



2) The proposed lighting on and around and footbridge will have an adverse impact on the amenity of neighbours by virtue of unacceptable levels of light pollution into and around the nearest residential properties on North Parade. The additional levels of lighting will also have an adverse impact on the generally open character and appearance of the area by virtue of increased levels of lighting in the area. This is considered contrary to Policies GP1 (Design) part f and HE2 (Development in Historic Locations) of the City of York Draft Local Plan incorporating the 4th set of changes approved April 2005.

1.5 An appeal has been lodged against this refusal and an informal hearing is to be held in January 2008. This application is a resubmission of the originally refused application. It is identical to that which was refused.

1.6 Members of the previous East Area Sub-Committee visited the site but a second visit is to take place owing to objections received, the recommendation for approval and to allow new members to view the site.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Clifton 0013

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Schools Queen Anne 0253

### 2.2 Policies:

CYGP1  
Design

CYHE3  
Conservation Areas

CYHE11  
Trees and landscape

CYNE1  
Trees, woodlands, hedgerows

## **3.0 CONSULTATIONS**

### 3.1 Internal

3.2 Urban Design and Conservation - The design of the bridge has not changed materially for planning purposes. This intrusion into the conservation area is not appropriate or justified.

The footpath in this area represents a change in character of the conservation area from an urban area to a more rural, open and natural character.

The bridge would represent a significant intrusion into an otherwise very attractive green area. It is solid in appearance and would break through the tree line marking the edge of the playing fields, removing two trees and replacing the simple green edge with a large structure and further hardstanding, all appearing at an arbitrary point within the boundary.

It is approx. 3.9 metres above ground level and will restrict views into and out of the Conservation area. It will cut across the path at its eastern end, interrupting the tree line defining the route and consequently the entrance into this section of the Conservation area. The essence of the bridge in this location would be detrimental to the existing character of the route. The thick piers are integral with the steps and these would close views into the open green areas beyond.

The bridge will restrict views towards the dwellings on North Parade which forms the end of the attractive built up urban form. These properties on North Parade have a strong and well defined rhythm and the bridge will interrupt this attractive entrance into this section of the Conservation Area.

The development combined with the removal of trees abruptly delays the opening up of the area, which is one of the areas key qualities and which contributes significantly to the character of the Conservation Area.

3.3 Highway Network Management. - No objections. The footbridge is to be constructed over a public footpath, as such the construction of the footbridge would require a license under Sec 176 of the 1980 Highways Act. The construction of the footbridge would undoubtedly require the closure of the PROW during the construction period. This requires a legal order prior to the closure occurring and therefore the applicant should therefore consult the Authorities PROW team.

### 3.4 External

Clifton Planning Panel - Object on the following grounds:

- 1) The bridge would spoil the landscape
- 2) It is ridiculously unnecessary
- 3) The money could be better spent
- 4) The loss of trees would spoil the walk along the lane
- 5) Walkers would feel inhibited

3.5 Conservation Area Advisory Panel - Support the attractive design of the bridge.

3.6 Third Parties - Four letters received, the following comments were made:

- the removal of trees is detrimental to the area;
- the bridge may become a target for graffiti and vandalism;
- hope the decking and lighting would minimise any impact on residents on North Parade;
- the plans are not clear and do not show the full impact of the bridge on the area;
- this is a wholly unnecessary construction, the school already has illuminated pathways between sites;
- the bridge would create dangerous shadowy places and hidden areas away from lights on the public footpath;
- the loss of trees would harm the wildlife level in the area;
- there is no alternative route for pedestrians to take whilst the footpath is constructed;
- there are safety issues with the bridge such as children slipping or throwing things from above the footpath;
- the previous application has gone to appeal and this proposal has failed to address the previous reasons for refusal;
- the current arrangement whereby pupils cross the footpath through coded locks appears to work perfectly well.

## **4.0 APPRAISAL**

### 4.1 Key Issues:

- Design and Visual Impact on the Conservation Area
- Neighbour Amenity

4.2 This application is no different to that which was refused previously. Additional lighting information has been submitted to attempt to overcome the concerns regarding the spillage of light outside of the school grounds but the scheme itself has not materially changed. The design and location of the bridge remains exactly the same as before and two trees are still to be lost to make way for the bridge.

