

## COMMITTEE REPORT

**Committee:** West and City Centre  
**Date:** 21 September 2006

**Ward:** Guildhall  
**Parish:** Guildhall Planning Panel

**Reference:** 06/01366/FUL  
**Application at:** Car Park Adjacent The Dutch House Ogleforth York YO1 7JG  
**For:** Erection of 2 no. dwellings  
**By:** Lawton, Lawton And Pickard  
**Application Type:** Full Application  
**Target Date:** 14 August 2006

### 1.0 PROPOSAL

1.1 The application relates to the development of a private car park off Ogleforth, located at the rear of existing frontage properties in Goodramgate. The site consists of an undeveloped gap (approximately 7.5 metres in width) in the street frontage, located between 16 Goodramgate, which is in residential use, and The Dutch House, which was previously used as a garage/store but which is now vacant. The site extends across the rear of The Dutch House to a maximum width of approximately 16 metres, and also abuts the rear boundaries of The Royal Oak and Golden Slipper public houses in Goodramgate. A range of commercial buildings provides a backdrop to the site, including a tall four storey warehouse which until relatively recently was occupied by House and Son electrical contractors. The total area of the site is approximately 225 sq. metres.

1.2 A previous application for the erection of three dwellings on the site (one on the site frontage with a further two dwellings in a detached building at the rear) was refused in July 2005 for the following reasons:

- i) The excessive height, density and scale of the development, and its proximity to adjacent buildings, resulting in unacceptable overdevelopment of a restricted site.
- ii) The overdominant and intrusive nature of the development, adversely affecting the character and appearance of the conservation area and detracting from the setting of adjacent listed buildings.
- iii) The adverse impact of the development on the amenity and living conditions of the occupiers of adjacent buildings by virtue of its height and proximity to those buildings, and the unacceptable loss of light and outlook that would result.

This refusal of planning permission is the subject of an appeal to the Secretary of State, which is due to be heard at an informal hearing on 10 October 2006.

1.3 A more modest proposal has now been submitted for the erection of two dwellings on the site. The scheme would consist of the erection of a two storey building (with accommodation in the roof space), closing the gap along the Ogleforth frontage of the site, forming a two bedroom dwelling. This building would occupy a back of footpath location, reflecting the historic pattern of other dwellings within this narrow street. A drive-through access would be provided from Ogleforth beneath this dwelling, giving access to a courtyard where it is proposed to erect an "L" shaped building along the southwestern and northwestern boundaries of the site, forming a detached five bedroom property. This building would be three and a half stories in height along the rear (southwestern) boundary of the site, reducing to three stories along the northwestern boundary, at the rear of the Dutch

House. Three car parking spaces would be provided within a garage forming an integral part of the detached dwelling at the rear of the site.

1.4 The site is within the Central Historic Core conservation area and is enclosed by a number of listed buildings, as follows:

- 16 Goodramgate (Grade II)
- The Royal Oak, 18 Goodramgate (Grade II)
- The Golden Slipper, 20 Goodramgate (Grade II)
- The Dutch House (Grade II "star")
- the former House and Sons warehouse (Grade II)
- nos 1, 5, and 7 Ogleforth, opposite the site (Grade II)

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

DC Area Teams Central Area 0002

Listed Buildings Multiple (Spatial)

2.2 Policies:

CYH4  
Housing devp in existing settlements

CYGP1  
Design

CYHE2  
Development in historic locations

CYHE4  
Listed Buildings

CYHE10  
Archaeology

CYT16  
Long stay car parks

## **3.0 CONSULTATIONS**

3.1 INTERNAL

HIGHWAYS - I note that car parking provision on the site would be reduced from 15 spaces to 3 spaces as a result of the redevelopment which is to be welcomed and is in line with policy T16 of the Deposit Draft Local Plan.

Whilst space is provided over the frontage of the garages for the turning of vehicles, it is noted on the revised drawings that the paved patio area between the Dutch House and the

new development will also be made available for the occasional turning of vehicles, when exiting the new garages. It is also noted that separate access points have been created for the cycle and bin store.

I note also that vehicles will emerge into Ogleforth with poor visibility of on-coming traffic which would normally be a concern. Given the limited number of vehicle movements to be found along this historic central street, and the fact that similar arrangements already exist elsewhere along Ogleforth, the proposals are considered satisfactory in this location.

Finally I would ask that the bin storage area is accessed separately from the cycle store in accordance with good practice.

There are no highway objections to the application subject to the following standard conditions:

HWAY 10 Vehicle areas surfaced

HWAY 17 Removal of redundant crossing

HWAY 18 Cycle parking details

HWAY 20 Residential garage use only

HWAY 21 Internal turning areas

HWAY 29 No gate to open into highway

HWAY 31 No mud on highway

HWAY 40 Dilapidation survey

URBAN DESIGN AND CONSERVATION - The site is within the central historic core conservation area close to the Minster precinct. It is to the rear and side of the grade II\* Dutch House which dates from the mid 17th century and is the subject of a planning application for conversion into one house. Most of the buildings surrounding the site are listed grade II. To the southeast are the varied gables and other rear elevations of three-storey historic properties onto Goodramgate, to the southwest is the service yard and industrial outrange of a former brewery (also of three floors), to the north are the exceptionally tall industrial buildings of the former brewery attached to no 8 Ogleforth, and directly opposite are modest houses of 18th and 19th century origin with two storeys and attics. These houses front a recently developed courtyard of houses (1980s) which is quite tight though very quiet, green and pleasant.

