground floor is recessed means views of the Assembly Hall from the Photographic Lane entrance to the school site are preserved and from the west the building would appear to harmoniously sit behind the Assembly Hall.

4.7 Discussions are ongoing with officers with regards the detailing to the landscaping around the Assembly Hall. It is sought to retain the character of the space outside the Hall, which is contemporary with the building and the final choice of surface materials throughout the site are to be agreed. These issues can be covered through a condition in the companion planning permission.

4.8 The method statement for cleaning the building has been assessed and provided the cleaning is undertaken at an appropriate time, this will maintain the appearance of the listed building.

4.9 Overall whilst there would be some harm by adding a building to the side of the Assembly Hall in place of a landscaped area, and by connecting to the building, which was designed to 'stand alone', the works are justified and in the interest of keeping the Assembly Hall in optimum viable use. In addition the scheme is considered in its approach. The development achieves the required change whilst minimizing the harm to the listed building. In addition the new building has its own merits and is an appropriate addition to the setting.

5.0 CONCLUSION

5.1 The scheme has been designed so the harm caused, by adding a building to the side of the hall, and removal of the landscaping to its side, is minimised and deemed as 'less than substantial' in PPS5 terms. The scheme would deliver heritage benefits, by enhancing the facilities within an existing listed building, in the interests of its long term preservation, and by improving the facilities at the school. In addition the proposed building is deemed to be well-considered; respectful of its setting and of merit in its own right. As such it is recommended consent be granted as the heritage benefits outweigh the harm.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

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

Squires and Brown drawings A-05
Site Plan 101C
Floor Plans: 104J, 105H, 106H, 107D
Elevations: 110D, 111D, 112C

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

3 Samples of the external materials to be used shall be approved in writing by the Local Planning Authority prior to the commencement of the development. A sample panel of the brickwork to be used shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be

used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample. The development shall be carried out using the approved materials.

Note: Notwithstanding the palette of materials shown in the submitted sample board the timber finish for window frames, louvers and the exposed structure shall be similar to each other and tone in with the eventual colour of the cedar cladding. To assist in achieving this, it is asked trial samples are provided on site for approval prior to any work commencing.

Reason: So as to achieve a visually cohesive appearance.

4 Large scale details (at 1:20 and 1:5) 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) All new elevations and roofs, including typical intersections between elements at agreed locations. Sections through complete walls, showing the relationship between apertures, expressed structure, eaves, verge and plinth conditions; to demonstrate an elegance of detailing which is similar to the approach taken for the Assembly Hall.

b) Alterations to the Assembly Hall glazing panel and abutment conditions adjacent to the concrete walls and staircase (3D drawing(s) to be supplied also).

Making good shall be carried out to a high standard and to match existing materials, finishes and details.

Reason: To ensure the development hereby approved does not detract from the listed building and its setting.

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

a) External doors, windows and window systems (including any solar shading devices) and roof-lights shown in context.

b) Roof detail, to include vents, solar chimneys and panels, sun-pipes, external plant and any plant housings or other externally fixed equipment.

Details to include details of the refurbished music building.

Reason: To ensure the development hereby approved does not detract from the listed building and its setting.

6 Details of making good to the newly exposed cottage wall shall be approved in writing and the development carried out accordingly. Where possible bricks shall be reclaimed from the demolished extension for reuse.

Reason: To ensure the development hereby approved does not detract from the listed building and its setting.

7 A method statement and schedule of repairs for the concrete walls of the assembly hall shall be approved in writing by the Local Planning Authority prior to such works commencing. Mortar samples shall be provided on site for agreement.

8 Trial areas of the proposed cleaning method shall be carried out in agreed locations and a method of cleaning subsequently approved by the Local Planning Authority prior to such works commencing. The cleaning shall be carried out in accordance with the agreed method thereafter.

Reason: To preserve the architectural interest of the listed building.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on heritage assets. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan.

Contact details:

