



**Notice of meeting of
Area Planning Sub-Committee**

To: Councillors McIlveen (Chair), Gillies (Vice-Chair), Douglas, Watson, Semlyen, Looker, Fitzpatrick, Galvin, Cuthbertson, Hyman and Warters

Date: Thursday, 4 July 2013

Time: 2.00pm

Venue: The George Hudson Board Room - 1st Floor, West Offices, York

AGENDA

Site visits for this meeting will commence on Wednesday 3 July 2013 meeting at Memorial Gardens at 10.00am

Members are advised to note that if they are planning to make their own way to the Site Visits please could they let Democratic Services know by **5 pm on Tuesday 2 July 2013 on 551031.**

1. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Exclusion of Press and Public

To consider excluding the public and press from the meeting during consideration of annexes to agenda item 6 on the grounds that these are classed as exempt under Paragraphs 1,2 and 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 - 34)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on Thursday 6 June 2013.

4. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officers on the contact details listed at the foot of this agenda. The deadline for registering is **5.00pm on Wednesday 3 July 2013**.

5. Plans List

To determine the following planning applications:

a) Coppergate Shopping Centre, Coppergate Walk, York (13/01318/FULM) (Pages 35 - 48)

Extension at ground to third floor levels to units 19/20 and 22.
[Guildhall Ward] **[Site Visit]**

b) Tote Bookmakers, 48 - 50 Beaconsfield Street, York, YO24 4ND (12/02558/FUL) (Pages 49 - 58)

Conversion of betting shop (use class A2) to 1 house and 4 flats (use class C3). *[Westfield Ward]* **[Site Visit]**

- c) **Plot 15, Great North Way, Nether Poppleton, York (13/00785/REMM)** (Pages 59 - 74)
Reserved matters application for approval of access, appearance, landscaping, layout and scale for the erection of 8 industrial and storage and distribution units following the grant of outline permission 06/00518/FUL (Phase 2).
[Rural West York Ward]
- d) **The Bonding Warehouse, Terry Avenue, York, YO1 6DH (13/00929/FULM)** (Pages 75 - 98)
Conversion of ground floor to restaurant (Class A3) and/or offices (Class B1), first floor to offices (Class B1) and upper floors to four. apartments, erection of external access tower and bridge link to Skeldergate and new mansard roof to southern building. *[Micklegate Ward]* **[Site Visit]**
- e) **The Bonding Warehouse, Terry Avenue, York, YO1 6DH (13/00930/LBC)** (Pages 99 - 108)
Internal and external alterations in connection with proposed use as restaurant and/or offices with apartments in upper floors including new mansard roof to southern building, erection of stair and lift access tower in courtyard and bridge link to Skeldergate. *[Micklegate Ward]* **[Site Visit]**
- f) **96 Dodsworth Avenue, York, YO31 8UD (13/00001/FUL)** (Pages 109 - 116)
Installation of an air source heat pump. *[Heworth Ward]*
- g) **12 Whitelands, Earswick, York, YO32 9FX (13/00876/FUL)** (Pages 117 - 124)
Two storey rear and single storey front and rear extensions (revised scheme). *[Strensall Ward]*

6. **Enforcement Cases Update** (Pages 125 - 414)

Members will consider a report which provides a continuing quarterly update on the number of enforcement cases currently outstanding.

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 2 July 2013** if possible so that officers can bring any necessary information to the meeting.

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

7. **Urgent Business**

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

Democracy Officers:

Name: Louise Cook/Catherine Clarke (job-share)

Contact Details:

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

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

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

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Would you like to speak at this meeting?

If you would, you will need to:

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

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

Further information about what's being discussed at this meeting

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

Access Arrangements

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

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The majority of councillors are not appointed to the Cabinet (39 out of 47). Any 3 non-Cabinet councillors can 'call-in' an item of business following a Cabinet meeting or publication of a Cabinet Member decision. A specially convened Corporate and Scrutiny Management Committee (CSMC) will then make its recommendations to the next scheduled Cabinet meeting, 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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- All public agenda/reports can also be accessed online at other public libraries using this link

<http://democracy.york.gov.uk/ieDocHome.aspx?bcr=1>

AREA PLANNING SUB COMMITTEE

SITE VISITS

Wednesday 3 July 2013

Members using the mini-bus meet at Memorial Gardens at 10.00am

TIME (Approx)	SITE	ITEM
10.15	48 - 50 Beaconsfield Street	5b
10.45	The Bonding Warehouse Terry Avenue	5d & 5e
11.20	Coppergate Shopping Centre	5a

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City of York Council

Committee Minutes

MEETING	AREA PLANNING SUB-COMMITTEE
DATE	6 JUNE 2013
PRESENT	COUNCILLORS MCILVEEN (CHAIR) (EXCEPT MINUTE ITEMS 4J), K) & R), GILLIES (VICE-CHAIR), DOUGLAS (EXCEPT MINUTE ITEMS 4C), I), J), K), R) & S)) WATSON, SEMLYEN (EXCEPT MINUTE ITEMS 4M) & Q)), LOOKER (EXCEPT MINUTE ITEMS 4A), B), H), K), M), R) & S)) GALVIN (EXCEPT MINUTE ITEMS 4C), I) J) L) R) & S)), CUTHBERTSON, WARTERS, FUNNELL (SUBSTITUTE FOR COUNCILLOR FITZPATRICK) AND REID (SUBSTITUTE FOR COUNCILLOR HYMAN)
APOLOGIES	COUNCILLORS FITZPATRICK, HYMAN & RICHARDSON

Site Visited	Attended by	Reason for Visit
Country Park, Pottery Lane, Strensall	Councillors Cuthbertson, Galvin, Gillies & McIlveen	To inspect the site and also as the application had been called by the Ward Member.
Fellini's, 11-12 Fossgate	Councillors Galvin, Gillies & McIlveen	As objections had been received and the recommendation was for approval.
St Trinity House, 3-4 Kings Square	Councillors Galvin, Gillies, McIlveen	At the request of the Ward Member, to assess the impact of the proposed change of use.
The Palace, Bishopthorpe Road	Councillors Cuthbertson, Galvin, Gillies, McIlveen & Watson	At the request of Councillor Watson due to concerns about possible harm that could be caused to the building.

15 Moor Lane, Haxby	Councillors Cuthbertson, Galvin, Gillies, McIlveen & Warters	To inspect the site and also because it had been called in by Ward Members.
Former Car Repair Garage, Rear of 70-72 Huntington Road	Councillors Cuthbertson, Galvin, Gillies & Warters	As objections had been received and the recommendation was for approval.
64 Old Orchard, Haxby	Councillors Cuthbertson, Galvin, Gillies, McIlveen & Watson	To inspect the site as it had been called in by the Ward Member.
1 Ryedale Court, The Village, Haxby	Councillors Cuthbertson, Galvin, Gillies, McIlveen & Watson	To understand the objections of local residents within the context of the application site.
Royal Dragon, 16 Barbican Road	Councillors Cuthbertson, Galvin, Gillies, McIlveen & Watson	To inspect the site.
36 Church Lane, Nether Poppleton	Councillors Cuthbertson, Galvin, Gillies, McIlveen & Watson	To inspect the site as it had been called in by a Member over concerns to its impact upon the special character and appearance of the Listed Building.
Westholme, 200 York Road	Councillors Cuthbertson, Galvin, Gillies, McIlveen & Watson	For Members to assess the visual impact of development, the access arrangements and the impact on neighbouring residential amenity.
42 Oxford Street	Councillors Cuthbertson, Galvin, Gillies, McIlveen & Watson	As objections had been received and the recommendation was for approval.

6 Tamworth Road	Councillors Cuthbertson, Galvin, Gillies, McIlveen & Watson	To inspect the site.
3 Fourth Avenue	Councillors Cuthbertson, Galvin, Gillies, McIlveen & Watson	To inspect the site as it had been called in by the Ward Member over concerns of the loss of family homes.

1. DECLARATIONS OF INTEREST

At this point in the meeting, Members were asked to declare any personal, prejudicial or pecuniary interests not included on the Register of Interests that they might have in the business on the agenda.

Councillor Gillies declared a personal interest in Agenda Item 4f) (St Trinity House, 3-4 Kings Square) as he had purchased his house from the estate agents which used to occupy the building.

Councillor McIlveen declared a prejudicial interest in Agenda Item 4j (Former Car Repair Garage, 70-72 Huntington Road) as he was friendly with one of the objectors and had discussed development with her on the site last year. He withdrew from the meeting whilst this item was discussed.

Councillor Semlyen declared a prejudicial interest in Agenda Item 4q (Nicholas Associates Architects, 42 Oxford Street) as the applicant was a friend of hers. She also declared a prejudicial interest in Agenda Item 4m (Royal Dragon, 16 Barbican Road) as she owned a property directly behind the application site. She withdrew from the meeting during the consideration of these two items.

2. MINUTES

RESOLVED: That the minutes of the East Area Planning Sub Committee held on 2 May 2013 and the West and City Centre Planning Sub-Committee held on 9 May 2013 be signed by the Chair as a correct record.

3. 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 Committee.

4. PLANS LIST

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

4a) Country Park, Pottery Lane, Strensall, York. YO32 5TJ (13/00760/FUL)

Members considered a full application by Miss Raquel Nelson for the use of land for winter storage of up to 30 touring caravans.

In their update to Members, Officers reported that since the publication of the agenda, further representations had been received from the Parish Council and a neighbouring resident. The Parish Council wished to support the recommendation for refusal on the basis that the development would be inappropriate in the Green Belt. The neighbouring resident raised concern at the continuing piecemeal nature of development at the site and the relationship with the application for siting a Manager's Chalet (Agenda Item 4b).

Representations in support were received from Mr Beal, the applicant's agent. He did not agree that the winter storage of caravans would detrimentally affect the Green Belt, as the storage was ancillary to the approved use of the site as a touring caravan park and the caravans will be well screened.

He commented that there would be no use of the stored caravans over the winter months, and that the applicants were in discussion to develop a sustainable water management scheme. He added that if Members were minded to approve the application that a condition for the applicant to work with the Foss Internal Drainage Board be added to planning permission.

Members were informed that from March the site would revert back to approved use as a touring caravan site and that the applicant hoped that visitors to the site would use the storage facility.

In response to questions from Members, the applicant's agent clarified that when the storage period ended in March, people who had stored their caravans over winter would have to come and collect them and take them away from the site. He also added that security arrangements for the site included the use of CCTV cameras and control gates.

RESOLVED: That the application be refused.

REASON: The use of the site for the winter storage of touring caravans between November and March each year would amount to inappropriate development in the Green Belt and would therefore be harmful to its openness contrary to Policy GB1 of the York Development Control Local Plan and Central Government planning policy in respect to the Green Belt set out in paragraph 89 of the National Planning Policy Framework.

4b) Country Park, Pottery Lane, Strensall, York. YO32 5TJ (13/00761/FUL)

Members considered a full application by Miss Raquel Nelson for the siting of a mobile home for use as a wardens lodge.

In their update to Members, Officers reported that since the publication of the agenda that further representations had been received from Strensall Parish Council and from a neighbouring resident.

The Parish Council questioned the need for the Manager's Chalet for security reasons and highlighted the lack of reported crime in the area. In addition they also questioned the siting of a static caravan in view of previous restrictions placed on the siting of static caravans at the site and its impact on the wider landscape. They also felt that a permanent presence was not necessary on the site and that accommodation could be provided within the existing "amenity" building.

The neighbouring resident also highlighted the use of the amenity building for warden's accommodation and the fundamental need for the accommodation, they also wanted to draw attention to the Mobile Homes Act 2013.

The Officer informed the Committee that the proposed accommodation was for a specific purpose related to the management and maintenance of the site as a touring caravan site and would not set a precedent for a change in the status of the wider site. The proposal also related to the operational needs of the site when fully in use, and so the lack of existing security was not considered to be relevant. In addition;

- The applicant was in the process of extending the landscaping at the northern edge of the site thereby mitigating the impact of the proposed chalet.
- Regarding the conversion of the existing building at the site, a partial change of use had been agreed to incorporate a site office and further conversion work would unreasonably compromise the level of amenities available to users of the site.
- The Mobile Homes Act 2013 primarily relates to the operational management of residential caravan sites or "park home" developments and is not relevant to the application.

Representations were received from the applicant's agent, Mr Beal. He reported that the applicant was happy to comply with the conditions listed in the Officer's reports.

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

REASON: The proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance with particular reference to impact upon the open character and purposes of the York Green Belt and precedent for permanent residential occupation of the site. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GB1 and V5 of the City of York Development Control Local Plan and Government policy

contained within paragraphs 79-92 of the National Planning Policy Framework.

4c) The Villa, Main Street, Elvington, York. YO41 4AG (13/00769/FUL)

Members considered a full application by Mr Paul Lofthouse for the removal of conditions 7 (Code for Sustainable Homes) and 8 (renewable heat and electricity) of planning permission 10/01265/FUL for the erection of a dormer bungalow.

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

REASON: The proposal subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance with particular reference to principle of redevelopment, design, density, sustainability, character and amenity, residential amenity, flood risk and drainage, highway safety and impact on local facilities. As such the proposal compiles with national advice contained in the National Planning Policy Framework and Policies SP6, H4A, H5A, GP1, GP4A, GP10, L1C and T4 of the City of York Draft Development Control Local Plan (incorporating fourth set of changes April 2005).

4d) Fellini's 11-12 Fossgate, York.YO1 9TA (13/00742/FUL)

Members considered a full application by Mr Jamie Lawson for a change of use from restaurant (use Class A3) to public house (use Class A4) and replacement shop front.

In their update, Officers informed Members objections had not been made by English Heritage and that a premises licence to sell alcohol had been granted, subject to conditions requested by the Police and the Council's Environment Protection Unit (EPU). They suggested that if Members were minded to approve the application that a condition could be added to amend the opening hours.

Representations in objection were received from an adjacent neighbour, Andrew Dorse.

He informed the Committee that no public consultation had taken place when a noise assessment had been carried out. He questioned the level of noise from the public house as his property had single glazed windows. He also highlighted that an outside smoking area was not included in the application.

Further representations were received from a representative of York Conservation Trust, Philip Thake. He was not convinced that there was a demand for further drinking establishments in Fossgate and did not believe that the glass roof would muffle noise from music being played. In addition he felt that the Police Architectural Liaison Officer's report that said that there was likely to be little trouble from the premises, should not be used as a reason for acceptance.

Representations in support were received from the applicant's agent, John Howlett. He informed Members that the applicant had considered the historic nature of the building and had taken into account comments from objectors. Due to these comments, the proposed function room had now been altered to be the manager's accommodation. He also added that the applicant had commissioned an acoustic report, which outlined that the main receptor for music was Morrel Yard from the glazed roof at the back. Members were told that secondary glazing would help to mitigate this effect. In relation to the proposed noise emission condition, the agent asked that the issue be left to the premises licence rather than also being addressed by the planning permission.

Questions from Members to Officers related to the licensed hours for the restaurant and noise emission from the public house.

In relation to a noise emission condition, the agent informed Members that the applicant was informed that a condition would not be on the premises licence but could be added on to planning permission.

An Officer from the Council's Environmental Protection Unit informed the Committee that the results from the noise assessment showed that there would be an increase in the volume emitted from the public house but the suggested secondary glazing would be sufficient to muffle the increase in levels.

Some Members felt that the premises licence did not take into account residents' concerns, as they had not been informed about the licence.

Councillor Watson moved refusal and Councillor Douglas seconded the motion.

On being put to the vote this motion fell.

Other Members felt that the application should be approved as there were suitable safeguards and enforceable actions that could be taken should the amenity of residents be detrimentally affected.

Officers advised Members that if they were minded to refuse the application that they needed to demonstrate clearly that the increased noise level from customers in the street would be harmful to residents.

Councillor Galvin moved the Officer's recommendation for approval. Councillor Gillies seconded this.

On being put to the vote this motion was tied. The Chair used his casting vote for approval, as he felt that one of the suggested conditions in the Officer's report would ensure that music emanating from the premises would be inaudible outside the premises and within adjoining buildings.

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

3. The use hereby permitted shall not be open to customers outside the following hours -
Sundays and Bank Holidays 09:00-23:30
Monday to Saturday 09:00-00:30 (the following day).

REASON: The proposal, subject to the conditions listed in the Officer's report and the amended condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to the vitality and viability of the city centre, the impact on heritage

assets and residential amenity. As such the proposal complies with Policies S3, S6, S7, GP1, HE3, and HE4 of the City of York Development Control Local Plan.

4e) Fellini's 11-12 Fossgate, York.YO1 9TA (13/00743/LBC)

Members considered a listed building consent application by Mr Jamie Lawson for a replacement shop front and internal alterations.

This application was considered at the same time as Minute Item 4d) (Fellini's, 11-12 Fossgate 13/00742/FUL).

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

REASON: The proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the listed building. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan.

4f) St Trinity House, 3-4 Kings Square, York. YO1 8BH (13/00626/FUL)

Members considered a full application by Leeds Brewery Company Ltd for a change of use of estate agents (use Class A2) to public house (use class A4) with manager's accommodation and new shop front.

In their update to Members, Officers suggested that if the Committee was minded to approve the application that a condition regarding the times of operation for the public house be amended from what had been originally requested by the applicants.

Representations in support were received from Michael Brothwell a representative for the applicant, Leeds Brewery Company. He informed the Committee that the brewery had worked closely with Council Conservation and Planning Officers and that the development was part of the proposed improvements to Kings Square.

He added that the public house would employ local people, and that members of the public would be able to see architectural features within the building that had been previously hidden from view.

Questions from Members to the applicant's representative related to whether the premises would contain TV screens, the level of catering and whether door staff would be employed.

The applicant's representative responded that TV screens would not be on the premises, and that the public house would actively try and have food as a high percentage of the turnover of the business. He added that in his opinion, the business would struggle if food was not at the heart of the operation of the public house. It was also reported that there would be a trained member of staff to perform door duties. Children would also be permitted inside the premises.

Representations in object were received from Doctor Roger Pierce. He raised several concerns to Members such as;

- That space above a shop nearby to the premises had been purchased for housing and this was not mentioned in the Officer's report.
- The need for assurances in writing regarding hours of operation and noise levels from the application.
- That mechanical sweepers could not get down the main entrance to clean the exterior of the building in the early morning.

Finally he felt that the application should be refused due to harm on the existing character of the area, for current and future residents.

Some Members asked if a condition relating to cleaning could be attached to planning permission if they were minded to approve the application. Officers confirmed that these types of conditions could not form part of a planning permission.

During discussion some Members felt that the application was a reasonable use of the building and that the internal layout would prevent it being used as vertical drinking establishment. Others felt that the use of a vacant building would positively contribute to the appearance of the area.

Others expressed concerns that the public house would have a detrimental effect on the square, as a performance area. They felt that the building should be used for retail purposes only.

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

3. The use hereby permitted shall not be open to customers outside the following hours -

Sunday to Wednesday 09.00 to 23.30
Thursday to Saturday 09.00 to 00.30 (the following day)

Reason: To protect the amenity of surrounding occupants and the character of the conservation area.

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 vitality and viability of the city centre, the impact on heritage assets and residential amenity. As such the proposal complies with Policies S3, S6, GP1, HE3, and HE4 of the City of York Development Control Local Plan.

4g) St Trinity House, 3-4 Kings Square, York. YO1 8BH (13/00627/LBC)

Members considered a listed building consent application by Leeds Brewery Company Ltd for internal and external alterations in relation with conversion to a public house.

