

COMMITTEE REPORT

Committee: West/Centre Area
Date: 1st April 2008

Ward: Guildhall
Parish: Guildhall Planning Panel

Reference: 08/00272/FUL
Application at: Waggon And Horses 19 Lawrence Street York YO10 3BP
For: One and two storey rear extensions, use of first floor as 7 no bed and breakfast rooms ancillary to public house and flat roof dormer to front elevation
By: George Bateman And Son Ltd
Application Type: Full Application
Target Date: 3 April 2008

1.0 PROPOSAL

1.1 The application relates to the Waggon and Horses Public House on Lawrence Street. The property is a Grade II Listed Building dating back to c 1773. To the rear of the property is a courtyard, accessed via an archway from Lawrence Street. The courtyard is partly laid out for parking and part grassed. The grassed area forms the beer garden. The courtyard of the property is bounded by a red brick wall and the rear of the buildings on Leake Street.

1.2 The property falls within the Central Historic Core Conservation Area no. 1.

1.3 Previously the Public House was operated on the ground floor with manager's accommodation at the first floor level. The second floor is vacant. This application is for full planning permission and has been submitted with an associated listed building consent application (08/00271/LBC). This application includes external alterations to the building to include demolition of the small, modern single storey toilet block to the rear and the erection of a two storey extension in its place. The erection of a single storey extension to the rear and a dormer window to the front elevation. Renovation to the of the upper floors is proposed and this would provide 7 no. bed and breakfast rooms and accommodation for the Public House manager.

1.4 The two storey extension to the rear would have a pitched roof and its footprint would measure approximately 4.5 metres in length by 3 metres in width. It would measure approximately 8.1 metres to the eaves and 12.3 metres to ridge height. Two windows are proposed to this extension one in the side and one in the rear elevation. Materials are to include reclaimed brick and clay pantile roof. This extension would house the staircase to the upper floors.

1.5 The single storey extension to the rear would be 'L' shaped and would wrap around the rear gable. A lean to roof is proposed. This extension would measure approximately 6 metres in width and 5 metres in length. It would measure approximately 2 metres in height to the eaves and 3 metres to the ridge. Materials would be reclaimed brick with clay pantile roof. No windows are proposed. This unit would house part of the extended kitchen and new store room.

1.6 Internally it is proposed that the ground floor public house facility be renovated and that the first floor be converted to supply 7no. bed and breakfast rooms for use in conjunction with the Public House. It is proposed that each of these bedrooms would have en-suite facilities. At second floor level it is proposed that there would be self contained accommodation for the manager of the Public House.

1.7 Four car parking spaces are laid out within the existing car park and they are proposed to be retained.

1.8 A refuse store is proposed to the side of the single storey rear extension and this would be screened by a timber fence.

Relevant Planning History

1.9 The erection of a single storey, pitched roof rear extension (97/01261/FUL) and (97/01521/LBC) was approved in 1997.

1.10 Councillor T. Simpson-Laing has requested that this application be reported to Planning Committee to discuss parking issues and status of the proposed accommodation.

1.11 Councillor B Watson has requested that the application be reported to Committee to discuss the parking implications and to consider whether open space contributions should be required.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

Contaminated Land

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Floodzone 2 Flood Zone 2 CONF

Listed Buildings Grade 2; Waggon And Horses 17- 19 Lawrence St 0037

2.2 Policies:

CYGP1
Design

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYHE4
Listed Buildings

CYT4
Cycle parking standards

CYGP6
Contaminated land

CYHE10
Archaeology

CGP15A
Development and Flood Risk

CYV3
Criteria for hotels and guest houses

3.0 CONSULTATIONS

EXTERNAL

3.1 A letter has been received from residents at 17 Lawrence Street. They state that works have commenced prior to approval. That noise levels of the work are unacceptable and have commenced as early as 7am and finished at 6 pm. That there as there is no partition within the roof space within the second floor , that works had been undertaken within their property boundary and that cracks are appearing within their property.