Author: Jonathan Kenyon Development Management Officer

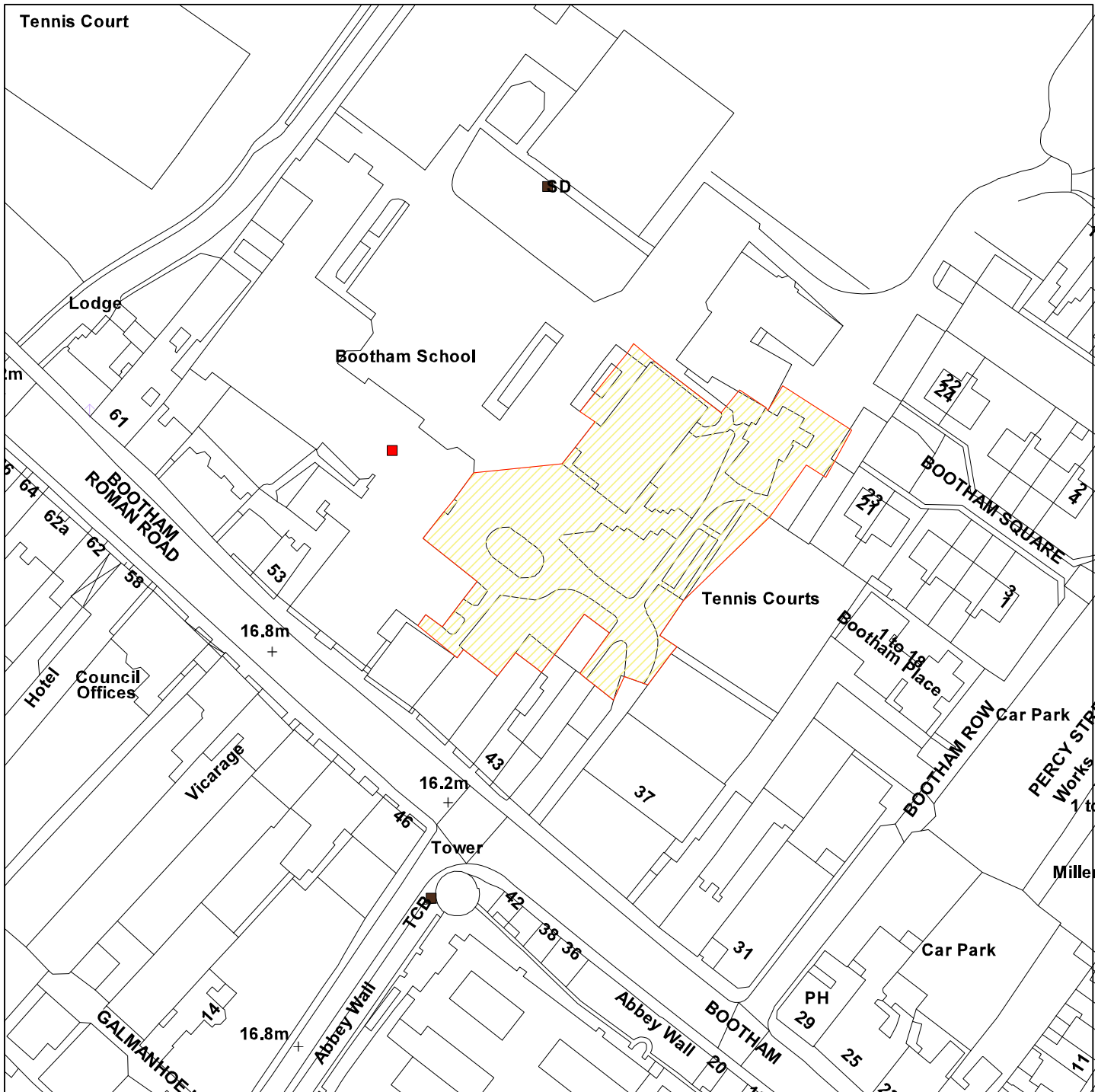
Tel No: 01904 551323

11/01999/LBC

Bootham School, 51 Bootham



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| Organisation | City of York Council |
| Department | City Strategy |
| Comments | |
| Date | 07 October 2011 |
| SLA Number | Not Set |

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COMMITTEE REPORT

Date: 20 October 2011 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 11/02039/FUL
Application at: Hotel Du Vin 89 The Mount York YO24 1BL
For: Permanent retention of smoking shelter to rear following approval of temporary planning permission dated 13.05.2010 (10/00376/FUL)
By: Stephen Rodwell
Application Type: Full Application
Target Date: 21 September 2011
Recommendation: Approve

1.0 PROPOSAL

THE PROPOSAL

1.1 Planning permission is sought for the retention of a hexagonal smoking shelter which has been erected to the rear of the Hotel du Vin at 89 The Mount. The smoking shelter has a timber frame and is clad with tongue and grooved panels to the rear and is left open to the front elevation. The roof is clad in cedar shingles with copper rainwater guttering.

THE SITE

1.2 No.89 The Mount is a large early to mid 19th Century house, which had been converted to offices in the 1960s. In 2007, the building was extended and converted for use as a hotel. It is Grade II listed and located within the Central Historic Core Conservation Area outside the city walls.

PLANNING HISTORY

1.3 In January 2008, a one year temporary permission was granted for the smoking shelter to allow the Council adequate time to assess the impact of the shelter on residential amenity (07/02616/FUL).

1.4 A further application for the retention of the shelter was submitted in March 2010 (10/00376/FUL). Whilst Circular 11/95 advises that a second temporary permission should not normally be granted, a further one year temporary permission was granted on the basis that the received objection letters from local residents highlighted a confusion that the previous permission had been a permanent permission and also revealed a lack of awareness that complaints should not only

be directed to the Hotel management but also to the Environmental Protection Unit to give the Council documentary evidence of any objections.

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; 89 The Mount, York

2.2 Policies:

CYHE2 Development in historic locations
CYGP1 Design

3.0 CONSULTATIONS

Design Conservation and Sustainable Development

3.1 The physical presence of the shelter does not adversely affect the setting of the main building. In addition fears about the damaging effect on trees of the concrete raft, on which it was built, have been allayed. The building does not appear to adversely affect the character and appearance of the conservation area.

Environmental Protection Unit

3.2 No objections. Since the temporary permission was granted in May 2010, only 1 complaint has been received regarding noise from the shelter. A letter was sent to the hotel following this complaint and no further complaints were received. Therefore the Environmental Protection Unit has no evidence that demonstrates that smoke or noise from this shelter is having an affect on amenity.

Micklegate Planning Panel

3.3 No planning objections but wish to comment about the use of inefficient and wasteful external heating.

Neighbours

3.4 Four letters have been received from local residents commenting on the application as follows;

- (i) Noise - noise would have been reduced if the open sides faced away from residents properties. The hotel management have been contacted on

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several occasions to ask them to deal with noisy guests. They usually respond but the staff on duty should notice excessive noise and deal with it before it disturbs the residents.

- (ii) Do not object in principle but request that the facility is more actively managed given that on a few occasions, there has been noise disturbance at night
- (iii) Should permission be granted, there should be a condition that restricts the use of the shelter after 10pm at night.
- (iv) Comment relating to staff smoking area, which is located behind the fence adjacent to number 84, subjecting resident to smoke pollution on a regular basis. Why can't residents and staff use the same building?

4.0 APPRAISAL

4.1 Key Issues

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

IMPACT ON HERITAGE ASSETS

4.2 Planning Policy Statement 5 " Planning for the Historic Environment " seeks to ensure that the special characteristics of listed buildings and conservation areas are not adversely affected by inappropriate developments. Local Plan Policy HE2 states that within conservation areas and in locations which affect the setting of listed buildings, proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

4.3 The smoking shelter is a relatively small structure sited under a tree canopy away from the original rear elevation of the building. The eaves height is below cill height of the neighbouring hotel block and the ridge sits below the ridge of the adjacent electricity sub station. Officers consider that the smoking shelter has a neutral impact upon the setting of the listed building and the wider Conservation Area and therefore accept that the proposal accords with Local Plan policy HE2.

AMENITY OF SURROUNDING OCCUPANTS

4.4 Local Plan policy GP1 seeks to ensure that development proposals result in no undue adverse impact from noise, disturbance, overlooking, overshadowing or from overdominant structures.

4.5 The nearest houses are located approximately 30 metres from the smoking shelter with the closest boundary to their gardens being approximately 18 metres. Four letters have been received from local residents objecting to the proximity of the

shelter principally for the reasons of late night noise and smoke pollution. Comments have been made that the facility should be more actively managed.

4.6 At the request of Officers, Hotel Du Vin have forwarded a statement confirming how the smoking shelter is managed;

"Hotel du Vin is a reputable establishment providing the highest level of service to our guests in a comfortable and relaxed environment. This is achieved through signage instructing guests that the cigar shack is to be closed at 10.30pm, our Bar Team are trained to ensure this happens and our Duty Managers are trained to ensure that the bar team are fulfilling their duties. To ensure that this is made clear we have a barrier which is erected across the entrance to the cigar shack, the fire is turned off and the lighting switched off.

Our Night Management team, of which we have 2 team members on at all times conduct regular walk rounds of the building for security and fire safety; this team is also trained to ensure that our guests and neighbours are not disturbed by other hotel guests.