Discussion on this application took place at the same time as the application at Minute Item 4f) (St Trinity House, 3-4 Kings Square) (13/00626/FUL) took place.

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

REASON: The proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to the historic fabric of the listed building. As such the proposal complies with Policies GP1 and HE4 of the City of York Development Control Local Plan.

**4h) The Palace, Bishopthorpe Road, York. YO32 2QE
(13/00629/LBC)**

Members considered a listed building consent application by Church of England Church Commissioners for the installation of 2no. chandeliers in Great Hall following removal of 2no.plaster rose details on ceiling.

Representations were received in support from the building surveyor, Richard Dunn. He explained the need for the installation of the chandeliers, in that when functions (which he added were not commercial) were held in the Great Hall the lighting made it difficult for attendees to read meeting papers. He added that the removal of the plaster rose details from the ceiling would match the rest of the internal finish.

Questions from Members to the building surveyor related to the use of the removed plaster drops. The surveyor answered that 95% of the material of the plaster rose details would be retained and that a small tulip detail would be removed to strengthen the support for the chandelier. He added that it would also contribute to the further general structural support of the Great Hall.

Members felt that the proposed application would cause little intrusion and that the removal of the plaster rose details would not detract from the rest of the highly decorated ceiling.

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

REASON: The proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to the historic fabric of the listed building. As such the proposal

complies with Policies GP1 and HE4 of the City of York Development Control Local Plan.

4i) 15 Moor Lane, Haxby, York. YO32 2PQ (13/00455/FUL)

Members considered a full application by Mr Jacob Verhoef for an erection of bungalow to side.

In their update to Members, Officers stated that;

- The applicant had submitted drainage details, but these had yet to be approved by the Flood Risk Management Team.
- That the applicant would have to demonstrate that surface water could be adequately drained before development commenced.
- That they still had concerns about sight lines from the private access, and suggested a condition be added to restrict height, if the application was approved.
- That Council Highways Officers raised no objections to the access and egress arrangements to and from the site.

Representations in objection were received from a neighbour, Doctor Allan Harris. He objected to the application on the grounds of flooding, particularly given that the development site would be below the existing road level. He also added that previous flooding had affected his garden and 15 Moor Lane. Finally, he felt that the proposed building would be intrusive, and that sight lines and safety would be detrimentally affected.

Representations in support were received from the applicant's agent, Chris Dent. He informed the Committee that the owner of the property had not been seriously affected by flooding, because he had not made an insurance claim due to flood damage. He also clarified that there was a difference of one metre in height between the between the driveway of the house and other properties.

Some Members felt that the application should be refused because;

- Both sides of Moor Lane were subject to flooding due to the height of the water table.

- The application would constitute overdevelopment, because the building would take up one third of the available space on the site.
- It would be difficult to turn around to access and exit the property due to a rise in the road from the property, the traffic travelling at high speeds on Moor Lane would not ease this.
- The dwelling would be incongruous to the local surroundings.

Officers advised Members that as a previous application on the site had been refused by the Committee, new reasons for refusal would be deemed inappropriate. They recommended that if Members were minded to refuse the application that they use the same reasons that were used on the previous application.

RESOLVED: That the application be refused.

- REASON: (i) It is considered that the proposal would result in a development that would appear unduly cramped and out of proportion in relation to the size and shape of the plot, resulting in a development that would be incongruous in its surroundings. The proposal would thus unduly affect the visual appearance and amenity of the area, contrary to policies H4a, GP10 of the City of York Draft Local Plan and advice within section 7 'Requiring Good Design' of the National Planning Policy Framework.
- (ii) Insufficient drainage details have been submitted to show how foul and surface water generated by the proposal would be properly attenuated and how flood risk from all sources to the development itself and to others will be managed. The development therefore conflicts with policy GP15a of the Draft Local Plan and the Council's adopted Strategic Flood Risk Assessment.

**4j) Former Car Repair Garage, 70-72 Huntington Road, York.
(13/00349/FUL)**

Members considered a full application by Mr Alan Wrigglesworth for the erection of 4no. dwellings (resubmission).

In their update to Members, Officers stated that the Environment Agency had requested that an additional condition be added to planning permission to require the removal of the proposed flood gate at the entrance of the site in favour of individual flood gate/ doors. The submitted plans and the flood risk assessment had subsequently been amended to remove reference to the flood gate.

The Committee were informed that the Council's Conservation Officer had provided comments about the application. The Officer felt that design of the dwellings was somewhat disappointing, but it was acknowledged that the impact on the river corridor had been reduced as a result of the reduction in the size of the balconies and pulling back from the boundary. It was also acknowledged that the development would remedy the somewhat unsightly north-east boundary. Particularly in the context of the design and scale of the neighbouring Barratt development, the proposals should be regarded as having a neutral effect on the setting of the conservation area. The (design/materials) conditions should be attached to give sufficient control over the detailed design.

Officers also confirmed that details of the plans for development had been submitted. They suggested, if the application was approved that conditions be added in reference to the comments from the Environment Agency and the Conservation Officer, and relating to garage and bin storage details.

RESOLVED: That the application be approved subject to the conditions listed in the report, further provided details, suggested additional conditions and a Section 106 agreement.

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

REA-017-013		Site/Location Plan.
REA-017-013	01A	Site Plan.

REA-017-013	02D	Proposed Site Plan.
REA-017-013	03D	Proposed Ground Floor Plan.
REA-017-013	04C	Proposed First Floor Plan.
REA-017-013	05C	Proposed Second Floor Plan.
REA-017-013	06C	Proposed Third Floor Plan.
REA-017-013	07C	Proposed Elevations (sheet 1 of 2).
REA-017-013	08C	Proposed Elevations (sheet 2 of 2).

Flood Risk Assessment dated 3 June 2013

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

Additional Conditions:

- Individual flood gates should be Individual flood gates/water tight external doors should be fitted to each dwelling.

Reason: To ensure that possible future flood flows are not pushed onto others.

- Prior to the commencement of the development full elevations of the detached garage and bin store area shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the Local Planning Authority before the occupation of an dwelling on the site.

Reason: In the interests of visual and residential amenity

REASON: The proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledge importance, with particular reference to the principle of the development, highways parking and access arrangements, residential amenity, flood risk and drainage and open space provision. As such the proposal complies with Policies H4a, GP1, GP15a, L1c of the City of York Development Control Local Plan and advice within the National Planning Policy Framework.

4k) 64 Old Orchard, Haxby, York. YO32 3DT (12/03602/FUL)

Members considered a full application by Mr Stuart Haliday for a two storey side and single storey rear extension.

Officers informed Members that an objection to the application had been received from a next door neighbour on the grounds of overshadowing, loss of light, loss of privacy and security concerns.

RESOLVED: That the application be refused.

REASON: The side elevation of the proposed two-storey extension would be approximately 9m from the closest rear ground floor habitable room windows of 1 Cherry paddock and the structure would be in close proximity is unacceptable in the suburban location and the gable roof form and orientation to the south of number 1 would further exacerbate its impact. It is considered, therefore, that the proposal which seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17) and policies GP1 (criterion i) and H7 (criterion d) of the 2005 City of York Development Control Local Plan.

4l) The Co-operative Group, 1 Ryedale Court, The Village, Haxby, York. (13/00802/FUL)

Members considered a full application by Tamp 'n' Swirl for a change of use from shop (use class A1) to coffee shop (mixed use class A1/A3) and external air conditioning units to the rear.

In their update to Members, Officers reported that two additional letters of objection had been received since the report had been published, which highlighted concerns already summarised in the report. An additional comment had been raised which related to a previous submitted letter which had stated that there was not currently a takeaway coffee facility in Haxby. It was clarified that takeaway coffee was available from at least one of the existing cafés in the area. It was also confirmed that the originally proposed tables and chairs outside the shop had been removed from the application.

Representations in support were received from Raymond Barnes, the applicant's agent. He informed the Committee that the property was currently empty and was not suitable or attractive for retail use due to its size. In response to concerns raised about parking, he felt that if the property reopened as a shop that parking concerns would remain. He added that the café would provide a service to working people who would walk rather than use their cars.

Some Members felt that objections relating to commercial competition were immaterial, and were not relevant to the determination of the application. They added that although there could be parking problems in the vicinity, the re-use of a vacant property should be encouraged.

Councillor Cuthbertson, the Ward Councillor, felt that the application should be refused. He considered that the application was an inappropriate development because the main street was narrow and constricted, which meant that the units were condensed and that access and egress were difficult.

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 of the change of use on the primary shopping function of Haxby District Centre.
- Impact on the character and appearance of the Conservation Area.
- Impact on Residential Amenity.

As such the proposal complies with Policies S3a, S6 and HE3 of the City of York Development Control Local Plan.

**4m) Royal Dragon, 16 Barbican Road, York. YO10 5AA
(13/00379/FUL)**

Members considered a full application by Mr Z L Chen for a change of use of Upper Floors from Bed & Breakfast Accommodation (Class C1) to form Additional Dining Areas and Karaoke Rooms (Sui Generis) in association with Ground Floor Restaurant (resubmission).

In their update to Members Officers reported that;

- The application was retrospective.
- That the application had been amended and the application now related to 8 karaoke rooms on site.
- Three air conditioning units had been installed. This would now need a separate planning application and amendments would be required.
- It was reported that the installed acoustic panels could be removed and the area between the window and panel maintained.
- That if Members were minded to approve the application an additional condition could be added to permission relating to cleaning of the interior windows.
- That amended reasons could also be added on to Condition 3, 7 & 9.

Questions from Members to Officers related to the narrow corridors within the buildings in relation to fire exits. They also asked for clarification on where drinks would be served and if there were dining facilities on site.

Officers confirmed that the building regulations and the premises licence would cover concerns regarding access to the fire exits. They also added that customers would not be able to take up drinks served to them from the bar to the upper rooms, but would be served in the rooms. Customers would also not be eligible to use the karaoke rooms if they had not dined beforehand.

Representations in support of the application were received from the applicant's agent, Matthew Wyatt. He explained that the music would stop at 1am and that customers would have to leave the building by 1.30 am. Door staff would be employed, as specified by the premises licence.

He also felt that the venue would not be attractive for hen and stag parties, due to the catalogue which consisted of mainly Asian songs. He confirmed that the smoking area outside would be supervised by door staff and would be for use after midnight only. Before this time the car park could be used for smoking.

Discussion between Members focused around what conditions had been added to the Licence by the Licensing Committee, namely, that a substantial meal had to be eaten before using the karaoke rooms and that a receipt needed to be shown to prove this. They also discussed whether the venue would be disruptive to the local area. Officers from the Environmental Protection Unit (EPU), who were in attendance at the meeting, stated that a noise assessment had been carried out whilst karaoke was performed and showed that any noise emitted would be inaudible.

RESOLVED: That the application be approved subject to the conditions listed in the report and the following additional and amended conditions;

Additional Condition: Within 3 months of the date of the permission a specification for the cleaning and maintenance of the interior of the windows (including frequency of cleaning and maintenance) behind the sound insulation shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the specification shall be implemented in accordance with the agreed specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of the visual appearance of the building which is prominently located within the Central Historic Core Conservation Area.

Amended Reason for Conditions 3 & 9:

Reason: It is considered that the connection between the restaurant and use of the karaoke rooms is such that the use of the site would lead to the intensification

of the use of the site as a whole, and because of the close proximity between the site and existing residential dwellings it is necessary to protect the living conditions of adjacent residential occupiers in accordance with policy S7 of the Development Control Local Plan and advice within the National planning Policy Framework.

Amended Condition 7: The removal of *ancillary facilities* from the reason.

Amended Condition 9: Bottles and glass shall not be place into bottle bins between the hours of 22:00 *hours* and 08:00 hours.

REASON: The proposal, subject to the conditions listed in the Officer's report and the amended and additional conditions above, would not cause undue harm to interests of acknowledged importance, with particular reference to residential amenity, and the impact on the character and appearance of the Central Historic Core Conservation Area. As such the proposal complies with Policies S7 and GP1 of the City of York Development Control Local Plan and advice within the National Planning Policy Framework.

**4n) 36 Church Lane, Nether Poppleton, York. YO26 6LB
(13/01040/FUL)**

Members considered a full application by Mrs M Van Tol for renovation and refurbishment of existing dwelling and associated barn.

Representations were received from the applicant, Mary Van Tol. She advised the Committee that she was renovating the property to make it into a suitable family home. She added that the footprint of the building would remain the same and that the building's current appearance would be retained apart from one window at the rear.

Further representations were received from a local resident, Quentin Macdonald. He felt that the proposed roof lights were too small and would not provide sufficient light for the barn.

Some Members welcomed the proposals for the building, but commented that it was not the Committee's role to redesign its features.

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

REASON: The proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the character and appearance of the Nether Poppleton Conservation Area. As such the proposal complies with Policies HE2 and HE3 of the City of York Development Control Local Plan.

**4o) 36 Church Lane, Nether Poppleton, York. YO26 6LB
(13/01042/LBC)**

Members considered a Listed Building Consent application by Mrs M Van Tol for renovation and refurbishment of existing dwelling and associated barn.

In their update to Members, Officers reported that a further representation had been received which supported the application but expressed concerns at the requirement to reduce the size and number of roof lights on the rear elevation. They added that the application had been amended to alter the roof lights on the rear elevation in line with the Officer's recommendation. In addition, the Conservation Officer had also submitted comments regarding the historic importance of the building and stated that;

- they approved of the insertion of an additional window in the rear elevation as the benefit from bringing the property back into a beneficial economic use more than out-weighs the small degree of harm that would result.
- The loss of the small porch to the rear of the property was felt to have a minimal impact.

- The internal alterations were felt to be acceptable taking into account their reversibility and bearing in mind the need to keep the building in a viable economic use.

Officers also suggested that a number of conditions could be added to permission to safeguard the historic character of the building, should the application be approved. In response to a comment from a Member, Officers responded that in the reuse of historic buildings that a considered view needed to be applied, to balance out conserving aspects and updating aspects of the building.

RESOLVED: That the application be approved subject to the conditions listed in the report and the following additional conditions;

5. Prior to the commencement of the development hereby authorised full details including material, depth and location, of the roof insulation of for the former barn shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the approved application details.

Reason: To safeguard the historic character and integrity of the Listed Building and to secure compliance with Policy HE4 of the York Development Control Local Plan.

6. Prior to the commencement of the development hereby authorised full details of the proposed intra floor sound insulation shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the approved application details.

Reason: To safeguard the historic character and integrity of the Listed Building and to secure compliance with Policy HE4 of the York Development Control Local Plan.

7. All new partitions shall be scribed round cornices, moulding, skirting and other exposed timberwork and not cut through them.

Reason: To safeguard the historic character and integrity of the Listed Building and to secure compliance with Policy HE4 of the York Development Control Local Plan.

REASON: 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 historic character and integrity of the Listed Building. As such the proposal complies with Policies HE4 of the City of York Development Control Local Plan.

**4p) Westholme, 200 York Road, Haxby, York.YO32 3EX
(13/00660/FUL)**

Members considered a full application by Mr Daniel Gath for the erection of 5no. detached two storey dwellings with associated garages, access and landscaping.

In their update to Members, Officers reported that further discussions had taken place with the Flood Risk Management Team. It was reported that although the team still objected to the application they were satisfied that a solution could be found to ensure the proper drainage of the site.

Officers suggested that if Members were minded to approve the application that delegated powers be given to Officers to agree drainage details before a decision is issued. They also reported that an additional letter in objection had been received.

Representations were received from the applicant's agent, John Howlett. He commented that the site was a sustainable area for development and created its own identity.

Questions from Members to the applicant's agent related to the filling in of the pond on the site. He stated that he was not aware of any wildlife around the pond as it had already been filled in when he became involved with the application.

Officers added that they did not have any information about how the pond was filled in, but that investigations showed that the development itself would not adversely affect any protected wildlife in the vicinity.

Members felt that development on the site constituted overdevelopment and that the location of the houses at the end of the plot would have a detrimental impact on the character of the area.

RESOLVED: That the application be refused.

REASON: The application site is currently green, undeveloped and open and plays an important part in defining the attractive frontage development which characterises this part of York Road whilst providing an important space visually between developments to the south and west. Views are afforded across the site from numerous public vantage points in the surrounding area. The proposed development is considered to be of high density within this backland garden setting resulting in a cramped and overdeveloped appearance which does not respect the character and appearance of the area. The level of hardstanding combined with amount of built development is at odds with the existing character and form of the application site and surrounding area. In the long term it is considered that the proposed development would result in the loss of existing green landscaping, which contributes to the character and appearance of the area, given the density of development and the lack of space around the proposed dwellings. The proposed development fails to take the opportunities available for successfully integrating a new development into the site which takes account of the character and form of the area. The development imposes itself on the area and does not successfully integrate with the existing natural and built environment. The application therefore is considered to be contrary to the 2005 Development Control Local Plan Policies GP1

'Design' parts a), b) and c), GP10 'Subdivision of Gardens and Infill Development' and H4a 'Housing Windfalls' parts c) and d) as well as advice contained within the National Planning Policy Framework particularly paragraphs 53, 61 and 64.

4q) Nicholas Associates Architects, 42 Oxford Street, York.YO24 4AW (13/00577/FUL)

Members considered a full application by Mr Martin Walker for a change of use to B1 (offices) and D1 (therapeutic massage) on upper floors.

Officers gave Members a brief history of planning matters on the site. It was reported that;

- A Certificate of Lawful Use application had been withdrawn in February 2013. The applicants provided a sworn statement that the upper floors had been used as offices since 1989.
- However, there was an objection on the grounds that business rates were not paid on the upper floors until 2005 and that in part the upper floor was only used for storage. The applicants were advised to instead apply for planning permission for the office use.
- The Council's Environmental Protection Unit (EPU) did not object to the application but had concerns regarding noise.
- EPU also requested that the use is restricted to ensure that it is only used for therapeutic massage and not changed to other uses within this use class in the future.

Representations in objection were received from a local resident, Adam Kent. He raised concerns about the application because;

- If approved a business centre would be created in a residential area.
- That the location of the building on a blind bend would be dangerous for customers and residents.
- There would be a loss of privacy due to the extended opening hours of the massage business.
- Asked that if permission be granted that proposed condition no.4 be amended to refer only to the use of an obscure film to the upper windows.

Officers advised Members that the objector's suggestion in respect of condition no.4 was reasonable.

Representations were received from Jo Bull, a therapist, who would use a floor of the building for her business. She informed the Committee that window screening was particularly important for the running of her business to ensure privacy.

In addition, the nature of the business meant that there would be varied hours of operation. She added that workshops that might take place within the building would emit minimum levels of noise, parking provision was sufficient on site, and other customers could easily access the office due public transport nearby.

Representations in support were received from Martin Walker the application. He informed Members that the upper floors were let out to small businesses and that there were a total of 6 off street parking spaces for customers. He admitted that there would be an element of overlooking from the building on to the street, but told Members that this was common in terraced buildings.

RESOLVED: That the application be approved subject to the conditions listed in the report and the amendment to condition no.4;

4. Details of an internal obscure film to be applied to the bottom half of the upper floor windows on the side elevation shall be submitted to and approved in writing by the Local Planning Authority. The approved film shall be applied prior to the first occupation of the upper floors for the approved uses and shall be thereafter retained.

Reason: As a means of preventing overlooking from the upper floor windows, in the interests of residential amenity.