Design and Visual Impact on the Conservation Area.

4.3 The public footpath marks the boundary of the Conservation Area and therefore half of the footbridge would be inside the Clifton Conservation area and half of it outside. The proposal therefore would affect the setting of the Conservation Area.

4.4 Members will note the objection comments of the Conservation officer at para. 3.2 of this report and their attention is drawn to this. The Conservation officer who commented on the previous application, who has since left the Authority, raised no objections to the bridge in terms of its design or impact on the character of the Conservation area. Significant weight was attached to those views in formulating the recommendation of approval. Approval of the application was recommended on the basis that the design of the bridge was considered to be acceptable and that the character of the Conservation area was not harmed given the position of the bridge adjacent to the more modern, less architecturally impressive buildings of St. Olaves school. It was further considered that the bridge offered a modern, contemporary design that would preserve the character and appearance of the Conservation area. The proposal now submitted is identical in terms of its design and footprint to that previously submitted and which was recommended for approval.

4.5 However the comments of the Conservation Officer on this occasion offer strong objections and broadly reflect the contents of the first reason for refusal. These comments are more detailed than those offered by the previous Conservation Officer and have considered the wider impact on the overall views into and out of the Conservation area at this point.

These revised comments are material considerations for members to consider in relation to this re-submitted application.

4.6 With regard to the removal of the two trees, the Council's landscape architect previously raised no objections to their removal subject to a condition controlling the engineering work required around the more mature sycamore tree which stands in the grounds of St Olaves school. Officers were happy that the work proposed to construct the bridge would not harm the health and future amenity of this sycamore tree. These details remain unaltered and therefore the Landscape Architect has no further comments to make on the application.

4.7 Neighbour Amenity - Objections have been received from residents concerned at a possible loss of their amenity as a result of the use of the bridge. The second reason for refusal on the previous application was on the grounds that the proposed lighting on and around and footbridge would have an adverse impact on the amenity of neighbours by virtue of unacceptable levels of light pollution into and around the nearest residential properties on North Parade. In order to overcome this reason for refusal further lighting information was submitted with the application. This information indicates that there would not be a significant impact on the amenity of neighbours through light spillage. The selected fittings are capped and have baffles which restrict the horizontal spread of light and visibility of the light source, so concentrating the light around its source and in this case, simply over the bridge and its around immediate environs. There are street lights close to the site of the bridge and the level of illumination from these are likely to be significantly more than the light source offered from the proposed bridge lights, particularly at a distance of approx. 23 metres to the nearest residential window. Therefore it is considered that this second reason for refusal has been satisfactorily overcome.

## **5.0 CONCLUSION**

5.1 This resubmitted scheme represents an identical proposal to that already refused by members. The officer recommendation therefore remains the same. The bridge is modest in size and is of a modern, interesting design which preserves the character of the Conservation area. However, the attention of Members is drawn to the comments of the Urban Design and Conservation Team. Notwithstanding the loss of a couple of trees, the impact on the natural environment is also considered to be minimal, subject to the work being carried out and finished in conjunction with the details of a submitted management plan in order to ensure the future health and vitality of the large, mature, protected sycamore tree. The impact on the amenity of nearby neighbours is also considered minimal. Approval is recommended subject to the imposition of appropriate conditions.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Drawing no's

- 104 Rev. A

- 201 Rev. A

- 401 Rev. A

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

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

3 VISQ8 Samples of exterior materials to be app

4 HWAY40 Dilapidation survey

5 Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, 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 of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials. It is particularly important that the following details are also provided for approval: construction details and existing and proposed levels where a change in surface material is proposed within the canopy spread and likely rooting zone of a tree; construction details and methodology for the foundations and supports of the bridge.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area.

6 ARCH2 Watching brief required

## **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 Conservation area and trees. As such the proposal complies with Policies HE2, HE3, NE1 and GP1 of the City of York Draft Local Plan incorporating the 4th set of changes approved April 2005.

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