I personally have an open door policy to my neighbours should any form of disturbance arise and indeed have made changes to the training policy to reflect issues raised by residents as to what happens when the cigar shack is closed - once the cigar shack is closed, guests were congregating in the same general area for cigarettes. My nights team are now trained to usher these guests to the front of the building to ensure that our other guests and neighbours are not disturbed (we have several rooms that are directly above and adjacent to the cigar shack and rear of hotel).

4.7 The previous temporary permissions have allowed for a period of monitoring to take place to determine the impact of the shelter on residential amenity. Since the last granting of permission in May 2010, the Environmental Protection Unit state that only one complaint has been received regarding noise from the shelter. In response, a letter was sent to the hotel since which no further complaints have been received.

4.8 In the context of the management plan provided by the Hotel and given that there is a lack of evidence to suggest that the smoking shelter is significantly impacting on residential amenity, Officers consider that it would be difficult to resist the permanent retention of the smoking shelter on the grounds of the impact on the amenity of surrounding occupants. It is therefore recommended that permission be granted subject to a condition requiring the active management of the facility in accordance with the statement provided by the Hotel.

5.0 CONCLUSION

5.1 On the basis of a condition requiring the active management of the smoking shelter in accordance with the statement provided by the Hotel, the permanent retention of the smoking shelter is considered to accord with national and local plan policy. Approval is therefore recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Received 25 July 2011;

Dwg No: BLC-32-05 I Rev A

Dwg No: BLC-32-10 I Rev A

Dwg No: BLC-32-02 I Rev B

Dwg No: C110 Rev E

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

2 The shelter hereby approved shall be managed in accordance with the details contained within the e-mail from David Macdonald on 29 September 2011. The shelter shall not be used between the hours of 22:30 and 09:00 every day.

Reason: To safeguard the amenities of nearby residents.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the Central Historic Core Conservation Area and the impact on residential amenity. As such the proposal complies with Policies HE2, HE3 and GP1 of the City of York Development Control Local Plan.

Contact details:

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

Tel No: 01904 551610

Application Reference Number: 11/02039/FUL

Item No: 5h

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11/02039/FUL

Hotel du Vin, 89 The Mount



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| Organisation | City of York Council |
| Department | City Strategy |
| Comments | |
| Date | 07 October 2011 |
| SLA Number | Not Set |

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COMMITTEE REPORT

Date: 20 October 2011 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 11/00480/FUL
Application at: Go Mobile 11 Church Street York YO1 8BG
For: Change of use from retail (use class A1) to hot food
takeaway (use class A5) with extract grille to first floor
window (retrospective)
By: Mrs S Caglar
Application Type: Full Application
Target Date: 22 September 2011
Recommendation: Refuse

1.0 PROPOSAL

1.1 Retrospective planning permission is sought for a change of use of an A1 retail unit to a hot food take away (Class A5) at 11 Church Street. The property is Grade II listed and is located on a Primary Shopping Street within the Central Historic Core Conservation Area. Formerly a mobile phone shop, the use is currently operating as an A5 unit with some seating. The first floor is used for kitchen preparation.

1.2 Retrospective permission is also sought an extract grill to the first floor window on the front elevation. A listed building application for this extract has not been submitted.

1.3 The application has been brought to Committee at the request of Cllr Watson due to concerns relating to the effect of non retail businesses on Church Street.

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; 10 Church Street York YO1 2BG 0771

Listed Buildings GMS Constraints: Grade 2; 11 Church Street York YO1 2BG 0769

2.2 Policies:

CYS3 Mix of use in certain shopping streets

CYS6 Control of food and drink (A3) uses

CYS7 Evening entertainment including A3/D2
CYHE3 Conservation Areas

3.0 CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 No objections

DESIGN CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.2 The alterations to the front elevation harm the character of the building as one of special architectural or historic interest and its contribution to the character and appearance of the conservation area.

CITY STRATEGY

3.3 Should permission be forthcoming, the proposals would see an increase in non retail frontage to 35.52%. However it should also be taken into consideration that there is an extant permission at Talbot House (Sony Centre) for the change of use from A1 to A3 and to be split into 2 units. Taking this into consideration, the non retail frontage increases to 41.1 % which would further increase to 44.01% should permission be granted for the current proposal. Accordingly, this does not comply with Policy S3a. As such there is a policy objection.

ENVIRONMENTAL PROTECTION UNIT

3.4 Comments awaited.

GUILDHALL PLANNING PANEL

3.5 Do not object but note that yet again a retrospective application and the quality of the plans are very poor.

PUBLICITY

3.6 A letter of objection has been received from the owner of 10 Church Street stating that another A5 unit will tip the balance and alter the appearance and ambience of Church Street. There are many A5 properties in the area already and it is noted that four more take away units have begun trading adjacent to Church Street in the last year. The extract grill is inadequate and will become a grease trap. It is a fire risk.

4.0 APPRAISAL

4.1 The key issues are:

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

The vitality and viability of the street and the city centre as a whole

4.2 PPS4 advises that Planning Authorities set a strategy for management and growth of centres over a plan period. At local level this includes defining the centre and primary shopping areas, and establishing policies which state what type of development will be appropriate in that area. Policy S3a of the Local Plan identifies Church Street as a primary shopping street, where non retail uses will only be permitted when they will not dilute the retail function of the street, or the centre as a whole. Factors to consider in assessing the impact will be: location and prominence of the premises, the amount of non-retail uses (as a guide a maximum of 35% non-retail premises are given), the level of activity associated with the proposed use, and the proportion of vacant premises in the area.

4.3 The non-A1 frontage of Church Street consists of the St. Sampson's Centre, a pub, two cafes and a hot food takeaway (A5 use). There are 3 vacant units. Including the street frontage relating to the church, which City Strategy confirm should be included in the calculations, the non A1 uses (including the proposed change of use) currently comprise 32.91% of the frontage. The change of use of 11 Church Street would bring the level of non retailing uses to 35.51%.

4.4 The comments from City Strategy as detailed in paragraph 3.3 with respects to the extant permission at the Sony Centre are noted. This permission expires at the beginning of 2012 and Officers consider it unlikely that it will be implemented given its continued retail occupation and therefore conclude that it should be given little weight in determining this application.

4.5 Officers acknowledge that the proposal brings the non retailing uses in Church Street over the threshold set down in Policy S3A and also note that there is a cluster of A3, A4 and A5 uses at this end of Church Street with an A5 unit adjacent to the application site, adjacent to which is a pub and opposite which is a cafe. Whilst outside the scope of planning control, and not related to the retail provision of the street but more relevant in an assessment of the character of the area, there are also 4 No. mobile take away units in the vicinity of Church Street including two in St. Sampson's Square together with a mixed use retail / hot food takeaway in St. Sampson's Square.