REASON: The proposal, subject to the conditions listed in the Officer's report, would cause undue harm to interests of acknowledged importance, with particular reference to the principle of the proposed use, residential amenity and highway safety. As such the proposal complies

with Policies GP1, H9 and C1 of the City of York Development Control Local Plan.

4r) 6 Tamworth Road, York. YO30 5GJ (13/00972/FUL)

Members considered an application from Mr and Mrs McCormick for a two storey side extension, single storey rear extension and porch to front.

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

REASON: The proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance with particular reference to the effect on the amenity and living conditions of adjacent occupiers and the impact on the street scene. 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.

4s) 3 Fourth Avenue, York. YO31 0UY (13/00892/FUL)

Members considered a full application from Mrs Sarah Poole for a change of use from residential (use class C3) to house in multiple occupation (HMO) (use Class C4).

Officers recommended to Members that they defer a decision on the application because further investigation needed to be done in relation to the number of HMO's within 100m of the application site.

RESOLVED: That the application be deferred.

REASON: Until clarification is received of the number of HMOs within 100m of the application site.

5. OTHER REMARKS

Councillor Warters expressed concerns over the Council's records of the number of Houses in Multiple Occupation (HMO), in relation to assisting Members in determining planning applications.

Councillor N McIlveen, Chair
[The meeting started at 2.00 pm and finished at 6.35 pm].

COMMITTEE REPORT

Date: 4 July 2013 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
 Commercial Team

Reference: 13/01318/FULM
Application at: Coppergate Shopping Centre Coppergate Walk York
For: Extension at ground to third floor levels to units 19/20 and 22
By: Mr G Chalk
Application Type: Major Full Application (13 weeks)
Target Date: 16 August 2013
Recommendation: Approve

1.0 PROPOSAL**APPLICATION SITE**

1.1 The application site is the Coppergate Centre which is a 1980's addition to the central shopping area. The development is of brick with a pantile roof, ranging in height from 2-storey at the Coppergate end, stepping up to 6-storey around St Mary's Square. The site is within the Central Historic Core Conservation Area.

PROPOSALS

1.2 The application affects the part of the unit which is currently occupied by Marks and Spencer, where it faces toward Piccadilly and the service yard behind the White Swan Hotel building. Currently this part of the building is 4-storey, with the top floor setback from the main elevation. The top floor is smaller in footprint to those below and within a central void there is external plant which is hidden by the surrounding pantile roofs.

1.3 Marks and Spencer are to vacate the building and to secure a new retailer it is necessary to increase the floorplate by around 980 sq m.

1.4 It is proposed to increase the floor-space by extending out over part of the service yard and by adding to the top floor level, where the plant is presently located. The top floor would be remodelled and given a new facade appearing as a mansard shaped grey coloured zinc clad structure. The plant would essentially be raised a level and screened by an enclosure. It is also proposed to install PV panels on the roof and it is intended these provide just over 10% of the unit's energy demand.

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

Floodzone 2 GMS Constraints: Floodzone 2

2.2 Policies:

CYSP7B York City Centre and Central Shopping Area

CYSP3 Safeguarding the Historic Character and Setting of York

CYHE2 Development in historic locations

CYHE3 Conservation Areas

CYGP1 Design

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development

3.1 The Coppergate Shopping Centre is a large mid 1980s retail led development located on the edge of the retail area within the Central Historic Core conservation area. The shopping is inward facing around a central lane and public space; however the unit affected by this application also has a frontage onto Piccadilly and is located opposite the historic Guildhall of Merchant Adventurer's Hall (listed at grade 1). The Coppergate Centre roof is also highly visible in panoramic views from Clifford's Tower (key view 16).

3.2 On Piccadilly the new mansard roof would be set back by 2m and partially hidden by the existing pantiled roof edge. This would not increase visual intrusion on the street in front of Merchant Adventurer's hall. The exposed corner next to the service yard is seen as far away as the busy junction with Parliament Street. Drawings have been revised to retain the pantile return into the service yard to its existing extent to mask the full height of the new zinc mansard roof in these views.

3.3 Plant which is currently set within the roof would need to go on top of the new roof. Nevertheless it has been set down by approx half a meter to reduce the visible screen height to just below the ridge of the highest part of the Centre above the car park. The visible area of screen would extend over a relatively short length of the Coppergate roof. Views have been assessed from the top of Clifford's Tower and the extra floor would not be visible at all. The plant screen itself would be seen as a relatively thin edge over an existing lower pantile roof at a distance of approx 200m

from Clifford's Tower. It would not affect long distance views towards Nestle factory and the distant hills.

3.4 The overall effect on the character and appearance of the conservation area and on panoramic view 16 from Clifford's Tower would be neutral.

Environmental Protection Unit

3.5 Officers ask for the following information and conditions –

- Noise levels from the roof plant to be agreed (cond.9)
- Control of construction work – ask to agree Construction Management plan and that times of work are controlled (cond. 10)
- Unexpected contamination, if found, to be reported to Local Planning Authority (cond. 11)

Highway Network Management

3.6 No objections. Note the service yard could still operate adequately. The applicants should develop a travel plan for staff and a condition is recommended to secure such. Conditions are also requested to require a dilapidation survey of the highway and to agree the method of works, the latter to avoid disturbance to the highway network.

English Heritage

3.7 Note that enclosure to the re-located air handling units would be visible from the Grade I listed Scheduled Monument of Clifford's Tower and that the exact positions of the units have yet to be finalised. Any intervention into the roofline of the Coppergate Centre needs to be carried out with very considerable subtlety so as to ensure that it does not compound the damage already done to the view from Clifford's Tower by the visually solid block which comprises the roof of the Coppergate Centre.

Guildhall Planning Panel

3.8 No objection.

Publicity

3.9 One representation has been made which made the following comment -

- There is a fire escape behind 12 Coppergate Walk and services. Access should remain to these areas at all times.
- Currently deliveries are only permitted between 07.00 and 19.00 hours. This should remain the case, and be adhered to during construction.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of the proposed development
- Impact on the appearance of the host building and the historic setting
- Amenity of surrounding occupants
- Highway Network Management
- Sustainable design and construction

PRINCIPLE OF THE PROPOSED DEVELOPMENT

4.2 In principle expanding the size of the retail unit complies with national policy which requires planning to be positive and promote competitive city centres. The proposals comply with current and emerging Local Plan policies (SP7b of the 2005 Local Plan and R1 and R3 of the emerging Local Plan) which seek to enhance the vitality and viability of the city centre and focus major new retail development and investment within the City Centre.

IMPACT ON THE APPEARANCE OF THE HOST BUILDING AND THE HISTORIC SETTING

4.3 The application is within the Central Historic Core Conservation Area. In terms of visual impact the main considerations are the impact on the immediate setting; views along Piccadilly and Parliament Street, and the effect on views of the city and the Minster from Clifford's Tower - key view 16 in the Central Historic Core Conservation Area Appraisal.

4.4 Design guidelines within the National Planning Policy Framework, Local Plan policies SP3, GP1, HE2 and HE3 are relevant, as are the management strategies within the Central Historic Core Conservation Area Appraisal. SP3 seeks to preserve the unique and historic setting of the city, the NPPF requires developments respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Local Plan policies require also that developments are sympathetic to their setting, considering local scale, proportions, and details. Proposals are required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character or appearance of the area.

Side Extension

4.5 The side elevation of the building which faces the service yard presently cuts back where the delivery bay is situated. It is proposed that at first floor level and above the floor-plates would be extended out, over-sailing this area and the elevation would run directly to the rear of 12 Coppergate Walk. The elevation would be in brick in matching style and detailing to the existing building. This elevation is predominantly out of public view, being setback from Piccadilly and behind surrounding buildings. Due to the location, scale and design of this extension it would not have a material visual impact on the historic setting.

New Mansard Roof

4.6 The new zinc clad mansard roof would be visible in the street scene, from Parliament Street, and when approaching the application site from that direction. It would not be apparent from the southern side, as it would be lower than the existing roof.

4.7 The extension is deemed to have an acceptable visual impact, considering views and the immediate setting. The new mansard would not be materially higher than the existing roof. As with the existing roof, it would be set back from the main elevation, and (where viewed from the street) set behind the pantile roof feature at eaves level, which visually reduces the scale of the building. The roof form and zinc material (which would be grey), whilst not used on this building will not be out of character within the central historic core, where slate coloured mansard roofs are not uncommon. There are buildings on the opposite side of Piccadilly, to each side of the Merchant Adventurer's Hall which have a similar roof form and appearance to that proposed.

Roof Plant

4.8 The plant enclosure would be set back from Piccadilly to the extent that it would not be seen in public views from the north. The top of the enclosure would be about a metre higher than the ridge of the intervening roof between the enclosure and Clifford's Tower. The enclosure would be in grey zinc on the side which could be seen from Clifford's Tower and this will blend in with the skyline. It would be around 20m in length and 175m from Clifford's Tower. The plant would not interrupt the vista of the Minster. The visual impact of the plant would be subtle and there would not be material harm to the city skyline.

AMENITY OF SURROUNDING OCCUPANTS

4.9 The National Planning Policy Framework asks that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Local Plan policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.10 There are flats above the shops at 2-10 Coppergate Walk which are accessed via a covered walkway. The flats are predominantly orientated to avoid overlooking of the service yard. Typically the windows serve bathrooms and kitchens on this elevation. Only on the top floor are full height windows to nos. 8 and 10. The closest of these windows would be around 4m from the extension proposed and the windows are orientated towards Piccadilly. The proposed extension would not be unduly over-bearing and there would be no material loss of outlook to the flats.

4.11 A condition is proposed, which will require that noise levels of the external plant are agreed by the planning authority if the plant when in operation would be audible outside the site. This will ensure that residential amenity is reasonably preserved, in accordance with World Health Organisation standards.

HIGHWAY NETWORK MANAGEMENT

4.12 The NPPF requires that developments are designed where practical to accommodate the efficient delivery of goods and supplies. The document recommends the use of travel plans, to help encourage sustainable modes of transport.

4.13 No alterations to the servicing arrangements are proposed. The proposed extension over the servicing/deliveries area would not alter the operation of the space. Given the city centre location, and the amount of additional floor space proposed, the development will not have a material impact on traffic generation.

4.14 A condition is proposed to secure a travel plan for staff of the future premises which would be an ongoing means of promoting sustainable travel. The applicants report that it is not proposed to increase staff cycle parking as the current staff cycle parking facilities for Coppergate are under utilised. There may be good reason for this, the spaces may be inconvenient/undesirable for example, and this issue would be investigated through the travel plan.

SUSTAINABLE DESIGN AND CONSTRUCTION

4.15 Because overall the refurbishment scheme would create over 1,000 sq m floor-space according to York's interim planning document on sustainable design and construction the development should achieve a BREEAM rating of Very Good. The applicants intend to achieve this and propose that just over 10% of the buildings energy demand will be provided by the array of PV panels which it is proposed to locate on the roof. The panels will not be visible.

5.0 CONCLUSION

5.1 The proposals bring significant benefit as the scheme will enhance the retail offer available in the city centre, enabling a retail premises of around 5,250 sq m, which would create around 170 jobs. The application therefore should be supported, considering policy within the NPPF, which advises that LPA's should promote competitive city centres and that it is important that the need for retail and city centre uses are met in full and are not compromised by limited site availability. This policy also accords with existing and emerging Local Plan policies which seek to enhance the vitality and viability of the city centre and focus major new retail development and investment within the City Centre.

5.2 There is no identified harm which outweighs the benefits of the proposals, considering the impact on heritage assets, residential amenity and highway safety.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development to start within three years

2 APPROVED PLANS

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

Proposed Floor plans AL (00) 10 – 15 revision E

Proposed Elevations AL (01) 11 – 13 revision D

Proposed sections AL (02) 11 D

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

3 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) details of the zinc cladding system (type of fixing etc) and plant enclosure
- b) mansard windows in context (large scale drawings at 1:10)

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

4 MATERIALS

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 (samples to be provided on site). The development shall be carried out using the approved materials.

The brickwork and clay tile roof shall match that on the existing building in all respects. A sample panel of the brickwork 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

Reason: So as to achieve a visually cohesive appearance.

5 BREEAM

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 within 6 months of occupation of the refurbished 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.

INFORMATIVE: The agreed method of rating the proposals was under the BREEAM Refurbishment Retail 2008.

6 TRAVEL PLAN

Within 6 months of occupation of the development hereby approved a travel plan (for employees and setting out measures to promote sustainable travel and reduce dependency on private car journeys) shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall be developed and implemented in line with Department of Transport guidelines and be updated annually. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the Local Planning Authority. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To reduce private car travel and promote sustainable travel in accordance with paragraph 36 of the National Planning Policy Framework and policy T13a of the City of York deposit Draft Local Plan.

7 HWAY40

Dilapidation survey (assessment of highway condition prior to works commencing and requirement for any repairs if damage occurs during construction).

8 CONSTRUCTION MANAGEMENT

Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the LPA. Such a statement shall include at least the following information;

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- where contractors will park
- where materials will be stored within the site
- details of the management of the service yard during construction works to ensure sufficient access and manoeuvring remains in order to avoid the displacement of servicing traffic onto the adjacent public highway
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

9 NOISE

Prior to installation details of all machinery, plant and equipment, which would be audible outside the site, and any proposed noise mitigation measures, shall be approved by the local planning authority, implemented in accordance with the approved details, and appropriately maintained thereafter.

These details shall include maximum (LA_{max}(f)) and average (LA_{eq}) sound levels (A weighted), and octave band noise levels they produce. The report shall be

undertaken by a specialist noise consultant or suitably qualified person and conducted in accordance with BS4142:1997. The report shall assess the impact of the additional noise sources on nearby residential properties and include any mitigation measures that are required.

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

10 CONSTRUCTION MANAGEMENT

Prior to commencement of the development, a Construction Management Plan for minimising the creation of noise, vibration, dust and lighting during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority. In addition the following shall be adhered to during construction:

a) All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (1984) Code of Practice; 'Noise Control on Construction and Open Sites', and Minerals Planning Guidance Note 11 (1993) 'The Control of Noise at Surface Mineral Workings'.

b) All demolition and construction works and ancillary operations which are audible beyond the site boundary or at the nearest noise sensitive dwelling, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday	07:00 to 19:00
Saturday	08:00 to 17:00
Not at all on Sundays and Bank Holidays.	

At times when construction operations are not permitted work shall be limited to emergency works and works which are inaudible at the site boundary. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency work, and a schedule of essential work shall be provided . Any other works not covered by this condition associated with construction would need to be agreed in writing in advance with the Local Planning Authority.

Reason: To protect the amenity of local residents and businesses.

11 UNEXPECTED CONTAMINATION

In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be

undertaken, and where remediation (clean-up) is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part 2A of the Environmental Protection Act 1990.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: pre-application meetings, sought amendments to the scheme and through the use of planning conditions.

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

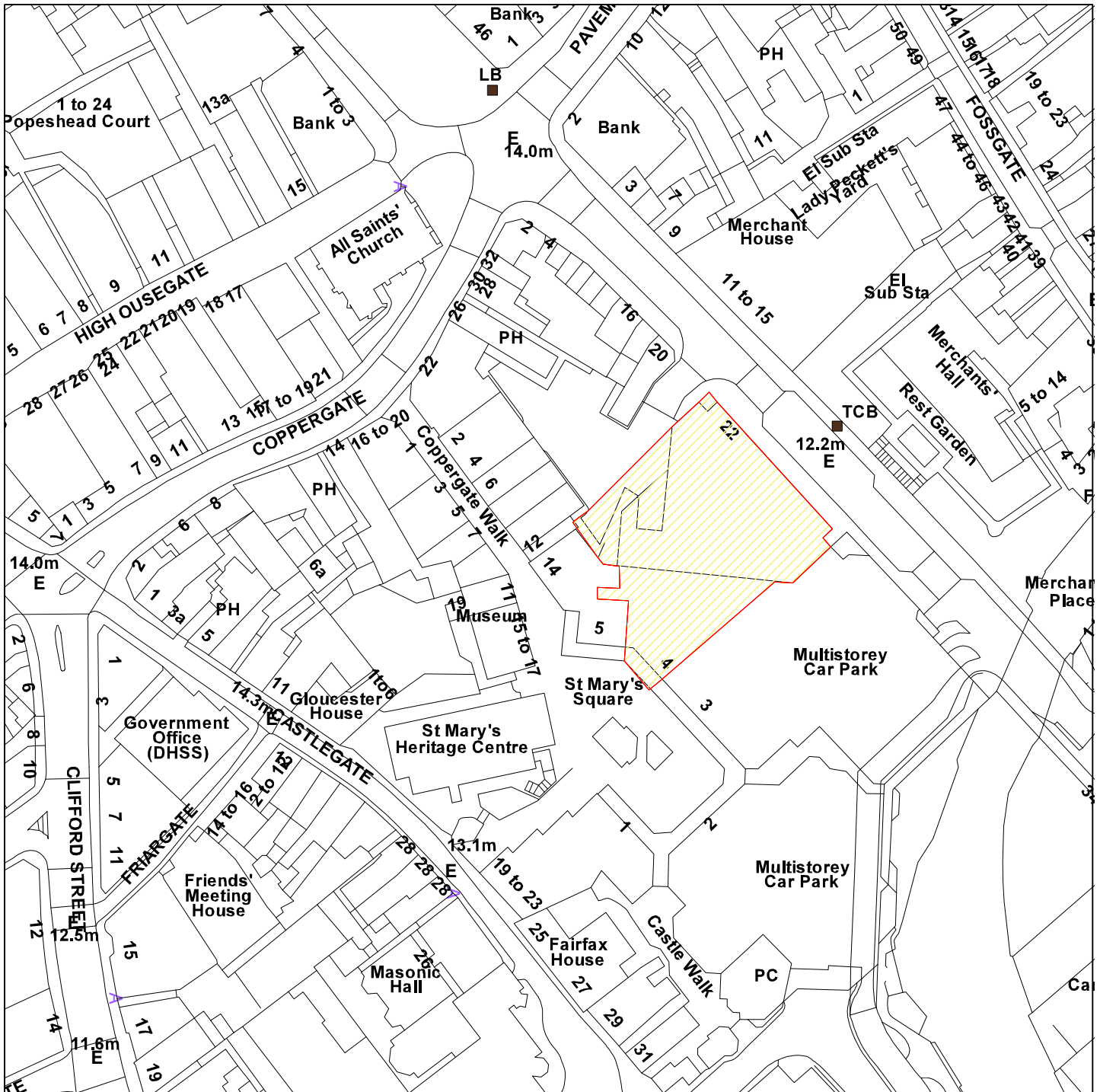
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13/01318/FULM

Coppergate Shopping Centre



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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	24 June 2013
SLA Number	Not Set

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COMMITTEE REPORT

Date: 4 July 2013
Team: Major and Commercial Team
Ward: Westfield
Parish: No Parish

Reference: 12/02558/FUL
Application at: Tote Bookmakers 48 - 50 Beaconsfield Street York YO24 4ND
For: Conversion of betting shop (use class A2) to 1no. house and 4no. flats (use class C3)
By: Tote Bookmakers Limited
Application Type: Full Application
Target Date: 2 November 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for the conversion of this former betting shop to create a two storey dwelling, and 2no. two bed flats on the ground floor and 1 no. two bed and 1no. one bed flat on the first floor. The street is predominantly residential and made up of terraced dwellings. The application site is a 19th century end of terrace building built at the same time as the attached terrace. Part of the proposed site is taller than the adjacent terrace and by virtue of its height together with its design acts as a focal building within the street scene.