3.2 The Parish Council Planning Panel raise no objections to the application.

INTERNAL

Highways Network Management:

3.3 Responded to state that there are no objections in principle to the scheme as the property is within close proximity to the city centre and has good public transport links. However secure covered cycle parking for 4 cycles is required. Condition HWAY 18 must be applied.

Design and Sustainable Development:

3.4 Have responded to state that this property is a Grade II Listed Building situated in Central Historic Core Conservation Area no.1. They confirm that the proposals have been the subject of pre-application discussions on site on 23 January 2008. Conservation note that a site visit on 10th March revealed that works have commenced. Further information was requested by Conservation in respect of the internal works concerning the historic fabric of the building. This was supplied by the applicant on 11th March 2008. They raise no objections to the demolition of the flat roofed, C20th toilet block. They comment that the two storey addition to the rear is in keeping with the character of the listed building, as is the single storey addition. The works show that 5 no. conservation area roof lights have been installed and that they are appropriate to the character of the listed building.

Archaeology:

3.5 This site lies inside the Area of Archaeological Importance. The site lies close to the line of a Roman road running east from York. The site lies south-east of the medieval city, close to the City Walls, Walmgate Bar and the church of St Lawrence. Interventions in the area have produced evidence which, collectively, can be considered to be of national importance. ARCH3 should be imposed.

Environmental Protection Unit:

3.6 State that the noise levels must be mitigated to ensure that the amenity of adjacent occupiers at no. 17 Lawrence Street and occupiers of the bed and breakfast accommodation will be protected. Noise should also be mitigated from extract systems and traffic noise from Lawrence Street. In respect of contamination, they state that the site was an old factory site and likely to have been contaminated, however as ground works have already been carried out, prior to consent being issued an informative regarding contamination should be applied.

4.0 APPRAISAL

The key issues in respect of this application include the impact upon the Listed Building and Conservation Area, highways issues and impacts upon residential amenity.

POLICY

4.1 Planning Policy Guidance Note PPG 15, Planning and the Historic Environment sets out the Government's position in terms of applications relating to the change

and alteration of listed buildings. Para 3.8 of PPG 15, states that generally the best way of securing the upkeep of historic buildings is to keep them in active use and states that new or continuing uses will often require some degree of adaptation. Para 3.12, states that in judging the effect of any alteration or extension it is essential to have assessed the elements which make up the special interest of the building in question. They may not only include obvious visual features such as staircases, or plaster ceilings, but the layout of the building and spaces within it. Para 3.18, states that where proposed works would not result in the total or substantial demolition of the listed building, or significant part of it, the Secretaries of State would expect the authority to address the same considerations as it would in relation to an application in respect of alterations or extensions.

4.2 Policies HE2, HE3 and HE4 of the City of York Development Control Local Plan apply. Policies HE2 refer to the general protection of historic locations. Policy HE3 seeks to protect Conservation Areas and states that development will only be permitted where there would be no adverse effect on the character and appearance of the Conservation Area.

4.3 Policy HE4 of the City of York Development Control Local Plan applies. Policy HE4 refers to Listed Buildings and states that consent will only be granted for the following types of development where there is no adverse effect on the character, appearance or setting of the listed building: development in the immediate vicinity of the listed building; demolition; internal or external alterations; change of use or the erection of satellite antenna.

KEY ISSUES

A) The Acceptability of the Proposed Use:

4.4 Para 3.4 of Planning Policy Guidance Note No. 15 requires applicants to justify their proposals. The applicant is seeking to supply 7 no. bed and breakfast rooms on the first floor which would be operated in conjunction with the Public House. The bedrooms would have en-suite facilities and would be for short stay use only. The applicant has stated that the guest bedrooms would ensure the commercial viability of the Public House.

4.5 In planning terms, the proposed use would be ancillary to the main use of the building as a Public House (Use Class A4) and therefore would be acceptable. As the provision of accommodation is for guest bed and breakfast rooms, the proposal would not require a commuted sum payment for amenity space provision.