4.6 Notwithstanding the above, it is considered that it would be difficult to refuse the proposed use on the grounds of undue detrimental impact on the retail function of the street. This conclusion is based on the consideration that the non retailing proportion is only marginally above the 35% threshold, that there are three vacant units in Church Street, which Policy S3A states should be taken into account, and the consideration that 11 Church Street is a relatively small unit with 22 square metres of internal floorspace and a frontage of only 5.9 metres.

The amenity of surrounding occupants

4.7 Local Plan Policy S6 relates specifically to the control of food and drink uses and states that planning permission for the extension, alteration or development of premises for A3 uses (food and drink) will be granted in York City Centre provided that a) there is no unacceptable impact on the amenities of surrounding occupiers as a result of traffic, noise smell or litter; b) the opening hours of hot food takeaways are restricted where this is necessary to protect the amenity of surrounding occupiers; c) car and cycle parking meets standards referred to in the Local Plan, and d) acceptable external flues and means of extraction have been proposed. Policy S7 states that proposals for new leisure uses (including use classes A3 and D2) that complement York City Centre will be permitted provided that a) there is no adverse cumulative effect on the vitality and viability of the Centre, and b) there is no unacceptable effect on residential amenity.

4.8 The applicant's state their opening times as 08:30 to 18:00 however it is acknowledged that in granting a change of use without an hours of use restriction, the character and activity associated with the use could change in the future. The only residential accommodation on Church Street is associated with the Golden Lion pub at 9 Church Street, although it is believed that the licence holder of the pub does not live on site. This pub is licensed to open until 2am Thursday to Sunday and 1am on other nights of the week. The hot food takeaways operating in close proximity to the application site comprise 14 St. Sampson's Square and 10 Church Street, the planning approvals for which imposed no opening hours restrictions.

4.9 A premises licence would be required for the business to operate after 11pm at night and such a licence would cover issues relating to CCTV, notices requesting the public to respect the needs of local residents, a general litter pick up and tidy of the general area on closing, and security. With respects to an application at 10 Church Street in 2010 to allow opening until 5am, the Police Architectural Liaison Officer stated that there is no evidence to suggest that the business at St. Sampson's Square has generated crime or anti social behaviour.

4.10 Given the City Centre location, the lack of residential properties in close proximity to the site and the fact that should the current or future owners of the business wish to open after 23:00, the requirement for a premises licence would

control aspects relating to noise, litter and security, Officers consider that the proposal would be in accordance with Local Plan polices S6 and S7.

Impact on heritage assets

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

4.12 11 Church Street, a Grade II listed building, was constructed between 1836 - 1839 and incorporates an early 20th Century shopfront. In order to provide kitchen extraction, one of the lower panes to the first floor sash windows to the front elevation has been blanked in and a vent has been inserted. Officers consider this alteration to be harmful to the character of the building as one of special architectural or historic interest and its contribution to the character and appearance of the conservation area and no justification for the works have been put forward. Officers therefore consider this element of the application to be contrary to PPS5: Planning for the Historic Environment, and policies HE3 and HE4 of the Draft Local Plan.

4.13 Limited information has been submitted with the application and comments from the Environmental Protection Unit are awaited as to an appropriate method of extraction for this business. An alternative means of extraction would need to form the subject of a listed building and revised planning application and an assessment would be made as to whether the extraction can be accommodated without harm to the character or appearance of the listed building and Conservation Area. Members will be updated at the meeting.

5.0 CONCLUSION

5.1 Officers consider that it would be difficult to refuse the proposed change of use on the grounds of undue detrimental impact on the retail function of the street. This conclusion is based on the consideration that the non retailing proportion is only marginally above the 35% threshold, that there are three vacant units in Church Street and the consideration that 11 Church Street is a relatively small unit.

5.2 Despite the above, the installation of an extract grill to the first floor window is considered to conflict with Policies HE3 and HE4 of the Local Plan and related national guidance and therefore on this basis, it is recommended that planning permission be refused.

6.0 RECOMMENDATION: Refuse

1 The blanking in one of the lower panes to the first floor window and the insertion of a vent detracts from the architectural interest of the building. The works are therefore harmful to the character of the building and its contribution to the character and appearance of the Central Historic Core Conservation Area and there is inadequate justification and no public benefits that outweigh the harm caused. As such the proposals are contrary to PPS5: Planning for the Historic Environment, and policies HE3 and HE4 of the Draft Local Plan.

Contact details:

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

Tel No: 01904 551610

11/00480/FUL

11 Church Street, YO1 8BG



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| Organisation | City of York Council |
| Department | City Strategy |
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| Date | 07 October 2011 |
| SLA Number | Not Set |

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| East Area Planning Sub Committee | 8 th September 2011 |
| West and City Centre Area Planning Sub Committee | 20 th October 2011 |
| Planning Committee | 22 nd September 2011 |

Appeals Performance and Decision Summaries

Summary

- 1 This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3-month period up to 30th June 2011, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals as at 30th August 2011 is also included.

Background

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. Whilst the percentage of appeals allowed against the Council's decision is no longer a National Performance Indicator, it has in the past been used to abate the amount of Housing and Planning Delivery Grant (HPDG) received by an Authority performing badly against the average appeals performance. Appeals performance in York has been close to the national average for a number of years.
- 3 Whilst the Inspectorate breaks down the appeals by type in reporting performance, the table below includes all types of appeals such as those against refusal of planning permission, against conditions of approval, enforcement notices, listed building applications and lawful development certificates. Figure 1 shows performance on appeals decided by the Inspectorate, in each CYC Sub Committee area and in total for the 3 and 12 month periods to 30th June .

**Fig 1: Appeals Decided by the Planning Inspectorate
For 3 months and Year to 30th June 2011**

| | 3 Months | | | 12 Months | | |
|------------------|-------------|-----------------|--------------|--------------|-----------------|--------------|
| | East | West/ Centre | Total | East | West/ Centre | Total |
| Allowed | 3 | 2 | 5 | 10 | 6 | 16 |
| Part Allowed | 0 | 0 | 0 | 1 | 3 | 4 |
| Dismissed | 5 | 5 | 10 | 20 | 20 | 40 |
| Total Decided | 8 | 7 | 15 | 31 | 29 | 60 |
| % Allowed | 37.5 | 28.57 | 33.33 | 32.26 | 20.68 | 26.67 |
| % Part Allowed | 0 | 0 | 0 | 3.22 | 10.34 | 6.67 |
| Withdrawn | 1 | 0 | 1 | 1 | 0 | 1 |