1.2 The site is just outside the Acomb Conservation Area.

1.3 The revised plans submitted show a cycle store with access from the rear of the building and a separate refuse storage area sited to the rear of the proposed dwelling. The applicant has confirmed that the dwellings would be open market housing rather than social rented. A parking survey for the surrounding area has also been submitted.

1.4 The building is currently vacant. The external alterations proposed are relatively limited: alteration to a window to create a door to the cycle storage area in the rear elevation; 2 no. doorways and a window would be blocked up in the side/east elevation of the main building; the introduction of a kitchen window in the rear elevation of the two storey dwelling; a doorway would be altered to a window on the first floor of the two storey dwelling and the external staircase to this rear elevation would be removed; a brick refuse storage area for the flats sited to the rear of the proposed dwelling.

1.5 The application has been called into committee by Councillor Williams following concerns expressed by neighbours.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

2.2 Policies:

CYGP1 Design

CYGP4A Sustainability

CYT4 Cycle parking standards

CYH4A Housing Windfalls

CYL1C Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management

3.1 No objections.

- Accept the findings of parking survey.
- As the proposal does not include any off-street car parking, to minimise the impact and promote of sustainable travel options, request confirmation that the developer will provide a free bicycle or a 12 month bus pass per dwelling to the first occupants of the properties to encourage non-car travel.
- Any comments regarding cycle storage will reported at the committee meeting.

Environmental Protection Unit

3.2 No objections

Communities and Culture

3.3 As there is no on site open space commuted sums should be paid to the Council for (a) amenity open space - which would be used to improve a local site such as West Bank Park or Acomb Green (b) play space - which would be used to improve a local site as West Bank Park or Acomb Green (c) sports pitches - would be used to improve a facility within the West Zone of the Sport and Active Leisure Strategy. The contribution to off site provision is to be based on the latest York formula contained within the Open Space guidance note.

Educational Planning Officer

3.4 No comments received

EXTERNAL CONSULTATIONS/REPRESENTATIONS

3.5 One letter of comment was received covering the following points:

- Good scheme for a building that would otherwise remain empty if kept as a commercial unit.
- No provision in the scheme for parking. Beaconsfield Street is already congested and difficult to park in and the addition of 5 further residential properties can only serve to increase the problem. A resident parking scheme could be introduced.

3.6 Eighteen letters of objections were received covering the following points:

- Development represents an 'over-development' and is not in keeping with the rest of the character of the street - i.e family type housing.
- It could potentially give rise to 18 extra 'at night' parking places if each room was occupied by two people. This is a far greater pressure than the current bookmakers which only give a 'day pressure' for parking (when this is not usually a problem).
- The density of development would mean that noise would be concentrated in 5 dwellings in the same building footprint - the bookmakers 'day noise' was not a problem.
- Would not support a resident parking scheme, would not solve parking issues, these schemes can be expensive and unless properly and consistently policed are prone to abuse.
- No objection to the smaller part of the development being turned back into a single house.
- If a smaller number of flats are proposed these concerns would be lessened.
- Concerned about the potential noise levels, some incidents are documented and result in a higher than otherwise necessary Police presence in the area
- Concerned regarding the social housing aspect - crime levels, anti-social behaviour, and feeling of safety
- Existing drainage issues
- The proposed new dwellings would not be in keeping with the majority of the existing housing in the street, either in aesthetic terms or from a functional perspective,
- Problems on the street with crime levels, drugs, violence, anti social behaviour, fly tipping. Residents suffer the stress of this day to day and with the involvement of the local council, police authority and members of parliament are working hard to overcome. Concerned that the additional flats will exacerbate the problems.
- Lack of amenity land for 5 dwellings.
- The loss of business premises, affordable office and business space is required.
- Change to the demographic of the street will eventually reduce the value of the properties
- Why have the applicants applied for 5 rented social housing units when there is no requirement for them to do so? Has City of York or other councils agreed to

take these units on if/when successful? Did the applicants receive favourable assistance from the Council in their application for a Bookmakers licence on Front Street, in view of a social housing scheme been submitted?

- Increase in litter caused by the current inadequate waste collection service.
- Increase in traffic flow within the street
- Support a development of this property into a family home

4.0 APPRAISAL

PLANNING POLICY

4.1 The heart of the National Planning Policy Framework is the presumption in favour of sustainable development. Sustainable development is split into three roles: economic, social, and environmental (7). These roles can not be undertaken in isolation and are mutually dependent. The NPPF sets out a number of core principles (17) including: always seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; taking account of the different roles and character of different areas; encourage the reuse of existing resources including the conversion of existing buildings.

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

IMPACT ON THE CHARACTER OF THE AREA

4.3 Policy H4a 'Housing Windfalls' states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

4.4 The site is adjacent to the Acomb District Centre and its amenities, and is in close proximity to public transport as such it is considered to be a sustainable location. The scale of the accommodation proposed is considered to be acceptable. The use of the building as residential is considered to be acceptable and in keeping

with the prevailing character of development within the street. The external alterations proposed are relatively limited and are not considered to result in harm to the visual amenity of the buildings or the surrounding streetscene.

4.5 The applicants mistakenly stated in the original application that the proposed dwellings would be affordable housing, they have confirmed that it would be open market housing only.

IMPACT ON RESIDENTIAL AMENITY

4.6 The development provides for cycle parking however no vehicle parking has been proposed. The majority of dwellings in the street do not have off street parking. Off street parking could not be provided within the site. Objections regarding the lack of parking have been received. Beaconsfield Street does not have a residential parking scheme, this was removed in the 1990s when charges were introduced. A parking survey was undertaken by the applicant, which recorded the number of available parking spaces in Beaconsfield Street and a wider area including Beaconsfield Street, Gladstone Street, Milner Street, and School Street. The survey took place on a Thursday (28.02.2013) and Friday (01.03.2013) between 18.00 and 20.00 hours and Saturday (02.03.2013) between 10.00 and 16.00 hours. The assessment demonstrated that the average number of available space on Beaconsfield Street varied between 7 and 9 and in the larger area varied between 19 and 34. The proposal may result in further competition for on street parking however by virtue of the scale of the accommodation provided it is considered that the number of additional vehicles would be relatively minimal and there is scope to accommodate them in Beaconsfield Street and the surroundings. It is not considered reasonable to refuse the application on the lack of parking by virtue of its proximity to the district centre and public transport.

4.7 The Highways Network Management Team have requested cycle provision and that the first occupiers of the development be provided with a bike or a bus pass. As this would only benefit the first occupiers of the dwellings rather than all the occupants it is considered that it would not be reasonable to request this, nor would it fulfil the tests of Circular 11/95 in respect of the reasonableness of planning conditions.

4.8 Policy T4 'Cycle Parking Standards' of the Local Plan states that in all new developments, cycle parking provision will be required in accordance with the standards set out in Appendix E of the Local Plan. Cycle storage has been provided for the flats, and whilst narrow there is considered to be sufficient space and the storage area is secure. The proposed two storey dwelling has a rear yard where a cycle can be stored and as such is considered to comply with Policy T4.

4.9 The building has a similar relationship as the rest of the terrace to the dwellings on the opposite side of Beaconsfield Street; as such it would be in keeping with the

established distance between dwellings in this area and is not considered that there would be overlooking or a loss of privacy. In addition the proposed unit would have a similar relationship to the commercial properties to the north as the rest of the terrace and as such it is considered that there would not be harm to the residential amenity of the future occupants from deliveries to these commercial units. The use of the building as residential is not considered to result in a significant increase in noise compared to the previous use, it is not considered to cause disruption to the neighbouring dwellings.

4.10 Objections have been raised regarding sewer drainage and the potential exacerbation of stated problems. This is a matter for Yorkshire Water and is not normally a planning consideration that would justify a refusal of planning permission. Yorkshire Water has been consulted and any comments received will be reported verbally.

OPEN SPACE PROVISION

4.11 As the application relates to the change of use to 4 no. two bed units and 1 no. one bed unit. A commuted sum payment of £5,028 is payable in lieu of public open space provision on site. The applicant has agreed to this payment and has submitted a section 106 unilateral undertaking for this amount, which CYC Legal Services have confirmed is acceptable. The application therefore complies with Policy L1c.

5.0 CONCLUSION

5.1 The proposed change of use of the end of terrace two storey building for the above reasons is not considered to result in undue harm to the residential amenity of the occupants of the neighbouring dwellings nor cause harm to the appearance of the streetscene or the character of the area. The proposal is considered to comply with local and national policy, and approval is recommended subject to the following conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Drawing Number 2601BF-48/50GA Revision 6 received 10 May 2013

Drawing Number 2601BF-48/50PEP Revision 4 received 7 June 2013

Site Plan received 23 July 2012

Email from agent received 18 June 2013;

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

2 TIME2 Development start within three years -

3 The building shall not be occupied until the areas shown on the approved plans for the cycle store and the refuse store have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: To ensure the cycle provision accords with Policy T4. To protect the residential amenity of the occupants of the dwellings hereby approved.

4 The infill brickwork shall match the existing brickwork in all respects ie, bonding, size, colour and texture of bricks and the colour and finished treatment of mortar joints, to the satisfaction of the Local Planning Authority. The materials to be used externally for the refuse store shall match those of the existing buildings in colour, size, shape and texture.

Reason: To ensure that the finished appearance is to the satisfaction of the Local Planning Authority.

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Request revised plans to accommodate a cycle store and refuse store
- Request revised plans correcting anomalies between the original submitted proposed plans and elevations
- Request that a parking survey be undertaken
- A unilateral undertaking was requested so the development would accord with Policy L1c of the City of York Development Control Local Plan
- Use of conditions

2. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

Application Reference Number: 12/02558/FUL

Item No: 5b

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3. INFORMATIVE:

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: Victoria Bell Development Management Officer

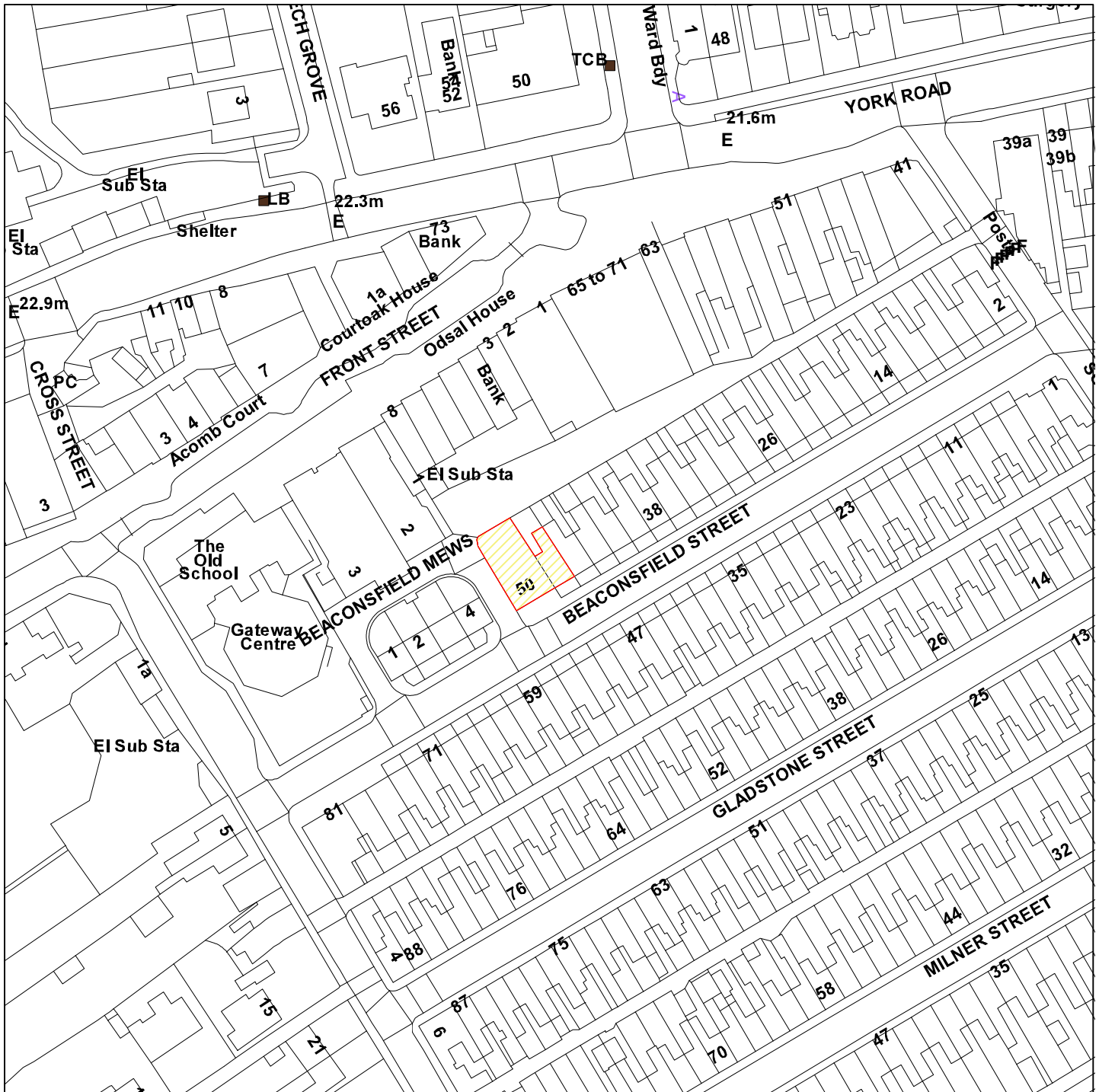
Tel No: 01904 551347

12/02558/FUL

Tote Bookmakers, 48-50 Beaconsfield Street



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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	24 June 2013
SLA Number	Not Set

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COMMITTEE REPORT

Date: 4 July 2013 **Ward:** Rural West York
Team: Major and **Parish:** Nether Poppleton Parish
Commercial Team Council

Reference: 13/00785/REMM
Application at: Plot 15 Great North Way Nether Poppleton York
For: Reserved matters application for approval of access, appearance, landscaping, layout and scale for the erection of 8 industrial and storage and distribution units following the grant of outline permission 06/00518/FUL (Phase 2)
By: Mr Garry Barker
Application Type: Major Reserved Matters Application (13w)
Target Date: 30 July 2013
Recommendation: Approve

1.0 PROPOSAL

1.1 The applicant seeks reserved matters approval to erect 8 no. light industrial/storage and distribution units (B1, B2 and B8 Uses). The applicant seeks approval for siting, access, appearance, landscaping, layout, and scale. The units' size varies between 114sqm and 242sqm. The proposed units would be up to 8.7 in height, and would be a similar height to the existing and proposed units in proximity to the site. The roof and exterior finish to the walls would be profiled cladding. Each unit would have a pedestrian access with canopy, and a vehicle/goods entrance.

1.2 The application forms phase 2 of the development of Plot 15. An application for the development of the west part of Plot 15 for 8 light industrial/storage and distribution units (12/02991/REMM) was approved by West and Centre committee on 10 January 2013.

1.3 The outline application 99/01777/OUT "Proposed Mixed Use Development comprising cycle and car park to proposed rail halt, business (B1), general industrial (B2) and storage or distribution (B8) uses", was approved 01.04.2003. This planning permission established the principle of developing Plot 15 (along with 2C, 8B, 8C, 9, 6A and 8A) for the aforementioned Use Classes. The time limit of the outline application was extended to 01/04/2013 by 06/00518/FUL.

1.4 Plot 15 is one of the few remaining vacant plots within York Business Park. Plot 15 is sited adjacent to the Harrogate railway line and set back from the East Coast rail line.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

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

2.2 Policies:

CYGP1 Design

CYGP4A Sustainability

CGP15A Development and Flood Risk

CYGP9 Landscaping

CYNE7 Habitat protection and creation

CYE3B Existing and Proposed Employment Sites

CYT4 Cycle parking standards

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management

3.1 No objections. The principal of development and traffic generation has been accepted with the outline permission granted. Access is from the adjacent phase 1 and turning within the site is acceptable for such a development. Car and cycle parking meet the required standards of CYC's Annex E Parking standards. Request conditions HWAY18 and HWAY19

Landscape Architect

3.2 Any comments will be reported at the committee meeting

Ecology Officer

3.3 Any comments will be reported at the committee meeting

Environmental Protection Unit

3.4 For the previous reserved matters application (12/02991/REMM) EPU recommended that gas monitoring be undertaken and results provided to the Council. These gas sampling results have now been submitted and identify elevated carbon dioxide concentrations and reduced oxygen concentrations. The gas risk assessment for the site found the site to fall within characteristic situation 2, so gas protection measures are required in the buildings. EPU request that details of the design of a gas protection system be conditioned. Request informative regarding the reporting of any contamination found, and details of subsequent remedial works.

Sustainable Transport Service

3.5 The British Sugar masterplan contains an aspiration for a bridge crossing both the York-Harrogate and East Coast Rail Lines. The potential bridge would have a connection into York Business Park at its southern end. It appears that the bridge could still be accommodated in the section of land to the north east of the site. Have aspiration to link the British Sugar site into the city centre and there are two possible routes, one running along the western side of the ECML and the other running along the eastern side alongside the Yorkshire Water treatment works which would need the bridge to be constructed to cross the ECML.

York North West Team

3.6 Any comments will be reported at the committee meeting

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Nether Poppleton Parish Council

3.7 No objections

Acomb Planning Panel

3.8 Any comments will be reported at the committee meeting

Police Architectural Liaison Officer

3.9 No objections

Network Rail

3.10 No objections. Request that foul and surface water is drained away from Network Rail property; operation of plant adjacent to Network Rail property is carried out in fail safe manner; All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur; Security of the railway boundary will need to be maintained at all times; Lighting should be sited so not to result in dazzle to train drivers; All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

National Grid

3.11 Any comments will be reported at the committee meeting

4.0 APPRAISAL

RELEVANT SITE HISTORY

12/02991/REMM - Reserved matters application for approval of access, appearance, landscaping, layout and scale of development of light industrial/storage

and distribution units (B1, B2, and B8 Use Class) following previous approval of outline application 06/00518/FUL on 23.10.2006 - Approved

06/01688/REMM - Erection of 2 no. light industrial/storage and distribution units (B2 and B8 Uses) - Approved

06/00518/FUL - Variation of condition 1 of planning permission 99/01777/OUT (for proposed mixed use development comprising cycle and car park to proposed rail halt, office/light industry/research and developments (B1), general industrial (B2) and storage or distribution (B8) uses) extend the time to the period for the submission of reserved matters application until 01.04.2013 - Approved

99/01777/OUT - Proposed mixed use development comprising cycle and car park to proposed rail halt, business (B1), general industrial (B2) and storage or distribution (B8) uses - Approved

KEY ISSUES

- Design/Layout/Scale
- Landscaping
- Highway Issues
- Sustainability
- Drainage

ASSESSMENT

PLANNING POLICY

4.1 The National Planning Policy Framework sets out the presumption in favour of sustainable development. Significant weight should be placed on the need to support economic growth.

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

4.3 Policy GP9 'Landscaping' states that where appropriate development proposals will be required to incorporate a suitable landscaping scheme, and this must: be planned as an integral part of the proposals; and include an appropriate range of indigenous species; and reflect the character of the locality and surrounding development; and form a long term edge to developments adjoining or in open countryside.

4.4 Policy NE7 'Habitat Protection and Creation' states that Development proposals will be required to retain important natural habitats and, where possible, include measures to enhance or supplement these and to promote public awareness and enjoyment of them. Within new developments measures to encourage the establishment of new habitats should be included as part of the overall scheme.