B) Impact Upon the Listed Building and Conservation Area

4.6 The property is a Grade II Listed Building situated in the Central Historic Core Conservation Area no. 1.

4.7 Government guidance as issued in PPG 15 sets out government policy in respect of the protection of historic buildings and conservation areas. The guidance seeks to ensure that proposed development would either preserve or enhance

Conservation Areas and seeks to preserve the setting, special architectural character and historic interest of Listed Buildings.

4.8 Policy HE4 refers to Listed Buildings and states that consent will only be granted for the following types of development where there is no adverse effect on the character, appearance or setting of the listed building; development in the immediate vicinity of the listed building; demolition; internal or external alterations; change of use or the erection of satellite antenna.

4.9 This application consists of internal modifications associated with the renovation of the Public House and provision of bed and breakfast rooms; the erection of two extensions to the rear of the listed building and the demolition of the modern single storey, flat roofed toilet block. A flat roofed dormer window is proposed to the front elevation.

4.10 It is noted that to the rear of the property the existing C20th toilet block has already been demolished and replaced by part of the two storey extension (works which this application seeks to formalise). A single storey rear extension has also been constructed in its entirety (which again is part of this application).

4.11 In terms of preserving the special interest of the building, the two storey addition to the rear is in keeping with the character of the listed building, as is the single storey addition. The natural clay pantile roofing material shown on site and proposed for the two extensions is acceptable and this should be conditioned.

4.12 To ensure that proposed windows are in keeping with the listed building, large scale detail of windows should be approved prior to insertion. The proposed dormer to the front elevation should match the existing and be consistent with original fenestration (i.e. sliding sash). The 5 no. conservation area roof lights already installed are appropriate to the character of the listed building.

4.13 Taking the above into account, it is considered that with the imposition of appropriate conditions the special interest of the listed building would be preserved and the appearance of the Conservation Area would be preserved.

C) Impact Upon Residential Amenity

4.14 As discussed in Key Issue A) the building is sited on a principal road, within a mixed commercial area, comprising another Public House, residential accommodation and employment uses. To the rear of the property behind the court yard area is sited a complex of student flats and the adjoining property no. 17 is a residential property.

4.15 The Environmental Protection Unit have raised concerns in respect of noise impacts upon future occupants and have indicated a package of noise mitigation measures to attenuate the effects of noise generated from the ground floor, the kitchen and from traffic on Lawrence Street. However, it is noted that the property has operated in this location as a Public House (with manager's accommodation above) and would continue to do so after renovation. The additional mitigation in

respect of external traffic noise is not considered to be necessary. Moreover, the implementation of such measures would compromise the Listed Building. Conditions requiring details of under floor noise attenuation and kitchen extraction would however, be imposed.

4. 16 With respect to the adjoining property number 17, due to the configuration of the accommodation part of the second floor accommodation would be sited above the adjacent property at number 17. The applicants have confirmed that noise insulation material will be applied over the floor boards and underneath carpeting to mitigate any effect and this would be conditioned. The attic space originally continued through both properties. The application proposes a partition to segregate the manager's accommodation (it was noted that this has already been constructed).

4. 17 In respect of the external features, one small window is proposed to the rear at first floor level, this would be to the staircase area. Given the use of the room and the distance from the extension to the public house and the residential accommodation to the rear (over 21 metres) this would not harm residential amenity.

4.18 To ensure adequate refuse storage, a timber boarded refuse store has been provided to the rear of the kitchen area.

4.19 Taking the above into account and with the imposition of appropriate conditions, it is not considered that the residential amenity of the neighbouring and future occupiers would be so adversely affected as to warrant refusal of the application.

D) Highway Issues

4.20 Planning Policy Guidance relating to transport PPG 13 seeks to locate new development within areas well served by public transport. The public house is sited in a sustainable location close to bus stops and within easy walking distance of the City Centre itself.

4.21 There are 4 car parking spaces laid out within the existing car park to the rear of the public house. In terms of cycle parking, the applicants have identified a site for 4 no. Sheffield cycle parking stands in line with requirements. This provision would be conditioned and would satisfy Policy T4 Cycle Parking Requirements.