Analysis

- 4 The table shows that for the 3 months to 30th June 2011, a total of 15 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 5 were allowed. At 33.33%, this rate of appeals allowed is at the national average, and higher than the 21.05%, for the previously reported 3 month period.
- 5 For the 12 months up to 30th June 2011, CYC performance was 26.67% allowed, again higher than the previously reported 12 month period of 23.33% but still below the national average.
- 6 The summaries of appeals determined in the 3 months to 30th June 2011 are included at Annex A. Details as to whether the application was dealt with under delegated powers or Committee (and in those cases the original officer recommendation) are included with each summary. Figure 2 below shows that in the period covered, 6 of the appeals determined related to applications refused by Committee:-

Figure 2: Applications Refused by Committee

| Reference | Site | Proposal | Outcome | Officer Rec. |
|---------------|--------------------------|-------------------------------|--------------------|--------------|
| 10/01871/FUL | 62 Brockfield Park Drive | Shop (A1) to takeaway (A5) | Dismissed | Approve |
| 10/01688/ADV | 1 Peckitt Street | Lettering Sign | Dismissed | Refuse |
| 10/01689/LBC | 1 Peckitt Street | Lettering Sign | Dismissed | Refuse |
| 10/02096/FULM | 156B Haxby Road | Residential development | Allowed with costs | Approve |
| 10/02529/FUL | 124 Heslington Lane | Extensions to bungalow | Dismissed | Approve |
| 10/01521/FUL | 24 Hull Rd. | Dwelling (C3) to offices (C2) | Allowed | Approve |

- 7 The list of current appeals is attached at Annex B. There are 12 appeals lodged with the Planning Inspectorate, 5 in the East Sub Committee area and 7 in West and City Centre Sub Committee area. 11 are proposed to be dealt with by the Written Representation process (W) and 1 (North Selby Mine Enforcement Notice Appeal) by Public Inquiry (P) .

Consultation

- 8 This is essentially an information report for Members and therefore no consultation has taken place regarding its content.

Corporate Objectives

- 9 The report is relevant to the furthering of the Council's objectives of making York a sustainable City, maintaining its special qualities, making it a safer city, and providing an effective organisation with high standards.

Implications

- 10 Financial – There are no financial implications directly arising from the report.

- 11 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information.
- 12 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 13 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

- 14 In compliance with the Council’s risk management strategy, there are no known risks associated with the recommendations of this report.

Recommendation

- 15 That Members note the content of this report.

Contact Details

| | |
|--|--|
| Author: | Chief Officer Responsible for the report: |
| Jonathan Carr, Head of Development Management, Directorate of City Strategy | Mike Slater Assistant Director Planning & Sustainable Development, Directorate of City Strategy |

01904 551303

**Report
Approved**



Date 30th August
2011

Specialist Implications Officer(s) None.

Wards Affected:

All Y

For further information please contact the author of the report

Annexes

Annex A – Summaries of Appeals Determined between 1st April and 30th June 2011

Annex B – Outstanding Appeals to 30th August 2011

Appeal Summaries for Cases Determined 01/04/2011 to 30/06/2011

Application No: 10/00586/FUL
Appeal by: Mr And Mrs J Peel
Proposal: Change of use of buildings/land for travelling showpeople's site for one family
Address: The Stables Elvington Lane Elvington York

Decision Level: DEL

Outcome: DISMIS

Summary of Decision
Against the proposal: The use would be inappropriate development in the green belt, would erode openness and would conflict with the purposes of the green belt. Also it would have a modest harmful effect on the character and appearance of the locality.
In favour of the proposal: There is a clear need for showmens plots in the York area. No sites have been identified to date and it is likely to be at least two years before suitable alternative sites will be identified as part of the LDF. The appellants have special health and educational needs and are currently living in unsatisfactory circumstances in the car park of a social club. The proposal would not be unacceptably harmful to the living conditions of neighbours.
On balance the substantial harm to the objectives of the green belt is not outweighed by the other considerations, which do not amount to very special circumstances. Nevertheless, given the current lack of sites and the potential for sites to be allocated as part of the LDF, a temporary (5-year) permission, personal to the appellants, is acceptable. The case is so finely balanced so that only the second application, which has slightly less harm to the green belt than the first application, is allowed.
Kevin O'Connell 29/6/11

Application No: 10/01521/FUL
Appeal by: Mr Robert MacMahon
Proposal: Change of use from dwelling (use class C3) to offices (use class A2), alterations to access
Address: 24 Hull Road York YO10 3JG

Decision Level: CMV

Outcome: ALLOW

The application was for the change of use of a three bedroomed semi-detached dwelling to a Letting Office. The site is between a petrol filling station and car wash and the dairy site which has recently gained planning permission for student accommodation. To the rear of the site is Devon Place which is a street of semi-detached dwellings. Opposite the site on Hull Road is a parade of shops and takeaway units. The application was recommended for approval by Officers; however the application was overturned at Committee. The grounds for refusal were the loss of a family sized dwelling on the existing and future housing stock and as such was contrary to Policy H9 and the Strategic Housing Market Assessment (SHMA) 2007. The appeal was allowed. The Inspector noted that in the 2010 Annual Monitoring Report that the majority of completions were for 1 - 2 bedroomed properties, and as such clearly falls short of the targets of the SHMA. However the Inspector stated that the SHMA was a strategic document and does not deal specifically with the loss of a single dwelling. Given the small scale nature of the development the Inspector considered that the loss of a dwelling did not materially harm the objective of Policy H9, as the Policy takes into account individual site circumstances and the character of uses in the surrounding area. The Inspector considered that the dwelling would have limited appeal as a family residence, and noted that the dwelling has been marketed for 6 months with little interest. The Inspector did not consider there would be any traffic or parking issues caused by the proposed letting office. At the committee meeting the appellant had tried to alter the application by removing the hours of use/operation they requested in their application, this had also been requested during the appeal. The Inspector restricted the hours of use of the site as to those requested by the Council to safeguard the amenity of the surrounding residents.

Application No: 10/01688/ADV
Appeal by: Mr Gordon Gildener
Proposal: Display of 1no. lettering sign
Address: Bailey And Gildeners Solicitors 1 Peckitt Street York YO1 9SF
Decision Level: CMV
Outcome: DISMIS

The application sought to display an individual lettering sign measuring 1200mm high and 2500mm wide with a depth of 25mm which would project 50mm from the face of the building. The sign would have read "Richardson Gildener Solicitors", constructed in MDF with 24ct gold leaf applied to the faces and returns of the lettering. It would have been in the centre of the two buildings on a prominent corner at first floor level. The application was refused as it was 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 would detract from the domestic, residential character of the listed buildings which would change the character of the area and detract from the historic quality of the setting of designated assets of the highest significance. The Inspector stated The proposed advertisement is restrained and modest, but it would be located on the corner of the building and would be in a prominent position. It would, most importantly, be above the projecting sill band where only two small security alarm boxes intrude upon the otherwise original frontages of the building. This virtually original appearance of the building, irrespective of its use, was he concluded worthy of preservation.