4.5 Policy E3b 'Existing and Proposed Employment Sites' states that the standard employment sites identified in schedule 2 and any other sites or premises either currently or previously in employment use, will be retained within their current use class.

DESIGN, LAYOUT, AND SCALE

4.6 The principle of the use of the site for B1, B2, and B8 use has been granted in the previous outline applications. The proposed units are not in close proximity to any current residential development. The surrounding development is industrial in character and appearance.

4.7 The proposed units are very similar in design to the units neighbouring the site. The elevations have indicated that the cladding would be different colours but has not provided any further details. It is considered that further details could be sought via condition to ensure that it co-ordinates with the current muted colour palette of the surrounding units.

4.8 The layout is constrained by the shape of the plot, and the appearance is not considered to result in harm to the character of the area. An external yard is proposed at the east of the site for Units 15 and 16 to provide a greater flexibility, the end user is not known. As such it is considered prudent to condition the maximum height of storage in this yard, the restriction of height similar to the neighbouring units is considered to be reasonable to protect the visual amenity and proximity to transport routes into York. It is considered prudent to condition that there should be no outside storage of materials for the other units within the proposed development to maintain parking and manoeuvring areas and by reason of the siting of the units close to a transport route into York and to protect the visual amenity of this transport corridor. In addition the details of any proposed external lighting should also be conditioned.

4.9 There is an existing mixture of unit sizes within the business park. The units are relatively small and would add to the variety of accommodation within the business park and the wider York Area.

LANDSCAPING

4.10 The application site is dominated by rough grassland and some immature self seeded shrub and tree species, and earth bunding, none of which can be considered as significant landscape features worthy of retention.

4.11 The plans indicate fencing that would surround the proposed development but no further details have been provided as such it is considered that the details be sought via a condition. Feedback with regards to the revised landscaping scheme is still awaited from the Landscape Architect and the Ecology Officer, the comments will be reported to at the committee meeting. It is considered that if there are concerns regarding the landscaping scheme that this could be overcome by a suitably worded condition.

HIGHWAYS

4.12 Issues relating to traffic generation have already been considered at the outline stage and therefore can not be considered as part of this application.

4.13 Policy T4 ' Cycle Parking Standards' states that in all new developments, cycle parking provision will be required in accordance with the standards set out in Appendix E of the Local Plan. The plans show covered cycle parking outside the units which is considered to comply with Policy T4

SUSTAINABILITY

4.14 An overarching aim of the Local Plan and the Interim Planning Statement on Sustainable design and Construction is to achieve sustainable design and construction. Policy GP4a requires all developments to have regard to the principles of sustainable development. The environmental performance of both new and existing buildings is assessed using the Building Research Establishment's Environmental Assessment Method (BREEAM). In this instance, requiring the applicant to submit a BREEAM assessment would not be lawful as no relevant conditions were attached as part of the outline approval. The outline application for Plot 15 was submitted in 1999 and granted approval in 2003, pre dating any policy requirements for the submission of BREEAM related documents. For the same reason, the renewable energy requirement of at least 10% of the expected energy demand be provided by onsite renewable, can not be imposed.

DRAINAGE

4.15 The site is a flood zone 1. Network Rail has requested that a condition be placed on the planning permission requiring additional details of the drainage of the site. The foul and surface water drainage of the site was dealt with during the outline application. No conditions were placed on the outline approval requesting further drainage details, and as such drainage conditions can not be reasonably added to this reserved matters application

OTHER ISSUES

4.16 Network Rail have requested a number of conditions, as this is a reserved mattered application it is considered that it is not reasonable nor lawful to add most of these conditions. However they have been listed as informative so the applicant is aware of their concerns.

4.17 The Environmental Protection Unit has requested details of gas sampling via condition. As this information was not conditioned as part of the outline application, and the reserved matters application is not assessing this issue it would be unreasonable and unlawful to condition this.

4.18 There is an aspiration for a pedestrian and cycle bridge between the British Sugar site and the York Business Park and Poppleton Acomb Ings . The intention is that the bridge would be sited close to the railway junction to the east of the application site. It is considered that the proposed siting of the units would not impact on the siting or the potential feasibility of the bridge as set out in the York North West Former British Sugar and Manor School Development Site Pedestrian and Cycle Access Feasibility Study.

5.0 CONCLUSION

5.1. The principle of the use of the land for a B1, B2, and B8 use has been granted at outline planning permission stage. For the above reasons the proposed development is considered to be acceptable subject to the following conditions.

6.0 RECOMMENDATION: Approve

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

Drawing Number YBP/PP11 received 25 March 2013

Drawing Number YBP/PP12 received 25 March 2013

Drawing Number YBP/PP13 received 25 March 2013

Drawing Number YBP/PP14 received 25 March 2013

Drawing Number YBP/PP15 received 25 March 2013

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Drawing Number YBP/PP16 received 25 March 2013

Drawing Number YBP/PP17 received 25 March 2013

Drawing Number YBP/PP18 received 25 March 2013

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

2 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials, including colour scheme, to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

3 HWAY19 Car and cycle parking laid out -

4 Notwithstanding the submitted plans and prior to the commencement of the development full details of the method and design (including illumination levels) and siting of any external illumination shall be submitted to and approved in writing by the Local Planning Authority and shall be completed in accordance with the approved details. Any subsequent new or replacement illumination shall also be agreed in writing by the Local Planning Authority prior to its provision.

Reason: In order to protect the character and appearance of the area from excessive illumination.

5 With the exception of the external yard to the east of Unit 16 no raw materials, finished or unfinished products or parts, crates, materials, waste, or any other item shall be stacked or stored outside any building on the site without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of visual amenity of the area.

6 No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

7 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area and to maintain a sufficient boundary with the railway.

8 Prior to the commencement of development a plan showing details of the proposed finished ground, slab and roof ridge levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved levels.

Reason: to ensure that ground levels are lower than existing and ensure the proposed buildings are of a similar height to the adjacent.

9 The approved landscaping scheme (Drawing Number Landscaping Plan YBP/PP15 received 25 March 2013) 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: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

10 The storage height of materials in the external yard to the east of Unit 16 shall not exceed the eaves height of Unit 16 (7.4 metres).

Reason: In the interests of visual amenity of the area and the transport corridor into York.

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 siting, access, appearance, landscaping, layout, and scale. As such the proposal complies with Policies GP1, E3b, T4, and GP9 of the City of York Development Control Local Plan; and national planning guidance set out in the National Planning Policy Framework.

2. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

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- Use of conditions

3. INFORMATIVE:

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

4. ENVIRONMENTAL PROTECTION UNIT INFORMATIVE

In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken, and where remediation (clean-up) is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in

writing of the Local Planning Authority.

Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part 2A of the Environmental Protection Act 1990

5. INFORMATIVE:

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

6. NETWORK RAIL INFORMATIVE

By virtue of the proximity of the site to the railway line Network Rail have the following requirements:

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the

integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

It is realised that much of the above does not apply directly to the application but should be taken into consideration as appropriate. Nevertheless it gives a useful

guide as to the considerations to be taken into account in relation to development adjacent to the railway. I would advise that in particular the drainage, boundary fencing and lighting should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

I trust full cognisance will be taken in respect of these comments. If you have any further queries or require clarification of any aspects, please do not hesitate to contact myself I would also be grateful if you could inform me of the outcome of this application, forwarding a copy of the Decision Notice to me in due course.

Contact details:

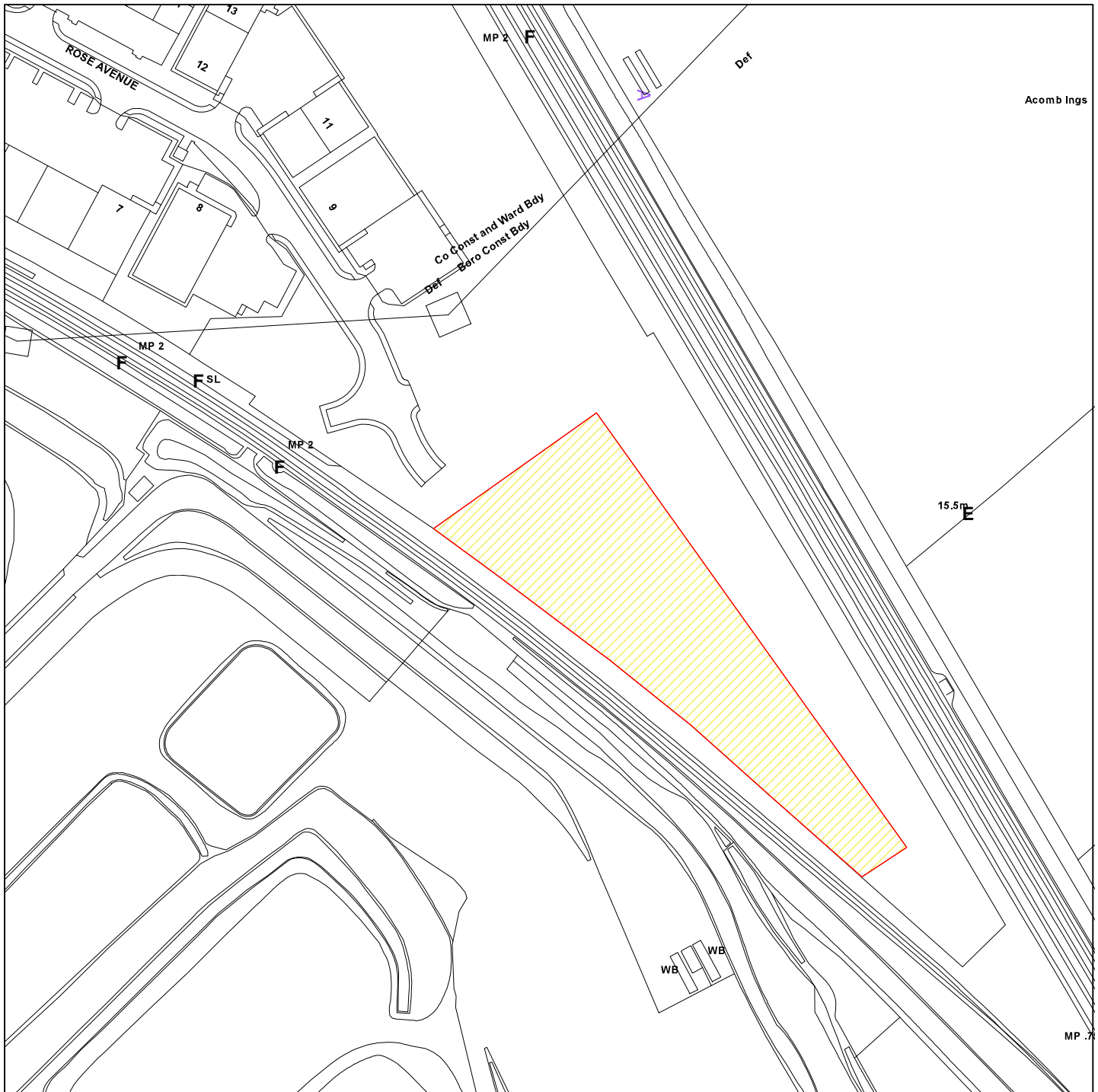
Author: Victoria Bell Development Management Officer

Tel No: 01904 551347

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13/00785/REMM

Plot 15, Great North Way



Scale : 1:2000

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	24 June 2013
SLA Number	Not Set

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COMMITTEE REPORT

Date: 4 July 2013 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 13/00929/FULM
Application at: The Bonding Warehouse Terry Avenue York YO1 6DH
For: Conversion of ground floor to restaurant (Class A3) and/or
offices (Class B1), first floor to offices (Class B1) and upper
floors to 4no. apartments, erection of external access tower
and bridge link to Skeldergate and new mansard roof to
southern building
By: Mr Peter Callaghan
Application Type: Major Full Application (13 weeks)
Target Date: 16 August 2013
Recommendation: Approve

1.0 PROPOSAL**The Site**

1.1 The Bonding Warehouse is one of the three surviving warehouses on the south west bank of the River Ouse. It was constructed by the City Corporation in two stages 1872-5, predating the adjacent Skeldergate Bridge. The building signifies the location of the historic dock adjacent to the River Ouse. Its structure and form are architecturally of moderate to high aesthetic value as an industrial building type. It is listed at Grade 11 and it is located within the Central Historic Core conservation area.

1.2 The warehouse is L-shaped on plan encompassing a yard enclosed by walls, gate-piers and railings which are also mentioned in the list title. There are two sections of different heights (3 storeys and 2 storeys) with separate roof forms. Cast iron columns support the open floor spans and the lower floors have brick vaulted fire-proof construction. The river frontage has been designed as the principal architectural frontage, forming the river wall at its base.

1.3 The building has been empty since 2000. In spite of the implementation of a "tanking" scheme inside the ground floor of the building to minimize the impact of flooding, the building is deteriorating and is highlighted as being "at risk" in the Central Historic Core conservation area appraisal.

The Proposal

1.4 Planning permission is sought for the use of the northern part of the ground floor of the building as offices, and for the use of the ground floor southern part as offices or a restaurant use (Class A3). The first floor would be used as offices with two apartments to be provided in a new second floor to the southern building. These would be located within a new roof, the design of which is similar to that for which permission already exists (please refer to paragraph 1.7). Two further apartments would be created on the second and the new third floor within the roof of the northern building. Again this replicates an earlier proposal for which planning and listed building consent was granted.

1.5 Access to the building would be obtained from an entrance within the courtyard of the building and a new external stair and lift tower within the courtyard would give access to the upper floors. A fixed pedestrian bridge link to project from the first floor of the building to the garden area on the opposite side of Terry Avenue is also proposed due to flood risk requirements.

Planning History

1.6 The Bonding Warehouse was converted for use as a restaurant and pub in the early 1980s. External alterations dating from this time include reopening the previously blocked windows of the lower section, adding external platforms and balconies to the river frontage and altering the access off Terry Avenue. The use of the building as a bar ceased in 2000 following the flooding of the building and it has remained unoccupied since then.

1.7 Planning permission and listed building consent were granted in 2008 for the conversion of the ground floor of the building to offices and the conversion of the upper floors into residential use (9 flats). As part of these consents, permission was also granted for the construction of a new mansard roof to the southern wing of the building, the erection of a stair and lift tower within the building courtyard to Terry Avenue and a retractable bridge link to Skeldergate to facilitate access and exit in time of flood.

1.8 Further consents were granted in 2009 for the use of the ground, first and second floors of the building for offices with the upper second floor on the northern wing of the building retained for residential use (2 flats), together with the internal and external alterations to the building previously approved in 2008. This 2009 planning permission was renewed in 2012 and a listed building consent for the works to the building as proposed in that permission has recently been granted.

1.9 An associated listed building consent application (13/00930/FULM) is also reported on this agenda.

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

Floodzone 3 GMS Constraints: Flood zone 3

Listed Buildings GMS Constraints: Grade 2; Skeldergate Bridge, Tollhouse, Walls and Steps

Listed Buildings GMS Constraints: Grade 2; Skeldergate Bridge and Tollhouse, Walls and Steps

Listed Buildings GMS Constraints: Grade 2; The Bonding Warehouse Skeldergate York YO1 6DH

2.2 Policies:

CYGP1	Design
CYGP4A	Sustainability
CYGP15	Protection from flooding
CYHE2	Development in historic locations
CYHE3	Conservation Areas
CYHE4	Listed Buildings
CYT4	Cycle parking standards
CYH9	Loss of dwellings or housing land
CYE7	B1 office devt in Existing Buildings
CYL1C	Provision of New Open Space in Development
CYHE10	Archaeology
CYH1	Housing Allocations

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

Conservation Architect

3.1 This application is welcomed as the scheme would help to secure the future of an important historic building within the conservation area.

Archaeologist

3.2 This site lies in the central AAI and is in the Central Historic Core Conservation Area. The applicant has submitted an archaeological desk-based assessment (DBA) and a copy of the Level 1 building record of the standing building.

3.3 The Bonding Warehouse occupies a site that includes a section of the City Wall, a postern gate and a section of the outer defences of Baille Hill, an 11th century motte and bailey castle. The DBA states that there is potential for archaeological deposits to be disturbed by groundworks in the cellar and in the yard area of the Bonding Warehouse. In addition, it is my assessment that the areas where groundworks will be required for the proposed bridge will also contain archaeological deposits that will be disturbed by the development. It will therefore be necessary to have an archaeological watching brief on all groundworks for this development.

Landscape Architect

3.4 The Acer referred to in previous consultations for this site has been removed in the intermediate period due to its deteriorated condition. Nonetheless a replacement has not been planted in this location because of the development ambitions, but this is still something that would be required in connection with the bridge landing.

3.5 There is a broad Holly at the top of the bank, the canopy of which overhangs the area to be taken up with the start of the ramp. This would have to be crown lifted/reduced, or possibly removed and replaced depending on the final levels of this element of the development. The ramp also cuts across the edge of the root protection area of the mature Lime; the impact on this would depend upon the construction details of the ramp. The impact of the development may have further impact if the ramp includes extensive earthworks.

3.6 Recommend a condition requiring a method statement regarding protection measures for the existing trees and for the planting of a replacement tree at the apex of Skeldergate and Terry Walk.

Sustainability Projects Officer

3.7 The applicant should provide additional information as to why the required standards of the IPS on Sustainable Design and Construction cannot be achieved for the restaurant and apartment elements of the proposal. Recommend applying conditions for these elements or the submission of evidence demonstrating that their implementation is neither feasible nor viable. Evidence should be submitted demonstrating compliance at both the design and procurement and post construction stages.

3.8 To achieve the renewable energy requirements of the IPS the applicant has provided a brief overview of the technologies which could achieve at least 10% of the proposals energy demand. A number of technologies have been considered as a means of achieving the IPS requirement, however, no information is included in the Sustainability Statement on the appropriateness of combined heat and power (CHP), micro CHP and ground source heat pumps. Prior to deciding on a preferred option, an assessment of installing these technologies should be undertaken.

Environmental Protection Unit

3.9 The Environmental Protection Unit has concerns regarding this application, in particular the noise and odour generated by the restaurant and its affect on amenity of residents of the proposed development and those neighbouring the development. The noise includes noise from customers, the kitchen, disposal of waste and extraction from the kitchens. In order to address these concerns, EPU recommend conditions restricting the opening hours of the restaurant, and times for when bottles and glass can be placed into bottle bins together with details of all machinery, plant and equipment to be installed,

Highway Network Management

3.10 The level of car and cycle parking proposed is in accordance with CYC Annex E standards and is considered acceptable. The site is in a very sustainable location and can be readily accessed by non car modes. The surrounding highways are protected by various waiting restrictions which will prevent indiscriminate on-street parking. To the front of the building on Terry Avenue is a pay and display bay which will enable short stay parking for guests/visitors to the development.

3.11 Due to flood risk requirements the scheme also proposes to provide a pedestrian bridge link. The underside height clearance of the bridge has been fixed at a minimum of 4m which will still enable use of the highway below, up to Skeldergate Bridge, by servicing traffic or emergency vehicles. The provision of this underside height clearance is also considered necessary in order to prevent the increased likelihood of a bridge strike which would arise from a lower structure.

Flood Risk Management Team

3.12 No objections in principle to the development and would mirror the comments made by the Environment Agency. There is a lack of information with regards to foul and surface water disposal and as such the standard drainage condition should be applied.

Education

3.13 A contribution of £11,984 towards education is required for 1 additional place at the local primary school, Scarcroft Primary.