4.22 Because the location is well served by public transport and within easy walking distance of the centre, the level of parking provision on site is satisfactory, subject to a condition being imposed in relation to cycle parking.

E) Archaeological Issues

4.23 The site lies within the defined area of archaeological importance (AAI). The site lies close to the line of a Roman road running east from York. The site lies south-east of the medieval city, close to the City Walls, Walmgate Bar and the church of St Lawrence. Considerable work has been undertaken at Brinkworth Terrace, 20 and 27 Lawrence Street, Lawrence Cloisters Lawrence Street, and at 4 Barbican Road. These interventions have produced evidence for a prehistoric

cremation, Roman and later structures, pits and wells associated with domestic activity and rubbish disposal, and Roman, Anglo-Scandinavian and medieval ditches and gullies which may have defined the boundaries of cultivation plots. This demonstrated the presence of a very rich set of archaeological features and deposits which, collectively, can be considered to be of national importance.

4.24 However as works have already commenced prior to permission being granted, including the two external extensions, a condition requiring similar area to excavated adjacent to these areas would be considered acceptable.

5.0 CONCLUSION

5.1 The proposed external works are generally acceptable in terms of design and materials used. With respect to internal works, the main features of interest have been retained. Subject to the imposition of the conditions outlined above, the scheme would not adversely affect the special architectural or historic interest of the Listed Building and the appearance of the Conservation Area would be preserved.

5.2 The Public House is sited in an area served by public transport and within easy walking distance of the City Centre itself. The existing car park provides 4 car parking spaces and the applicant has agreed to provide 4 no. covered, secure cycle parking stands in line with Policy T4.

5.3 With regard to amenity issues, it is not considered that the external works would adversely affect adjacent occupiers. However, in terms of noise issues, a comprehensive package of conditions would be imposed to ensure that the amenity of existing residents and future occupiers of the guest rooms would be protected.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 PLANS1 Approved plans

2 Prior to installation a sample of the clay pantile roof tile proposed to the single and two storey rear extensions must be approved in writing by the Local Planning Authority.

Reason: To retain and protect the character of the Listed Building.

3 Prior to the reopening of the Public House, excavation of two archaeological trial pits adjacent to the rear of the Public House building of a size commensurate to the footprint of the two rear extensions erected, shall be carried out by an approved archaeological unit in accordance with a specification supplied by the Local Planning Authority.

Reason: The site lies within an Area of Archaeological Importance and the

development must record archaeological deposits which may be found.

4 Adequate sound insulation shall be carried out to the first and second floors of the building. Details of the measures to be taken shall be submitted for the written approval of the Local Planning Authority and the approved scheme shall be fully implemented prior to the building being occupied.

Reason: To protect the amenity of adjoining and future occupants

5 Prior to installation detailed drawing of external windows to the two storey extension and dormer window to the front elevation shall be submitted and approved in writing by the Local Planning Authority.

Reason: To protect the special character of the Listed Building.

6 A noise assessment of the proposed kitchen extraction system must be submitted to and approved in writing by the Local Planning Authority and be fully implemented before occupation of the building.

Reason: To protect the amenity of future occupants

7 All demolition and construction works and ancillary operations, including deliveries to and dispatch 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	

Reason - To protect the amenity of local residents

8 Prior to the reopening of the Public House, details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The guest bedrooms 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.

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 impact upon the Waggon and Horses Grade II Listed

Building, highways considerations and the amenity of existing residents and future occupiers. As such the proposal complies with policies HE2, HE3, HE4, GP1, T4 , V3 and CYHE10 of the City of York Development Control Local Plan and Planning Policy Guidance Notes: PPG15 and PPG 13.

2. Contamination:

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction 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 IIA of the Environmental Protection Act 1990.

3. Control of Pollution Act 1974:

Your 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 attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

- a) 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".
- b) 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.
- c) 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.
- d) 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.
- e) There shall be no bonfires on the site.

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