Application No: 10/01689/LBC
Appeal by: Mr Gordon Gildener
Proposal: Display of 1no. lettering sign
Address: Bailey And Gildeners Solicitors 1 Peckitt Street York YO1 9SF
Decision Level: CMV
Outcome: DISMIS

The application sought to display an individual lettering sign measuring 1200mm high and 2500mm wide with a depth of 25mm which would project 50mm from the face of the building. The sign would have read "Richardson Gildener Solicitors", constructed in MDF with 24ct gold leaf applied to the faces and returns of the lettering. It would have been in the centre of the two buildings on a prominent corner at first floor level. The application was refused as it was 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 would detract from the domestic, residential character of the listed buildings which would change the character of the area and detract from the historic quality of the setting of designated assets of the highest significance. The Inspector stated The proposed advertisement is restrained and modest, but it would be located on the corner of the building and would be in a prominent position. It would, most importantly, be above the projecting sill band where only two small security alarm boxes intrude upon the otherwise original frontages of the building. This virtually original appearance of the building, irrespective of its use, was he concluded worthy of preservation.

Application No: 10/01871/FUL
Appeal by: Mr I Harman
Proposal: Change of use from retail (use class A1) to hot food takeaway (use class A5) and provision of external extract flue
Address: 62 Brockfield Park Drive Huntington York YO31 9ER

Decision Level: CMV

Outcome: DISMIS

The appeal was against the refusal of a take away. The application had been supported by officers and overturned by committee. The reason for refusal related to the detrimental impact on the amenities of surrounding residents by virtue of an accumulation of noise, traffic, litter, odour, and anti-social behaviour which would detract from the quiet enjoyment and amenity of their homes. This was considered contrary to policy S6. The Inspector accepted that many of the movements associated with a take away would be similar to other shop uses the differences being the opening hours (to 22:00) and the cooking smells. In terms of noise and disturbance as a result of the opening hours the Inspector considered that as PPS24 refers to 23:00 as the time people will normally be asleep, noise should have died down by this time. In terms of odour the Inspector considered that for the residential amenity of adjacent occupiers it is vital that odours from food preparation and cooking would be adequately treated. The Inspector concluded that the ventilation report supporting the application included significant caveats about both suggested methods of control, based on the unknown nature of the proposed catering equipment, the type of building and the potentially prohibitive cost. The degree of uncertainty did not provide confidence that a satisfactory solution could be achieved which could also be properly maintained at reasonable cost. The Inspector considered that the final design of extraction equipment would have a significant bearing on the external appearance of the premises. Furthermore the Inspector said although not a reason for refusal of the application, the Council's statement raises concerns about the appearance of the proposed flue. I agree that the flue, which would be on prominent view, would be an unattractive addition to the street scene. The appeal was dismissed.

Application No: 10/01961/FUL
Appeal by: Mr S Thomas
Proposal: Change of use of land for siting of 23 No. static caravans
Address: Home Lea Elvington Lane Elvington York YO41 4AX

Decision Level: DEL

Outcome: DISMIS

The site consists of a long sinuous plot leading back from the B1228 Elvington Lane north of Elvington Airfield within the Green Belt. It has previously been used as a touring caravan site for up to 20 caravans. The appellant sought planning permission for change of use to a static caravan site holding 23 timber built chalets with associated facilities. The application was refused on the grounds of impact upon the open character of the Green Belt, failure to secure the Green Belt purpose of preventing urban coalescence and failure to supply sufficient information in respect of surface water drainage. The inspector took the view that the proposal as a matter of fact and degree was of a different order to the previous use and would have a significant urbanising impact upon Green Belt. In his opinion by virtue of its failure to address the Green Belt purpose of preventing urban coalescence and its severe impact upon the openness of the Green Belt it would by definition be inappropriate. The appeal was dismissed.

Application No: 10/02082/FUL
Appeal by: Mr And Mrs J Peel
Proposal: Change of use of buildings/land to travelling showperson's site for one family (resubmission)
Address: The Stables Elvington Lane Elvington York

Decision Level: DEL

Outcome: ALLOW

Summary of Decision Against the proposal: The use would be inappropriate development in the green belt, would erode openness and would conflict with the purposes of the green belt. Also it would have a modest harmful effect on the character and appearance of the locality. In favour of the proposal: There is a clear need for showmens plots in the York area. No sites have been identified to date and it is likely to be at least two years before suitable alternative sites will be identified as part of the LDF. The appellants have special health and educational needs and are currently living in unsatisfactory circumstances in the car park of a social club. The proposal would not be unacceptably harmful to the living conditions of neighbours. On balance the substantial harm to the objectives of the green belt is not outweighed by the other considerations, which do not amount to very special circumstances. Nevertheless, given the current lack of sites and the potential for sites to be allocated as part of the LDF, a temporary (5-year) permission, personal to the appellants, is acceptable. The case is so finely balanced so that only the second application, which has slightly less harm to the green belt than the first application, is allowed. Kevin O'Connell 29/6/11

Application No: 10/02096/FULM
Appeal by: Yorkshire Housing Limited
Proposal: Residential development consisting of 7no. two storey dwellings and 6no. apartments in a three storey building on site of former Co-operative Dairy (resubmission)
Address: Axcent Ltd 156B Haxby Road York YO31 8JN

Decision Level: COMM

Outcome: ALLOW

The application was refused by sub-committee on 6 January 2011 on grounds of highway safety and overdevelopment detrimental to the visual amenity of the area. The application had been recommended for approval by officers. The Inspector took the view that the width of the access road would be sufficient to allow two cars to pass and would be significantly wider than the effective width of White Cross Road. While the footway would be less than 2m wide and the Inspector agreed that there may be some difficulty passing a wheelchair or a buggy, he opined that given the likely volume and speed of traffic, significant safety problems would be unlikely to arise. He accepted that the loss of parking bays would exacerbate parking problems to some degree and that the access to the site for larger vehicles would be somewhat difficult, however he considered that this situation would exist for most uses of the site and considered that if re-used for commercial purposes this would be likely to attract many more large vehicles to the site than the appeal scheme. He recognised that the scheme would add to vehicle numbers in White Cross Rd but concluded that the traffic generated would be barely noticeable. In terms of the character and appearance of the area the Inspector noted that whilst there would be built form close to the boundaries of the site, that is already the case with the existing building, moreover the appeal scheme would give a wide open aspect between the site and the cycle path, which would give the locale a much more open and attractive character. The Inspector agreed that a significant amount of space to the front of the dwellings would be taken up by hard surfacing and parking but balanced this against an overall improvement to the appearance of the area. The appeal was allowed and a partial award of costs was made against the LPA, the Inspector considering that the LPA acted unreasonably in refusing the scheme on visual amenity grounds.