Emergency Planning Coordinator

3.14 Residents should have 24/7 access to the walkway so that they can come and go as they please even if the surrounding area is flooded. The businesses would need to subscribe to the EA flood warnings direct service and have an evacuation plan in place.

EXTERNAL

Environment Agency

3.15 According to City of York Council's Strategic Flood Risk Assessment, this site lies within a developed area at high risk of flooding. Only 'less vulnerable' development (as defined by NPPF), subject to the exception test, would normally be appropriate at this location. Residential accommodation is defined as 'more vulnerable'.

3.16 However, given that the principle of this development had been agreed prior to the production of the 2011 SFRA, the Environment Agency does not object in principle to this application. Nevertheless, the mitigation measures previously agreed for this site as part of the flood risk assessment must still be applied. This includes using the ground floor of this building for less vulnerable uses (such as the proposed office or restaurant).

Police Architectural Liaison Officer

3.17 The section on security in the Design and Access Statement is noted and welcomed. This clearly demonstrates that crime prevention has been considered. The only issue raised relates to the footbridge. It is noted that access to this footbridge from Skeldergate would be restricted by a lockable gate. The lower sections of this footbridge could be easily accessed by climbing. This bridge has the potential to generate anti social behaviour, e.g. climbing, inappropriate loitering, skateboarding on the ramp, objects being thrown etc. The only suggestion is to consider fitting the access gate (minimum height 1.8 metres) half way up the ramp with anti climb collars fitted to either side to prevent it being by-passed.

English Heritage

3.18 Welcome in principle the conversion of this redundant Grade II listed building to a new use. We note that the changes proposed are different in only relatively minor ways to the consented scheme and we confirm that we are content in principle with the scheme. We recommend that should your Council be minded to grant consent, this is subject to agreement of detailed treatment (upon which we are happy to defer to your Council).

Canal and River Trust

3.19 No comments to make. If the Council is minded to grant permission, it is requested that an informative be attached to advise the applicant to contact the Canal and River Trust to ensure any necessary consents are obtained.

Micklegate Planning Panel

3.20 Do not object but comments as follows;

- (i) the access tower and stair are modern interventions, however they will enable the continued use of a prominent riverside building. It is hoped that the necessary development takes place as soon as possible in order to bring this building back into use.
- (ii) Do not object to restaurant use but recommend that any impact on neighbouring residents is taken into consideration when determining hours of operation and licensing.

Conservation Areas Advisory Panel

3.21 The panel object to the revised height of the bridge and felt that spurious arguments had been used to insist on the change. The panel also object to the balconies now proposed on the Skeldergate elevation as being totally out of character for this building as the elevations are particularly important on this formally designed and important historic commercial site. The panel were pleased to see the change to slate on the mansard roof. Overall they felt that more details are required in general to assess the impact of other alterations on the listed building. The panel hoped that these issues can be resolved and hoped for a successful restoration of the building.

Third Party Representations

3.22 Eight neighbour representations, including a petition with 7 signatures, have been received.

3.23 On the basis of this being a "true" restaurant and not a bar/entertainment venue, three letters of support have been received which raise the following points;

- (i) Wish to see the building brought back to life. Apartments and offices seem practical and a restaurant would add to the appeal of the riverside location.
- (ii) The bridge is inoffensive and would not detract from the surrounding area.
- (iii) It will reduce the pigeon problem.
- (iv) The use of the garden area opposite shall not be seen as giving the land less amenity value than it has currently.

3.24 Five letters of objections received (including a petition) of which the focus is on the proposed restaurant use.

- (i) This is an un-neighbourly commercial development within a residential area, mostly inhabited by elderly people.
- (ii) No attempt to consult with local people.

- (iii) Concerned about noise. Concern that the restaurant ends up being a bar which sells food with associated late night noise and drinkers smoking outside.
- (iv) Music should be inaudible so as not to cause noise disturbance to local residents
- (v) Please ensure that the 12 parking spaces within the gardens opposite are cycle spaces and not car parking spaces.
- (vi) Object to any form of parking (cycle or car parking) within the garden
- (vii) Will increase traffic
- (viii) Not suitable within a flooding area.

4.0 APPRAISAL

KEY ISSUES

4.1 The main planning issues with this application are:

- Acceptability of the proposed uses
- Impact on the listed building and the conservation area
- Highways
- Living conditions of nearby residents
- Flood Risk
- Sustainable Design and Construction
- Ecology
- Open Space / Education Contributions

PROPOSED USES

4.2 The National Planning Policy Framework makes a presumption in favour of sustainable development. It advises that applications should be approved unless they conflict with an up to date local plan, or they are contrary to policies within the framework.

4.3 The host building is within the city centre, as defined in the Local Plan. The National Planning Policy Framework recognises town centres as the heart of communities and Local Planning Authorities are expected to pursue policies to support their viability and vitality; this involves allocating a range of sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural and community development needed in town centres. The Framework also recognises that residential development can play an important role in ensuring the vitality of centres and it should be encouraged on appropriate sites. Within paragraph 51, the Framework advises that local planning authorities should normally approve planning applications for change to residential use where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

4.4 Although the application site is not allocated for housing in the Preferred Options document of the new Local Plan, it is allocated for residential development under policy H1.30 of the City of York Development Control Local Plan (April 2005). This policy estimates that the capacity of the site is 20 dwellings. Given that the application proposes only four dwellings, Policy H9 (Loss of Dwellings or Housing Land) is relevant. Policy H9 contains a general presumption against the loss of allocated housing land however notes that exceptions can be made in circumstances where an appropriate use is needed to conserve a historic building. Given the circumstances of the site and the fact that the building is located within the defined limits of the city centre, it is considered appropriate to consider a range of potential uses, which enhance the attractiveness and vibrancy of the centre in light of the conservation requirement to find the optimum viable use. The Council's "Planning Statement: Bonding Warehouse, Skeldergate, York" (December 2006), although not formally approved by the Council but prepared as advice to potential developers, indicates that it would be supportive of employment and leisure uses.

4.5 The northern part of the ground floor of the building is proposed to be used for Class B1 office use and the southern part of the ground floor would be used as offices or as a restaurant. The first floor would also be used for Class B1 office use. The proposed office use is acceptable when assessed against policy E7 which states that permission will be granted at first floor level or above for B1 (Office) uses in York City Centre and B1 uses at ground floor level will be permitted where it would not harm the vitality and viability of the City Centre.

4.6 The proposal to have the option of using the southern part of the ground floor as offices or restaurant is to give the applicant flexibility in the marketing of the building and is possible under planning legislation. The building was last used in 2000 as a drinking establishment and the use of part of the ground floor as either a restaurant or offices does not raise any issues of principle. As stated in paragraph 4.4, it is considered appropriate to consider a range of potential uses, which enhance the attractiveness and vibrancy of the centre in light of the conservation requirement to find the optimum viable use.

IMPACT ON THE CONSERVATION AREA AND LISTED BUILDING

4.7 The National Planning Policy Framework advises that it is desirable that proposals sustain or enhance the significance of heritage assets and put them to viable uses, consistent with their conservation. Any loss or harm to conservation areas requires clear and convincing justification. Local Plan Policy HE3 states that within Conservation Areas, proposals will only be permitted where there is no adverse effect on the character and appearance of the area.

4.8 The following paragraphs of the report highlight the key elements of the proposed scheme and the areas which are still considered to require amendment. It should be noted that the principle of the new stair and lift core, the escape bridge and ramp, the additional storey contained in a mansard roof and alterations to the boundary wall and gates were approved under previous applications.

Stair tower

4.9 The tower has been designed as a contemporary structure. It is more transparent than the tower approved under the previous scheme and it uses a vertical proportioning system based on the existing building. It also has a glazed link to the existing building. Officers support this revised architectural approach on the basis of it being complimentary to the appearance of the building but have requested a reduction in its height as it is currently considered to compete with the main building. Members will be updated at the meeting.

Bridge and Ramp

4.10 Due to flood risk requirements the scheme involves a pedestrian bridge link which can be used in times of flooding to provide occupiers of the building with an alternative means of entrance/exit. The bridge link is fixed and would project from the first floor of the building to the garden area on the opposite side of Terry Avenue. Previous planning permissions incorporated a folding bridge design. This approach however has been discounted due to concerns over its reliability and management which could affect its deployment in a flooding situation.

4.11 Highway requirements have resulted in the underside height clearance of the bridge being fixed at a minimum of 4m. The previously approved folding bridge was 1.2 metres lower in height, the newly elevated position means that the bridge and ramp structure would have a greater impact on the conservation area. The Landscape Architect recommends conditions to ensure existing trees are protected and, in order to soften the impact of the bridge and ramp structure, the planting of a replacement tree at the apex of Skeldergate and Terry Walk. To lessen the impact further, Officers consider that the bridge should have a "lighter" appearance than proposed with a central support system and a more open balustrade. It is anticipated that revised plans will be available at the meeting.

External balconies

4.12 The proposed plans detail external balconies facing Skeldergate. Officers consider that they would appear as domestic appendages which would dilute the historic industrial nature of this warehouse building and have therefore requested that they be removed from the scheme. The scheme also includes existing balustrades being replaced by guard rails of more solid appearance based on a panel design with vertical bars. It is considered that this design approach would be

untypical of the riverside location and would have a negative effect on the setting of the building and as such, the applicant has been asked to revert to the previously approved design approach. Members will be updated at the meeting.

"Taking in" doors

4.13 The historic doors are important evidence of the original use and they suit the aesthetic nature of the building. They were purpose made for the building and are recessed into the jambs of the brickwork. The loss of these doors would be harmful to the architectural and historic interest of the building and the applicant has been asked to retain them by perhaps providing an internal balcony and glazed screen which the doors could fold back into. Members will be updated at the meeting.

HIGHWAY ISSUES

4.14 Eight car spaces would be provided within the courtyard area together with 30 cycle spaces in the basement of the building. A further 12 cycle spaces are proposed to be provided for the commercial ground floor uses either in the garden area on the opposite site of Terry Avenue or to the gable of the building. It is recommended that the final location and design of cycle parking be secured through a condition. The level of car and cycle parking proposed accords with policy and is considered acceptable. The site is in a very sustainable location and can be readily accessed by non car modes. Furthermore, the surrounding highways are protected by various waiting restrictions which will prevent indiscriminate on-street parking. To the front of the building on Terry Avenue is a pay and display bay which will enable short stay parking for guests/visitors to the development.

4.15 With reference to the pedestrian bridge link, Officers required the underside height clearance of the bridge to be fixed at a minimum of 4m which would still enable use of the highway below, up to Skeldergate Bridge, by servicing traffic or emergency vehicles. The provision of this underside height clearance is also considered necessary in order to prevent the increased likelihood of a bridge strike which would arise from a lower structure.

RESIDENTIAL AMENITY

4.16 Whilst Officers acknowledge that the building was last used in 2000 as a drinking establishment, since the building became vacant the residential nature of the area has been reinforced by new developments opposite the site. The nearest residential properties are within City Mills adjacent to the site and within Lady Anne Court (Middleton, Boleyn and Clifford House) to the west across Skeldergate. Unlike the more public areas on the opposite bank of the river, this side of the Ouse is relatively quiet and concerns have been raised by local residents that a restaurant use may develop into a mixed restaurant / bar use with the associated problems of noise and disturbance.

4.17 In recognising that this is a relatively quiet part of the city centre, Officers recommend conditions to restrict the opening hours of the restaurant and to restrict the times for when bottles and glass can be placed into bottle bins. It should be noted that this proposal involves an A3 use and as such planning permission would be required if the bar use ceased to be ancillary to the restaurant use.

4.18 The amenity of residents of the proposed dwellings at second floor level would not be affected by the office use at ground and first floor levels. The proposed restaurant use at ground floor would not be immediately adjacent to the residential units and therefore there would be minimal disturbance for occupants from noise transmitted through the building.

4.19 The comments of the Police Architectural Liaison Officer in relation to the footbridge having the potential to generate anti social behaviour are noted. It is recommended that a condition be attached to the decision requiring details of measures to deter such activity (part (m) of Condition 18).

FLOOD RISK

4.20 According to City of York Council's Strategic Flood Risk Assessment, this site lies within a developed area at high risk of flooding. Only 'less vulnerable' development (as defined by the National Planning Policy Framework), subject to the exception test, would normally be appropriate at this location. Residential accommodation is defined as 'more vulnerable'

4.21 Given that the principle of this development had been agreed prior to the production of the 2011 SFRA, no objections are raised to the inclusion of residential units within the scheme. As per the previous approvals, a bridge link to be used in times of flooding to provide occupiers of the building with an alternative means of entrance/exit is proposed and in conjunction with the other mitigation measures, it is considered that the proposal follows the advice given in the National Planning Policy Framework that the "development is appropriately flood resilient and resistant, including safe access and escape routes where required".

ECOLOGY

4.22 A bat survey was undertaken in 2007 in connection with a previous proposal for the building. It showed that the building was not used by roosting bats at that time. A winter hibernation assessment was then carried out in February 2013 which found some evidence of bat activity. A further emergence and return survey was carried out last month and the previous assessment updated with the results of this survey. The report concludes that the building is not used as a roost, and that roof boxes or wall boxes should be provided as part of the conversion works. Part (h) of Condition 18 requires the applicant to submit details of the location and details of bat boxes.

The comment of the Council's Ecologist in respect of the latest survey and whether a further condition is required is awaited and Members will be updated at the meeting.

SUSTAINABLE DESIGN AND CONSTRUCTION

4.23 A sustainability statement and supplementary statement describing how the proposal fits with the criteria listed in Policy GP4a and the Interim Planning Statement: Sustainable Design and Construction, has been submitted. The statement explores the various options for the provision of on-site renewable energy; wind turbines, solar photovoltaic panels, solar thermal hot water and biomass boiler. The report concludes that the options for providing a proportion of renewable energy generated on site are limited as a result of the character and appearance of the listed building. The statement also outlines the applicants' intention to work towards achieving a BREEAM "Very Good" rating on the restaurant.

4.24 Although it is recognised that the proposal does not meet the requirements of the IPS in terms of achieving at least a BREEAM "Very Good Rating" for both the office and residential elements and for 10% of regulated energy demand to be provided by renewable and low carbon technologies, the practical difficulties of reducing the environmental impact of the development are accepted. Amongst the constraints of achieving the requirements of the IPS are that this is a listed building prominently sited within a Conservation Area and within a medium/high risk Flood Zone.

LOCAL EDUCATION, SPORTS, PLAY AND OPEN SPACE FACILITIES

4.25 In accordance with Policy ED4, there is a requirement to contribute £11,984 to cover the cost of 1 primary school place at Scarcroft Primary.

4.26 In accordance with policy L1c of the Draft Local Plan, the applicant / developer would also be required to make a contribution towards children's equipped play space, informal amenity open space and outdoor sports facilities. Based upon the City of York Commuted Sum Payments document, the contribution for this development would be £6,352.

4.27 The applicant has agreed to provide the contributions and is in the process of preparing a unilateral undertaking under section 106 of the Town and Country Planning Act.

5.0 CONCLUSION

5.1 The building is an important component of the riverside environment and this scheme would appear to create a viable use for the building. It would remove dereliction and provide new life in this area.

5.2 Aspects of the scheme in particular the newly elevated position of the bridge link are considered to impact on the appearance of the Conservation Area but Officer's are of the opinion that such elements are justified to ensure the use and continued existence of this important listed building.

5.3 Subject to the receipt of amended plans which address the points made in the report and the completion of a Unilateral Undertaking, the proposals are considered to have an acceptable impact on the listed building and the conservation area given the constraints of the site and are in compliance with the policies of the local plan and with guidance contained within the National Planning Policy Framework.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to s106 agreement

1 TIME2 Development start within three years -

2 PLANS2 Approved plans and other details

3 Prior to the occupation of any part of the development, details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building 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.

4 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

5 The development hereby approved shall not be occupied until a Full Travel Plan has been submitted and approved in writing by the LPA. The travel plan should

be developed and implemented in line with local and national guidelines and the submitted Travel Plan dated January 2009. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with local and national highways and planning guidance, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

6 The development shall be carried out in accordance with the submitted flood risk assessment (ref Ove Arup & Partners, dated February 2007, ref 122111 & FRA update by Grantside Ltd dated April 2013) and the following mitigation measures it details:

- a. the flood proofing/resilient measures detailed within the FRA and update should be incorporated into the development
- b. a permanent access bridge to first floor level will be provided in line with drawing number 17801-pl-022 RevA.
- c. a maintenance and deployment regime must be in place for the various flood prevention measures employed during the development's lifetime.

These measures shall be fully implemented prior to occupation, and according to the scheme's phasing arrangements (or with any other period, as agreed in writing, by the Local Planning Authority).

Reason To reduce the risk/impact of flooding to the proposed development and future occupants, to ensure safe access and egress from and to the site and to ensure the building remains 'safe' for its entire occupation.

7 There shall be no storage of any materials, including soil, in the open area of land which is immediately adjacent to the site and within flood zone 3.

Reason: To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity.

8 Flood warning notices shall be erected in numbers, positions and with wording all to be approved by the Local Planning Authority. The notices shall be kept legible and clear of obstruction.

Reason: To ensure that owners and occupiers of premises are aware that the land is at risk of flooding in accordance with policy GP15a of the Local Plan.

9 An evacuation procedure from the relevant parts of the development shall be submitted to and approved in writing by the Local Planning Authority and be in place before occupation of those parts of the building. Measures should be introduced to ensure the procedure remains operational for the lifetime of the development.

Reason: To ensure the users of the building remains 'safe' for its entire occupation, in line with guidance contained within the National Planning Policy Framework and Policy GP15a of the Local Plan.

10 The restaurant use hereby permitted shall be restricted to the following hours:

Monday to Friday 08:00 to 23:00

Saturday 08:00 to 23:00

Sundays and Bank Holidays 10:00 to 22:00

Reason: To protect the amenity of neighbour residents and those within the proposed development from noise

11 Bottles and glass in connection with the proposed restaurant use shall not be placed into bottle bins between the hours of 22.00 hours and 10.00 hours on any day.

Reason: To protect the amenity of neighbour residents and those within the proposed development from noise.

12 Prior to the commencement of the relevant part of the development, details of all machinery, plant and equipment to be installed in or located on the building associated with the uses hereby permitted, which is audible at any residential dwelling when in use, shall be submitted to the local planning authority for approval. 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 approved 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 fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of neighbour residents and those within the proposed development.

13 Prior to the commencement of the restaurant part of the development hereby approved, details of all machinery, plant and equipment to be installed in or located on building associated with the use hereby permitted, which will emit odour detectable at any residential dwelling when in use, shall be submitted to the local planning authority for approval. These details shall be submitted inline with the requirements of Annex B of the DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems.

Reason: To protect the amenity of neighbour residents and those within the proposed development.

14 ARCH2 Watching brief required -

15 Prior to the commencement of the construction of the bridge and ramp, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing, construction details for the ramp and bridge supports, any earthworks, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading) et al.

Reason: To protect existing trees that make a significant contribution to the public amenity of the area.

16 A tree to the following specification shall be planted at the apex of Skeldergate and Terry Walk: heavy standard; minimum 12-14cm girth; 350-425cm height; min. 5 branches, with a strong, straight main leader. The tree species shall be *Acer platanoides*, *Fagus sylvatica* 'Dawyck', *Alnus cordata*, or *Tilia* 'Greenspire'. The tree shall be planted within 6 months of completion of the new bridge. If within a period of five years from the completion of the development, the tree dies, is removed or becomes seriously damaged or diseased, it shall be replaced in the next planting season with another of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: To soften the visual impact of the proposed ramp and bridge abutment, and to perpetuate the tree cover that contributes to the amenity of the conservation area.