Application No: 10/02129/FUL
Appeal by: Mr A Connolly
Proposal: New dwelling with garage to rear with access from Millfield Lane. (Ridge line amendment and rooflights added from approval 10/01072/FUL)
Address: 16 Midway Avenue Nether Poppleton York YO26 6NT

Decision Level: DEL

Outcome: DISMIS

Appeal dismissed. A single storey house had been permitted in the garden. The appeal was against a revised application to add a hipped gable roof, with higher ridge height at one end, to allow stairs into the roofspace. Inspector agreed that this would lead to an awkward looking roof that would be more prominent. In comparison to the approved scheme this development would have a detrimental impact on the appearance of the area.

Application No: 10/02344/FUL
Appeal by: Woodliffe
Proposal: Two storey side extension
Address: Woodstead 7 Hull Road Kexby York YO41 5LA

Decision Level: DEL

Outcome: DISMIS

This application sought permission for the erection of a two-storey side extension to provide additional living space, with an additional footprint of approx. 38%. Permission had been given for a smaller two-storey extension which has now lapsed, which had an additional footprint of approx 28%, revisions were sought to reduce the size to that previously approved, but were not received. The inspector agreed that insufficient justification was received to outweigh the harm to the openness of the green belt and that the addition was not considered to be small in scale.

Application No: 10/02529/FUL
Appeal by: Mr Haydn Kelly
Proposal: Hipped gable to both sides with dormers to front and rear
Address: 124 Heslington Lane York YO10 4ND

Decision Level: CMV
Outcome: DISMIS

The extensions to this bungalow were refused as it was considered that the design and massing of the resultant building would have a discordant appearance that would not be sympathetic or appropriate to that of neighbouring buildings. It was felt it would be incongruous in the street scene when viewed in conjunction with the surrounding properties that have a planned layout and appearance and would not therefore respect the local environment. As such, it would have had an adverse affect on the visual amenity of the area,The Inspector agreed, stating it would change the appearance " from that of a pleasant, unobtrusive bungalow to a rather assertive and bulky dwelling that would undermine the character of the nearby bungalows and sit incongruously between them and the larger properties to the south-west." hw went on to say the harmonious grouping (of bungalows) would be significantly disrupted and the street scene would be unacceptably harmed.

Application No: 10/02611/FUL
Appeal by: Mr Alan Burn
Proposal: Two storey and single storey rear extension
Address: 2 Rawcliffe Grove York YO30 6NR

Decision Level: DEL
Outcome: APPWDN

The rear extension to the dwelling was refused on the grounds that it would be out of character with the property and detract form the character and appearance of the Clifton Conservation Area. The Inspectorate after having initially registered the appeal, declined to accept it since a design and access statement had not been submitted with the a planning application. Such statements are statutorily required for developments within conservation areas. A subsequent application for reduced scheme has been approved.

Application No: 10/02632/FUL
Appeal by: Mrs Harriett Boyes
Proposal: Enlargement of front lightwell, new steps and entrance door (resubmission)
Address: 81 Union Terrace York YO31 7ES

Decision Level: DEL
Outcome: DISMIS

The application sought permission for an enlarged lightwell within the front garden area of 81 Union Terrace which serves the basement area. French doors were also proposed to replace the existing window. The lightwell would project out into the garden area and would be angled to splay out from the front elevation exposing the walls to the basement level. In dismissing the appeal the Inspector stated that he found the shape of the proposed lightwell to be entirely at odds with the formal and regular detailing and character of the period properties. It would also be entirely out of keeping with the uniform appearance of the other lightwells in this group and it would detract from the design and appearance of this dwelling and its immediate neighbours. It would fail to preserve or enhance the character or appearance of the conservation area. It would therefore conflict with the objectives of PPS5.

Application No: 10/02675/ADV
Appeal by: Punch Taverns
Proposal: Display of non-illuminated fascia sign and externally illuminated hanging sign (resubmission)
Address: Royal Oak Inn 18 Goodramgate York YO1 7LG

Decision Level: DEL
Outcome: ALLOW

This application was approved with a condition that required the proposed modern hanging sign to be replaced with a traditional, timber, moulded lipped hanging sign finished in a matt paint as agreed in writing with the agent. The condition required the applicant to replace or remove the existing modern sign within 2 months from the date of the decision - but the wrong year (2010) was inserted in the condition!! The applicant, Punch Taverns, appealed against the condition. The Inspector was satisfied from submitted documentation that the wording of the condition should have been January 2011 and not January 2010. He concurred with the Council's view that sign had an overly shiny appearance that betrayed its non-traditional materials which were not sympathetic to its listed status within the conservation area. It was considered that the condition in dispute was necessary to ensure a less strident sign effect, the Inspector upheld the requirements of the local planning authority by ALLOWING the appeal with the disputed condition amended to the correct date of the documentation setting out the details of the sign to be erected with a two month period of compliance. The sign has now been removed from site.

Application No: 10/02676/LBC
Appeal by: Punch Taverns
Proposal: Display of non-illuminated fascia and externally-illuminated hanging signs (resubmission)
Address: Royal Oak Inn 18 Goodramgate York YO1 7LG

Decision Level: DEL

Outcome: ALLOW

This application was approved with a condition that required the proposed modern hanging sign to be replaced with a traditional, timber, moulded lipped hanging sign finished in a matt paint as agreed in writing with the agent. The condition required the applicant to replace or remove the existing modern sign within 2 months from the date of the decision - but the wrong year (2010) was inserted in the condition!! The applicant, Punch Taverns, appealed against the condition. The Inspector was satisfied from submitted documentation that the wording of the condition should have been January 2011 and not January 2010. He concurred with the Council's view that sign had an overly shiny appearance that betrayed its non-traditional materials which were not sympathetic to its listed status within the conservation area. It was considered that the condition in dispute was necessary to ensure a less strident sign effect, the Inspector upheld the requirements of the local planning authority by ALLOWING the appeal with the disputed condition amended to the correct date of the documentation setting out the details of the sign to be erected with a two month period of compliance. The sign has now been removed from site.