17 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used for the extensions shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the development. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

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

- (a) Stair tower (including sections through the external wall at 1:20 and 1:5 details of the junctions with the existing building)
- (b) New and amended balconies, including details of any replacement balustrades
- (c) Adaptations to external doors
- (d) New windows (pattern to be based on originals)
- (e) Typical dormer window
- (f) Rooflights. These should be conservation type with recessed flashings
- (g) Any additional flood measures such as flood gates located outside of existing ground floor doors and windows
- (h) Location and details of bat boxes
- (i) Sections across the bridge and ramp at 1:20 and details of the balustrade and supports
- (j) Details and location of the platform lift (referred to in the Planning Statement as being attached to the stepped part of the ramp)
- (k) The new opening and gate in the existing bridge walls
- (l) Details of external plant, plant enclosures and ventilation grills
- (m) Details of anti-crime measures in relation to the bridge

Reason: Because of the special interest of the listed building and the character and appearance of the conservation area in accordance with policy HE2 and HE4 of the Local Plan.

19 Full details of the landscape proposals for the courtyard shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development. The proposals shall show levels, hard and soft materials, planting, external lighting and any other fixed artefacts and the scheme shall include details of any alterations to the yard wall, gates and ramp and details of the new access ramp and steps. The stone gate piers which are in better condition should be repaired and relocated and natural materials such as setts shall be reused

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the development in the context of safeguarding the setting of the

listed building within the Conservation Area.

20 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.

21 Method statements for each area of plant and services shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of the relevant part of the development. The statements shall include details of how commercial and domestic servicing would be integrated into the building (heating/cooling/ventilation, power, lighting, water supply and drainage, waste, rainwater goods). Any details of plant, ductwork, wiring or grills affecting the exterior of the building should be drawn in context. Wiring shall not be chased into exposed brick surfaces.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the development in the context of safeguarding the setting of the listed building within the Conservation Area.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the special interest of the listed building, the character and appearance of the conservation area, the living conditions of nearby residents, flood risk, protected species, highway safety and the provision of leisure, open space and education facilities. As such the proposal complies with Policies GP1, GP15a, HE2, HE4, HE10, HE11, T4, H1, E7, ED4, L1c and NE6 of the City of York Local Plan Deposit Draft and the guidance contained in the National Planning Policy Framework (March 2012).

2. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the

application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- pre-application discussions
- detailed negotiations on design
- the use of conditions

3. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

4. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under Section 176 of the Highways Act 1980.

5. INFORMATIVE:

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 manufacturer's 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

6. Flood Warning Advice

The Environment Agency strongly recommends that all occupants of the development sign up to their flood warning service.

7. Canal and River Trust

The applicant/developer is advised to contact Alan Daines (0113 200 5713) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".

Contact details:

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

Tel No: 01904 551610

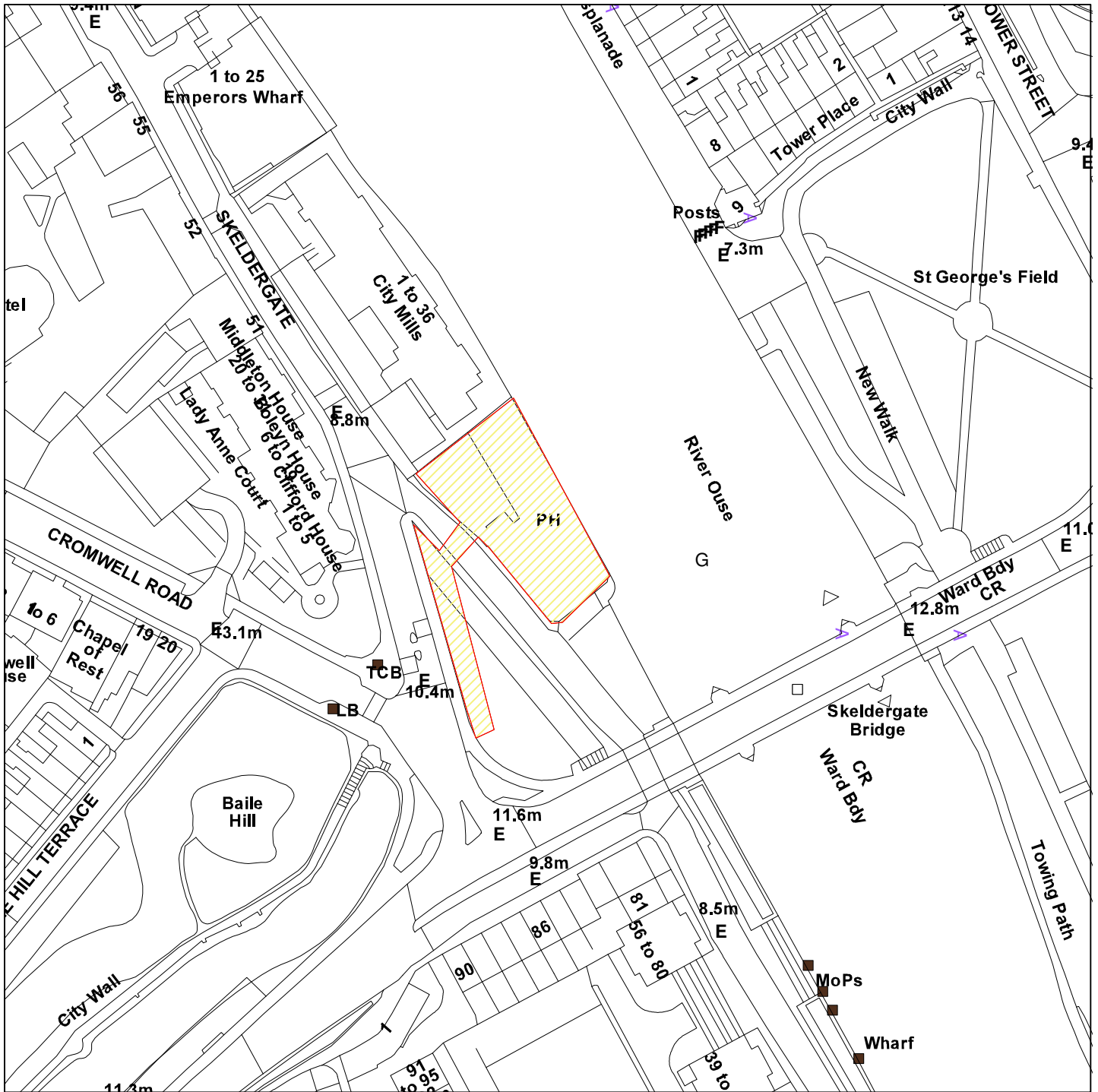
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13/00929/FULM

The Bonding Warehouse



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	24 June 2013
SLA Number	Not Set

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COMMITTEE REPORT

Date: 4 July 2013 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 13/00930/LBC
Application at: The Bonding Warehouse Terry Avenue York YO1 6DH
For: Internal and external alterations in connection with proposed use as restaurant and/or offices with apartments in upper floors including new mansard roof to southern building, erection of stair and lift access tower in courtyard and bridge link to Skeldergate
By: Mr Peter Callaghan
Application Type: Listed Building Consent
Target Date: 24 June 2013
Recommendation: Approve

1.0 PROPOSAL

1.1 The Bonding Warehouse is one of the three surviving warehouses on the south west bank of the River Ouse. It was constructed by the City Corporation in two stages 1872-5, predating the adjacent Skeldergate Bridge. The building signifies the location of the historic dock adjacent to the River Ouse. Its structure and form are architecturally of moderate to high aesthetic value as an industrial building type. It is listed at Grade 11 and it is located within the Central Historic Core conservation area.

1.2 The warehouse is L-shaped on plan encompassing a yard enclosed by walls, gate-piers and railings which are also mentioned in the list title. There are two sections of different heights (3 storeys and 2 storeys) with separate roof forms. Cast iron columns support the open floor spans and the lower floors have brick vaulted fire-proof construction. The river frontage has been designed as the principal architectural frontage, forming the river wall at its base.

1.3 The building has been empty since 2000. In spite of the implementation of a "tanking" scheme inside the ground floor of the building (to minimize the impact of flooding), it is deteriorating and is highlighted as being "at risk" in the Central Historic Core conservation area appraisal.

The Proposal

1.4 Listed Building Consent is sought for alterations in connection with the proposed conversion of the Bonding Warehouse to office, restaurant and residential use (4 units).

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006
Conservation Area Central Historic Core CONF
Listed Buildings Grade 2; The Bonding Warehouse Skeldergate York YO1 6DH
0926

2.2 Policies:

CYHE4 Listed Buildings

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

3.1 This application is welcomed as the scheme would help to secure the future of an important historic building within the conservation area. A number of issues need to be considered and addressed. For further details of these, please refer to main body of report.

EXTERNAL

English Heritage

3.2 Welcome in principle the conversion of this redundant Grade II listed building to a new use. We note that the changes proposed are different in only relatively minor ways to the consented scheme and we confirm that we are content in principle with the scheme. We recommend that should your Council be minded to grant consent, this is subject to agreement of detailed treatment (upon which we are happy to defer to your Council).

Micklegate Planning Panel

3.3 Do not object but comments as follows;

(i) the access tower and stair are modern interventions, however they will enable the continued use of a prominent riverside building. It is hoped that the necessary development takes place as soon as possible in order to bring this building back into use.

(ii) Do not object to restaurant use but recommend that any impact on neighbouring residents is taken into consideration when determining hours of operation and licensing.

Conservation Areas Advisory Panel

3.4 The panel object to the revised height of the bridge and felt that spurious arguments had been used to insist on the change. The panel also object to the balconies now proposed on the Skeldergate elevation as being totally out of character for this building as the elevations are particularly important on this formally designed and important historic commercial site. The panel were pleased to see the change to slate on the mansard roof. Overall they felt that more details are required in general to assess the impact of other alterations on the listed building. The panel hoped that these issues can be resolved and hoped for a successful restoration of the building.

Third Party Representations

3.5 Eight neighbour representations, including a petition with 7 signatures, have been received.

3.6 On the basis of this being a "true" restaurant and not a bar/entertainment venue, three letters of support have been received which raise the following points;

- (i) Wish to see the building brought back to life. Apartments and offices seem practical and a restaurant would add to the appeal of the riverside location.
- (ii) The bridge is inoffensive and would not detract from the surrounding area.
- (iii) It will reduce the pigeon problem.
- (iv) The use of the garden area opposite shall not be seen as giving the land less amenity value than it has currently.

3.7 Five letters of objections received (including a petition) of which the focus is on the proposed restaurant use.

- (i) This is a commercial development within a residential area, mostly inhabited by elderly people. Unneighbourly.
- (ii) No attempt to consult with local people
- (iii) Concerned about noise. Concern that the restaurant ends up being a bar which sells food with associated late night noise and drinkers smoking outside.
- (iv) Music should be inaudible so as not to cause noise disturbance to local residents
- (v) Please ensure that the 12 parking spaces within the gardens opposite are cycle spaces and not car parking spaces.
- (vi) Object to any form of parking (cycle or car parking) within the garden
- (vii) Will increase traffic

(vii) Not suitable within a flooding area.

4.0 APPRAISAL

Key Issues

- Impact on special architectural and historic importance of the listed building

4.1 The National Planning Policy Framework states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting.

4.2 The Development Control Local Plan was approved for Development Control purposes in April 2005: its policies are material considerations where they reflect the National Planning Policy Framework. Local Plan Policy HE4 advises that consent will only be granted for internal or external alterations to listed buildings where there is no adverse effect on the character, appearance or setting of the building.

4.3 This report highlights the key elements of the proposed scheme and the areas which are still considered to require amendment. It should be noted that the principle of the new stair and lift core, the escape bridge and ramp, the additional storey contained in a mansard roof and alterations to the boundary wall and gates were approved under previous applications.

Stair tower

4.4 The tower has been designed as a contemporary structure. It is more transparent than the tower approved under the previous scheme and it uses a vertical proportioning system based on the existing building. It also has a glazed link to the existing building. Officers support this revised architectural approach on the basis of it being complimentary to the appearance of the building but have requested a reduction in its height as it is currently considered to compete with the main building. Members will be updated at the meeting.

Bridge and Ramp

4.5 Due to flood risk requirements the scheme involves a pedestrian bridge link which can be used in times of flooding to provide occupiers of the building with an alternative means of entrance/exit. The bridge link is fixed and would project from the first floor of the building to the garden area on the opposite side of Terry Avenue. Previous consents incorporated a folding bridge design. This approach however has been discounted due to concerns over its reliability and management required which could affect its deployment in a flooding situation.

4.6 Highway requirements have resulted in the underside height clearance of the bridge being fixed at a minimum of 4m. The impact on the building itself is not considered to be much greater than the previously approved folding bridge (which was 1.2 metres lower in height) but the newly elevated position means that the bridge and ramp structure would have a greater impact on the conservation area. The Landscape Architect recommends conditions to ensure existing trees are protected and, in order to soften the impact of the bridge and ramp structure, the planting of a replacement tree at the apex of Skeldergate and Terry Walk. To lessen the impact further, Officers consider that the bridge should have a "lighter" appearance than proposed with a central support system and a more open balustrade. It is anticipated that revised plans will be available at the meeting.

External balconies

4.7 The proposed plans detail external balconies facing Skeldergate. Officers consider that they would appear as domestic appendages which would dilute the historic industrial nature of this warehouse building and have therefore requested that they be removed from the scheme. The scheme also includes existing balustrades being replaced by guard rails of more solid appearance based on a panel design with vertical bars. It is considered that this design approach would be untypical of the riverside location and would have a negative effect on the setting of the building and as such, the applicant has been asked to revert to the previously approved design approach. Members will be updated at the meeting.

"Taking in" doors

4.8 The historic doors are important evidence of the original use and they suit the aesthetic nature of the building. They were purpose made for the building and are recessed into the jambs of the brickwork. The loss of these doors would be harmful to the architectural and historic interest of the building and the applicant has been asked to retain them by perhaps providing an internal balcony and glazed screen which the doors could fold back into. Members will be updated at the meeting.

Windows

4.9 The two additional roof-lights at mezzanine level are justified and it is considered that their impact would be limited as they would be situated low down on the roof behind the parapet and set back from the road. Officers welcome the changes to the spacing and size of the recessed windows in the new mansard roof (as compared to previous approved schemes).

Services

4.10 Revised drawings are anticipated with respect to plant and services and it is also recommended that a condition be attached to the decision to require the submission of method statements to include details of how commercial and domestic servicing would be integrated into the building to ensure no harm to the external appearance of the building and to ensure no unnecessary damage is caused to the arched brick ceilings of the building.

5.0 CONCLUSION

5.1 The building is an important component of the riverside environment and this scheme would appear to create a viable use for the building. Subject to the receipt of amended plans which address the points made in the report, the proposals are considered to have an acceptable impact on the listed building given the constraints of the site. The proposal is therefore considered to accord with the provisions of policy HE4 and guidance contained within the National Planning Policy Framework and consequently it is recommended that listed building consent be granted subject to the following conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

2 PLANS2 Approved Plans and other documents

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used for the extensions shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the development. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

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

- (a) Stair tower (including sections through the external wall at 1:20 and 1:5 details of the junctions with the existing building)
- (b) Adaptations of existing windows to doors serving the shared tower
- (c) New and amended balconies, including details of any replacement balustrades
- (d) Adaptations to external doors
- (e) New internal doors
- (f) New windows (pattern to be based on originals)
- (g) Typical dormer window
- (h) Rooflights. These should be conservation type with recessed flashings
- (i) Any additional flood measures such as flood gates located outside of existing ground floor doors and/or windows
- (j) Location and details of bat boxes
- (k) Internal finishes. Brickwork should remain exposed as far as possible.
- (l) Sections across the bridge and ramp at 1:20 and details of the balustrade and supports
- (m) Details and location of the platform lift (referred to in the Planning Statement as being attached to the stepped part of the ramp)
- (n) The new opening and gate in the existing bridge walls

Reason: Because of the special interest of the listed building in accordance with policy HE4 of the Local Plan.

5 Full details of the landscape proposals for the courtyard shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development. The proposals shall show levels, hard and soft materials, planting, external lighting and any other fixed artefacts and the scheme shall include details of any alterations to the yard wall, gates and ramp and details of the new access ramp and steps. The stone gate piers which are in better condition should be repaired and relocated and natural materials such as setts shall be reused

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the development in the context of safeguarding the setting of the listed building within the Conservation Area.

6 Method statements for each area of plant and services shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of the relevant part of the development. The statements shall include details of how commercial and domestic servicing would be integrated into the building

(heating/cooling/ventilation, power, lighting, water supply and drainage, waste, rainwater goods). Any details of plant, ductwork, wiring or grills affecting the exterior of the building should be drawn in context. Wiring shall not be chased into exposed brick surfaces.

Reason: Because of the special interest of the listed building in accordance with policy HE4 of the Local Plan.

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

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

Contact details:

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

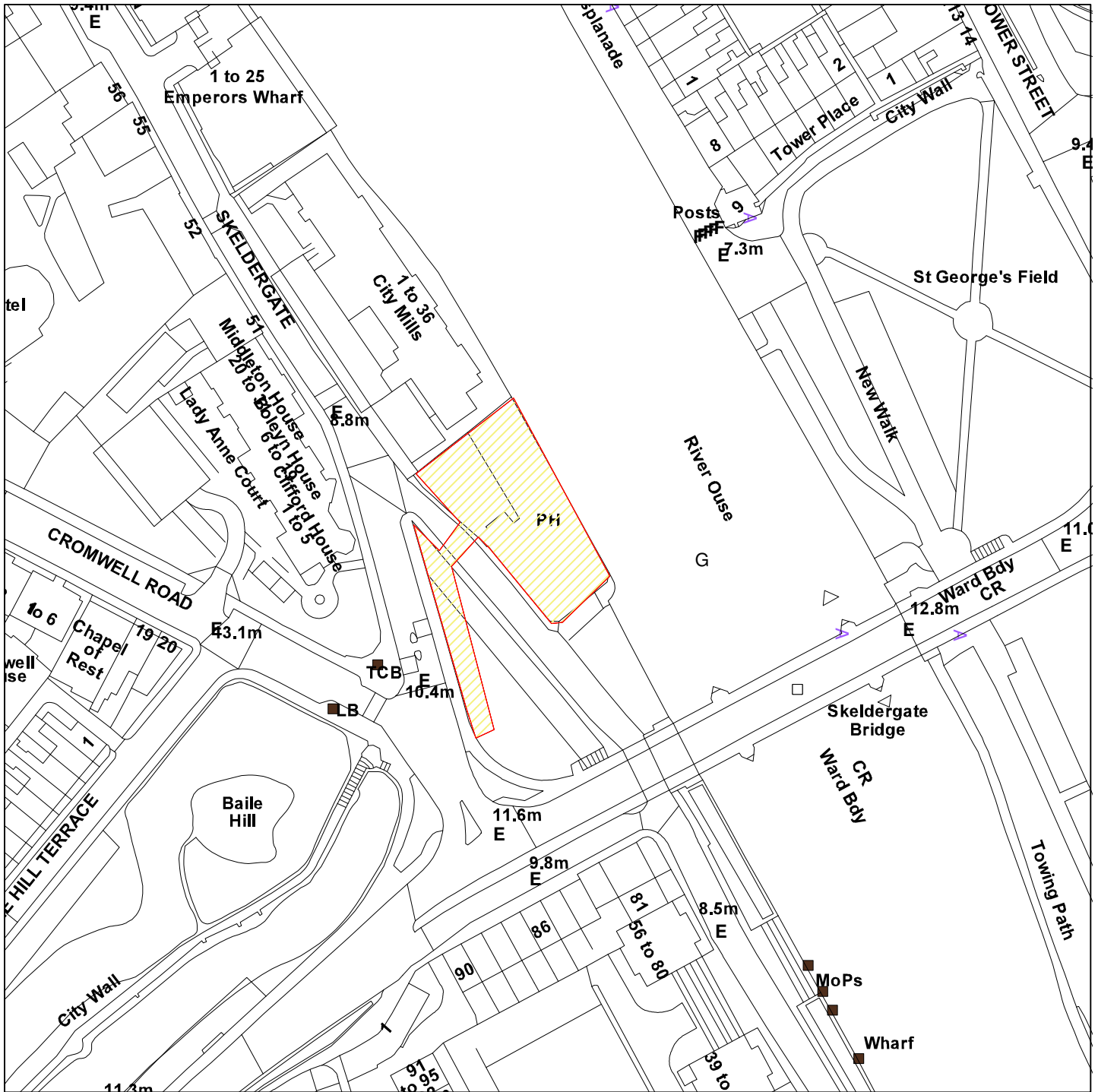
Tel No: 01904 551610

13/00930/LBC

The Bonding Warehouse



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Department	Not Set
Comments	Not Set
Date	24 June 2013
SLA Number	Not Set

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COMMITTEE REPORT

Date: 4 July 2013 **Ward:** Heworth
Team: Householder and **Parish:** Heworth Planning Panel
 Small Scale Team

Reference: 13/00001/FUL
Application at: 96 Dodsworth Avenue York YO31 8UD
For: Installation of an air source heat pump
By: Mr Tom Shepherd
Application Type: Full Application
Target Date: 28 February 2013
Recommendation: Householder Approval

1.0 PROPOSAL

1.1 The application property is a mid-terraced house located on a main suburban thoroughfare. It is intended to erect an air source heat pump to the rear of the house. The external apparatus will be located at ground floor level and is approximately 1 metre wide by 1 metre high.

1.2 An air source heat pump is a heating system that extracts heat from the outside air, raises the heat to a higher temperature and then distributes warmth around the home. Subject to the nature of heating systems used in the house it can significantly reduce CO2 emissions.

1.3 Air source heat pumps require planning permission at domestic properties when their noise level exceeds standards set out in Planning Standard MCS 020. In assessing compliance, regard is given to the distance to neighbouring habitable room windows and the existence of any solid barriers between the pump and nearby windows.

1.4 As the first floor habitable room windows of neighbouring properties (numbers 94 and 98) are relatively close to the location of the pump and the existing garden fences do not provide a sound barrier, the applicant calculated that the decibel level reaching the windows would slightly exceed the acceptable threshold for permitted development. As such planning permission is required.

1.5 The application is brought to committee as the applicant's partner works for the City of York Council. The application has been brought to Committee twice previously. On 7 March 2013 the application was deferred to seek further information regarding the noise impact of the equipment. On 2 May 2013 Members declined a request for the application to be determined under delegated authority given concerns in respect to the impact that the proposal could have on neighbours living conditions.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYGP1 -Design

CYGP5 - Renewable energy

3.0 CONSULTATIONS

3.1 Internal

Environmental Protection Unit:

Satisfied with the noise report. No objections subject to a condition ensuring the equipment is only used for heating purposes and is properly maintained.

3.2 External

Planning Panel - No objections.

Neighbours - No comments received.

4.0 APPRAISAL

4.1 The only issue to assess when considering the application is whether noise from the operation of the heat pump would cause unacceptable harm to the living conditions of neighbours.

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. One of 12 principles set out in paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 123 states that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

4.3 The NPPF supports the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development. Paragraph 98 states that when determining planning applications, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. They should approve the application if its impacts are (or can be made) acceptable.

4.4 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF. Local Plan Policy GP1 'Design' states, inter alia, that development proposals should ensure that residents living nearby are not unduly affected by noise.

4.5 Policy GP5 recognises that the development of renewable energy will make a vital contribution to the reduction of carbon dioxide emissions, facilitating the delivery of the Government's commitment on climate change. Proposals for the development of renewable energy facilities will therefore be encouraged provided there is no significant adverse effect on the existing landscape, air quality, biodiversity,) water resources, agricultural land (defined as grades 1, 2 or 3a) or sites of archaeological or historic importance.

4.6 Officers from the Council's Environmental Protection Unit stated that the information submitted by the applicant on 2 January 2013 was insufficient to adequately assess whether the proposal will have an unacceptable impact on adjacent occupiers in terms of noise.

4.7 The applicant has subsequently submitted a consultant's noise assessment report and officers have discussed the proposal with the acoustic engineer. Officers from the Environmental Protection Unit are now satisfied that providing the equipment is properly maintained it will not cause harm to neighbour's living conditions.

5.0 CONCLUSION

5.1 The air source heat pump is physically a small piece of apparatus and will be located against the ground floor rear elevation of the terraced house.

5.2 Officers from the Council's Environmental Protection Unit are satisfied that providing the equipment is properly maintained it will not harm neighbours living conditions.

5.3 It is therefore recommended that the application is approved.

6.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years -

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

Acoustic assessment information

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 approved machinery, plant and equipment shall only be used for heating purposes and shall not be used on site except in accordance with manufacturers instructions. Once installed the machinery, plant or equipment shall be appropriately maintained thereafter.

Reason: To minimise loss of amenity on nearby occupants from noise caused by plant and machinery.

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 effect of noise on neighbours' amenity. As such the proposal complies with Policies GP1 and GP5 of the City of York Development Control Local Plan.

2. Statement of the Council's Positive and Proactive Approach

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve an acceptable outcome:

- Additional information was sought in respect to the noise impact of the proposal.

Contact details:

Author: Neil Massey Development Management Officer (Mon/Wed/Fri)

Tel No: 01904 551352

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13/00001/FUL

96 Dodsworth Avenue



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Comments	Not Set
Date	24 June 2013
SLA Number	Not Set

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COMMITTEE REPORT

Date: 4 July 2013 **Ward:** Strensall
Team: Householder and **Parish:** Earswick Parish Council
 Small Scale Team

Reference: 13/00876/FUL
Application at: 12 Whitelands Earswick York YO32 9FX
For: Two storey rear and single storey front and rear extensions
 (revised scheme)
By: Mr Chowdhury
Application Type: Full Application
Target Date: 10 July 2013
Recommendation: Householder Approval

1.0 PROPOSAL

1.1 The proposal relates a previously approved development for a two storey rear extension and single storey extensions to the front and rear (ref: 12/00733/FUL) approved 16th April 2012. This application seeks planning permission for the construction of a tiled canopy roof extended to create an extension to the covered area of the external entrance. In addition retrospective planning permission for the following alterations to the approved plans:

1.2 Front Elevation:

- Removal of existing gable fenestration to incorporate a raised cill and insertion of a roof light on the roof slope.

1.3 South (side) Elevation:

- 1x ground floor obscure glazed window incorporating a centre opening.
- 1x additional 3 paned clear glazed window incorporating centre opening at first floor level.
- 1x obscure glazed first floor window.

1.4 North (side) Elevation:

- 1x ground floor obscure glazed window incorporating centre opening
- 1x obscure first floor window incorporating centre opening.
- Approved clear glazed window relocated on the first floor and increased in size.

1.5 Rear (north) Elevation:

- 1x additional roof light on tiled ground floor canopy roof

- Central window to single storey rear extension increased in width incorporating an additional glazed panel and centre opening.
- Clear glazed window on first floor reduced in width and relocated to a central position on rear gable.
- Approved clear glazed window now incorporating obscure glazing.
- Single window at first floor removed and replaced with 2x single paned centre opening obscure glazed windows.
- Sliding folding doors increased in width creating wider full length glazed panels.

PROPERTY HISTORY:

1.6 One and two storey pitched roof side extensions (ref:05/00987/FUL) approved 23.06.2005

1.7 Two storey rear extension single storey extension s to front and rear (ref:12/733/FUL) approved on 16.04.13.

1.8 Non-material amendment to approved application 12/00733/FUL to alter and add windows (ref: 13/00442/NONMAT) planning permission required. Reason the amount of glazing would be increased, and additional side facing window openings would be introduced at first floor level that is considered to be material and cannot be dealt with as a non-material amendment.

OTHER MATTERS:

1.9 This application has been called to Planning Sub-Committee by Councillor Sian Wiseman on the impact on nearby neighbouring properties following objections on original application for development.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYGP1 - Design

CYH7 - Residential extensions

3.0 CONSULTATIONS

3.1 INTERNAL:

None

3.2 EXTERNAL:

3.3 Earswick Parish Council:

3.4 Response to neighbour consultation letters sent - expired 2 - no comments received.

4.0 APPRAISAL

4.1 KEY ISSUES:

- Impact on the existing dwelling.
- Impact on neighbours.
- Impact on the surrounding area

The relevant policies and guidance:

4.2 THE NATIONAL PLANNING POLICY FRAMEWORK (2012) sets out the Government's overarching planning policies. As one of 12 core planning principles, it states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17). It states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (paragraph 56). It states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64).

4.3 DRAFT LOCAL PLAN POLICY CYH7 - states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

4.4 DRAFT LOCAL PLAN POLICY CYGP1 - sets out a series of criteria that the design of development proposals is expected to meet. These include requirements to (i) respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open

spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.5 SUPPLEMENTARY PLANNING GUIDANCE 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that the basic shape and size of the extension should be sympathetic to the design of the original dwelling. It states that windows facing neighbouring properties may affect the privacy of neighbours and in most cases are not recommended. However, it also states that for single storey extensions, obscured glazing should be fitted to any essential windows facing the neighbouring boundary where there may be a loss of privacy to neighbours.

ALTERATIONS TO THE PROPERTY FRONTAGE:

4.6 The proposed changes to the front elevation would extend the tiled canopy above the covered area of the external entrance. This design would still retain a satisfactory set back from the public highway. The alterations which have been completed to raise the eaves by removing the fenestration to the later two storey side extension (approved in 2005), is a relatively minor change to the design on the principal elevation and does not detract from the host dwelling. Furthermore, the incorporation of a velux window does not increase overlooking onto neighbouring gardens opposite the property.

4.7 In terms of visual amenity the surrounding area is characterised by various styles of two storey modern dwellings centred round a small cul-de-sac, some incorporating noticeable side extensions. On this basis the proposal would accord with the general pattern of frontages within the street scene. Furthermore, the proposals by virtue of their location of the principal elevation would have little or no impact on neighbour amenity.

WINDOWS:

4.8 The alterations to the approved window layout on the rear elevation would face on to the rear gardens of the dwellings at 11 and 13 Whitelands. Therefore the key issue is the potential impact on these neighbouring dwellings in terms of loss of privacy. The increase to the ground floor windows would be concealed from view by the existing six foot fence which has been constructed as part of condition 4 on the previous approved application (ref: 12/00733/FUL). Therefore no principal rooms or garden areas would be materially affected. The alterations to the first floor windows are considered generally minor compared to the approved window arrangement. As

such they would not create any additional unwanted overlooking due to the relationship between the properties and the separation distances involved.

4.9 The additional windows on the south side elevation, with particular reference to the first floor window would over look the open countryside and City Of York Green Belt Therefore other than slight oblique views of the adjacent rear gardens this window does not increase overlooking levels. Furthermore there are no future proposals for building in this location. As it is not considered that a condition is required to introduce obscure glazing on this elevation.

4.10 The additional windows on the opposite north side elevation would be partly screened by the detached garage at the application site. Nevertheless, the configuration of the dwelling, in relation to the adjacent property at 10 Whitelands and the angle of the nearby properties would result in the first floor side elevation appearing more open to views into the neighbourhood. Therefore, it is considered that this window should be conditioned to be obscured glazed and changed to incorporate a top opening, in order to protect the amenities of these dwellings considered.

5.0 CONCLUSION

5.1 It is considered that the alterations to the front and additional glazing is acceptable subject to a condition on the north side elevation would not cause undue harm to the living conditions of nearby neighbours. Thus the proposal would comply with polices H7 (Residential Extensions) and GP1 (Design) of the Draft Local Plan.

6.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years -

2 PLANS1 Approved plans - KAB-308-001 12

3 VISQ1 Matching materials -

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the additional window at first floor height on the north side elevation shown on the approved drawings shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 4 or above and be non-opening below a height of 1.5 m measured from the internal floor level. No additional windows or other openings shall be inserted in this elevation without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenity and privacy of occupants of the adjacent residential property.

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 effect on residential amenity and the impact on the street scene. As such the proposal complies with Central Government advice contained within the National Planning Policy Framework (March 2012), 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.

2. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

Contact details:

Author: Sharon Jackson Development Management Assistant

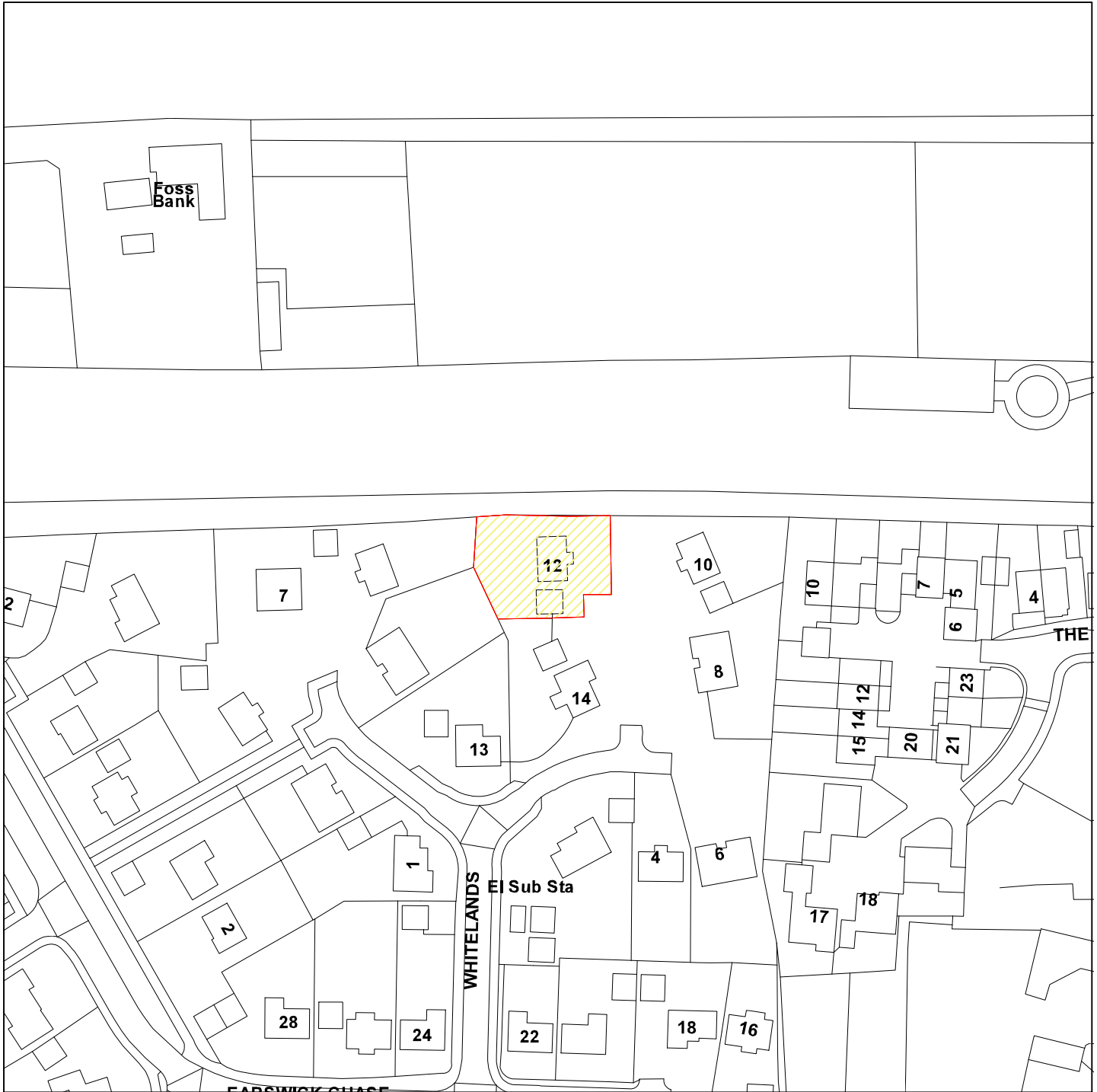
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13/00876/FUL

12 Whitelands



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Comments	Not Set
Date	24 June 2013
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Planning Sub-Committee

4 July 2013

Report of the Director of City & Environmental Services

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 Part 1 of Schedule 12A of the Local Government Act 1972, 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.
5. Section 106 Agreements are monitored by the Enforcement team. A system has been set up to enable Officers to monitor payments required under the Agreement.

Current Position

6. Across the whole of the City of York Council area 67 new investigation cases were registered for this area within the last quarter, 111 cases were closed and a total of 426 remain outstanding. Work has successfully continued reducing the backlog of older cases and work on this continues.

There are 172 Section 106 monitoring cases open. 14 such cases have been closed in this quarter as the contributions required have been received. These cases total financial contributions of £99 241.

In this quarter we have served 5 enforcement notices and 3 Planning Contravention Notices. There has also been a successful Prosecution at the Magistrates Court for the failure to comply with an Enforcement Notice.

Consultation

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

Options

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

The Council Plan 2011-2015

9. The Council priorities for Building strong Communities and Protecting the Environment are relevant to the Planning Enforcement function. In particular enhancing the public realm by helping to maintain and improve the quality of York's streets and public spaces is an important part of the overall Development Management function, of which planning enforcement is part of.

10. **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

11. There are no known risks.

Recommendations

12. That Members note the content of the report. Officers do try to update the individual reports and cases when necessary but it is not always possible to keep up with these straight away. Therefore if members have any additional queries or questions about cases on this enforcement report then please e-mail or telephone Andy Blain, Alan Kendall or Tim Goodall before 5pm on Tuesday 2nd July 2013. Please note that the cases are now presented in Parish order so hopefully this will make it easier for members to reference cases in their respective areas.

Also, if Members identify any cases which they consider are not now expedient to pursue and / or they consider could now be closed, giving reasons, then if they could advise officers 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:

Author's name
Matthew Parkinson
Planning Enforcement
Team Leader.

Tel. No: 551657

Dept Name: City and
Environmental Services.

**Chief Officer Responsible for the
report:**

Chief Officer's name
Michael Slater

Assistant Director (Planning and
Sustainable Development)

**Report
Approved**



Date 20/6/2013

*Chief Officer's name: Michael Slater
Title: Assistant Director (Planning and
Sustainable Development).*

**Report
Approved**



Date 20/6/2013

Specialist Implications Officer(s) *List information for all*

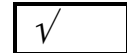
Implication ie Financial:

Name Patrick Looker.

Implication ie Legal:

Andrew Docherty.

Wards Affected: *All Wards*



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of the Local Government Act 1972.

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of the Local Government Act 1972.

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By virtue of paragraph(s) 1, 2, 6 of Part 1 of Schedule 12A
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