Application No: 10/02763/ADV
Appeal by: Mr Stephen Walton
Proposal: Retention of non illuminated fascia sign and illuminated projecting sign
Address: 22 Gillygate York YO31 7EQ

Decision Level: DEL
Outcome: DISMIS

The appeal relates to the erection of a non-illuminated fascia sign and an internally illuminated projecting green cross at Cohen's Chemist 22 Gillygate. Both signs were erected prior to Consent being sought. It was felt that the projecting sign fell within Class 5 to Schedule 3 of 2007 Town and Country Planning (Control of Advertisements) Regulations and that it could therefore be displayed with Deemed Consent. Express Advertisement Consent was refused in respect of the fascia sign on the grounds that as it was more than double the size of the existing fascia sign and its neighbours it was causing significant harm to the visual amenity of the local street scene by virtue of its scale, design and material. The appellant argued by contrast that it was subservient to its neighbours and that it closely reflected the wider rhythm of the street scene by virtue of its design and material. The Inspector took a directly contrary view suggesting that the sign was brash, intrusive and incongruous within the street scene and out-of-scale and over dominant when viewed against the building itself. Not surprisingly the appeal was dismissed.

| | |
|--------------------------------|--|
| Decision Level: | Outcome: |
| DEL = Delegated Decision | ALLOW = Appeal Allowed |
| COMM = Sub-Committee Decision | DISMIS = Appeal Dismissed |
| COMP = Main Committee Decision | PAD = Appeal part dismissed/part allowed |

Outstanding appeals

| | | | | | | | | |
|---------------------|--------------------------------|----------------------------|-----------------|--|--|-------------------|---------------------------------|----------|
| Ward: | Acomb | | | | | | Total number of appeals: | 1 |
| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: | Officer: | | |
| 04/05/2011 | 11/00030/REF | APP/C2741/A/11/2152248/NWF | W | Land Adjacent 106 Albion Avenue York | Alterations, extension and part demolition of existing building to create a single storey dwelling | Matthew Parkinson | | |
| Ward: | Derwent | | | | | | Total number of appeals: | 1 |
| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: | Officer: | | |
| 20/07/2010 | 10/00032/FUL | APP/C2741/A/10/2131700/NWF | W | OS Field 0553 Elvington Lane Dunnington York | Erection of stable block (retrospective) | Hannah Blackburn | | |
| Ward: | Huntington/New Earswick | | | | | | Total number of appeals: | 1 |
| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: | Officer: | | |
| 21/06/2011 | 11/00029/REF | APP/C2741/A/11/2155384/NWF | W | 279 Huntington Road York YO31 9BR | Erection of 5no. terraced dwellings with associated access following demolition of 279 Huntington Road | Gareth Arnold | | |
| Ward: | Haxby And Wigginton | | | | | | Total number of appeals: | 1 |
| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: | Officer: | | |
| 12/05/2011 | 11/00022/REF | APP/C2741/A/11/2151972 | W | Somerfield Haxby Shopping Centre The Village Haxby | External alterations including relocation of rear store entrance, roof plant area with timber screen, canopy to loading bay, 2 no. trolley shelters, ATM to front, rooflights to the front elevation, and external staircase to flat roof at the rear of the building. | Victoria Bell | | |
| Ward: | Micklegate | | | | | | Total number of appeals: | 6 |
| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: | Officer: | | |
| 15/06/2011 | 11/00027/REFL | APP/C2741/E/11/2154655/NWF | W | 4 Scarcroft Lane York YO23 1AD | Retrospective application for amendments to single storey extension granted under application 06/00690/LBC and internal alterations. | Jonathan Kenyon | | |
| 15/06/2011 | 11/00028/REF | APP/C2741/A/11/2154651 | W | 4 Scarcroft Lane York YO23 1AD | Retrospective application for amendments to single storey extension granted under application 06/00552/FUL | Jonathan Kenyon | | |

| | | | | | | |
|------------|--------------|------------------------|---|-------------------------------|---|--------------|
| 02/08/2011 | 11/00032/REF | APP/C2741/E/11/2157470 | W | 18 Bridge Street York YO1 6DA | Awnings to the front and side elevations | Fiona Mackay |
| 02/08/2011 | 11/00033/REF | APP/C2741/A/11/2157461 | W | 18 Bridge Street York YO1 6DA | Awnings to the front and side elevations | Fiona Mackay |
| 02/08/2011 | 11/00034/REF | APP/C2741/E/11/2157475 | W | 18 Bridge Street York YO1 6DA | Installation of new french windows to riverside elevation | Rachel Tyas |
| 02/08/2011 | 11/00035/REF | APP/C2741/A/11/2157473 | W | 18 Bridge Street York YO1 6DA | Installation of new french windows to riverside elevation | Rachel Tyas |

Ward: Strensall **Total number of appeals: 1**

| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: | Officer: |
|--------------|--------------|----------------------------|----------|---|--|---------------|
| 06/07/2011 | 11/00031/REF | APP/C2741/A/11/2156273/NWF | W | Green Acres Sheriff Hutton Road Strensall York YO32 | Siting of 4 cabins for use as holiday lets with associated access and hard surfacing | Michael Jones |

Ward: Wheldrake **Total number of appeals: 1**

| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: | Officer: |
|--------------|-------------|------------------------|----------|---|----------------|-------------------|
| 17/06/2011 | 11/00026/EN | APP/C2741/C/11/2154734 | P | North Selby Mine New Road To North Selby Mine | Appeal against | Matthew Parkinson |

Total number of appeals: 12



West & City Centre Area Planning Sub-Committee**20 October 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 96 new cases were received for this area within the last 3 months. 80 cases were closed and 214

remain outstanding. There are 79 Section 106 Agreement cases outstanding for this area after the closure of 3 in the last 3 months. 2 Enforcement notices were served during the period. These were at 68 Gillygate for the unlawful installation of swan neck lights to the front fascia and 91-93 Micklegate for the same thing.

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. We will improve the quality of the local environment and the condition of York's streets and public spaces. As detailed under the Corporate Strategy for a sustainable City.

9. Implications

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

Risk Management

10. There are no known risks.

Recommendations

11. That if Members have any queries or questions about specific cases on this enforcement report then please e-mail or telephone either Matthew Parkinson or Andy Blain by 5pm on Tues 18th October and also note the cases closed annex. Also, if members identify any cases which they consider are not now expedient to pursue and / or they consider could now be closed, then if they could advise officers, giving reasons, either at the meeting or in writing, then that would be very helpful in 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
Andy Blain
Planning Enforcement
Officers

Chief Officer Responsible for the report:

Chief Officer's name
Michael Slater
Assistant Director (Planning and Sustainable Development)

Dept Name City Strategy
Tel No. 551647/551314

**Report
Approved**

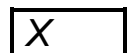


Date 06.10.2011

Specialist Implications Officer(s)

None

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



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) 6 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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