Ogleforth has strong enclosure on its northeast side punctuated by a number of openings providing transition into the semi-private spaces beyond. The southwest was similarly enclosed until the mid 20th century, although many of the structures, including those which adjoined the Dutch House, were of a more industrial nature. Buildings have been removed and walls taken down to reveal open tarmac service yards and car parks, creating an unsatisfactory foreground for the listed buildings and a poor aspect within this special part of the conservation area.

The proposed scheme is for two houses with related parking. The frontage building is of two floors with an attic. It would be aligned with existing buildings which would help restore enclosure onto the street, giving a better context for the Dutch House, whilst creating a

private area to the rear. The gated access points would allow views through to a space of similar dimensions to the one opposite, John Saville Court, thereby enriching the experience of the conservation area. The only area of concern is the relationship with the rear extension to No 2 Ogleforth where it cuts across the recessed entrance area which also contains a fire-escape ladder and the view of larger windows on the upper levels. The smaller windows facing down Ogleforth are uncharacteristic of the conservation area and are also secondary in nature. We are aware that the developer is also the owner of this building and therefore obscuring the small windows would not appear to be an issue.

The layout and massing of the larger house to the rear responds to surrounding conditions. The existing high wall to the rear of yards onto Goodramgate would mask the garaging and most of the living space set above it. We are assured that the relevant archaeological conditions can be placed on any approval to enable ground levels to be reduced as the drawings describe. Measures for ensuring the stability of the wall must be put forward at the next stage (this can be conditioned). The three floors of remaining accommodation appear to sit comfortably between existing buildings. The plan has been roofed in two parts so that the pitches can be assimilated into the historic roof forms of the area. Where there is overlap with the larger building attached to no 8, the corner rooms of the latter building have windows in two aspects.

Windows and doors have been treated in a more conventional way although large scale details should be submitted for approval (this can be conditioned).

Overall the scheme would appear to enhance the character and appearance of the conservation area, without harming the setting of surrounding listed buildings. Should the scheme receive approval conditions should be attached to cover the following issues:

- 1) Samples of materials and sample panel of walling to be erected on site
- 2) Details of external finishes to be submitted
- 3) Measures for ensuring the stability of the surrounding wall to be put forward
- 4) Landscape scheme for the whole courtyard and garden area
- 5) Large scale details of the following:  
Gates, windows and window openings, external doors and door openings, dormers and rooflights, plinth, eaves and verge conditions for both buildings, garage doors and surrounds, rain water goods.

CONSERVATION AREA ADVISORY PANEL - The Panel do not object in principle to the new build but felt that the design and detail does not enhance the setting of the listed Dutch House. The Panel would prefer the new build to be as unobtrusive as possible so as not to overshadow the Dutch House and also to maintain its clean roof line.

ARCHAEOLOGIST - The applicant has submitted a report " Design Archaeology, Construction and Environment". All archaeological work must comply with Section 2.0 of that report. Standard conditions ARCH1, 2 and 3 should be attached to any consent which is granted to ensure that the impacts of this development on archaeological deposits are adequately investigated.

ENVIRONMENTAL PROTECTION - Initial comments received 21 July:

The Environmental Protection Unit have no objections to this application. However as the site has warehouses directly adjacent to one side this suggests that there may have been an historic use of the site that may have contaminated the ground. A desk study should be undertaken to identify any potential contamination issues that may require remediation before the development commences. Conditions are recommended relating to the following:

1. A desk study to be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on site.
2. A strategy to be developed to deal with any contaminated material on the site.
3. Any contamination detected during site works shall be reported to the local planning authority and remediation agreed.
4. Standard working hours condition.

Additional comments received 17 August:

A public house situated on Goodramgate, which backs onto the application site, has a kitchen operation with a large extraction outlet. The extract exits at first floor level into an area including the application site, and odours were detected during site visits, although not excessive. Although the Environmental Protection Unit have no previous odour or noise complaints, I am concerned that building of the proposed dwellings will create an enclosed area from which odour and fumes will not disperse readily, possibly causing a nuisance to the occupants of the proposed dwellings. The proposed dwellings are considerably higher than the outlet of the extraction system.

If the dwellings are to be permitted, and the Environmental Protection Unit subsequently receive odour and/or noise complaints about the extraction system which are justified, enforcement action could have to be taken against the owners of the public house. This would not seem to be equitable. However I do not currently have any evidence for recommending refusal on the grounds of odour nuisance other than experience of odour complaints from residents living in similar courtyard developments.

As I believe that the development will involve piled foundations a condition should be attached requiring the piling method to be agreed, and local residents to be notified of the dates, times, likely duration and works to be undertaken.

LIFELONG LEARNING AND LEISURE - 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 Monkbridge and Glen Gardens
- b) play space - which would be used to improve a local site such as Glen or Clarence Gardens
- c) sports pitches - which would be used to improve a facility within the East Zone of the Sport and Active Leisure Strategy.

### 3.2 EXTERNAL

GUILDHALL PLANNING PANEL - We support the application

ENGLISH HERITAGE - We welcome the changes made to the scheme, and do not wish to make any comments on this occasion. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

YORK CIVIC TRUST - This scheme is, in our view, much better than those previously submitted for this site. It relates better in scale and design to the adjacent properties. We recommend a small set back for the proposed house fronting Ogleforth in order that the division between the two buildings is emphasised.

We note that the proposed materials generally appear to be of a type appropriate for this area, but would expect lime to be used for the mortar (and not cement). A sample panel of

brickwork illustrating the bond and joints is recommended to be built prior to the commencement of building work.

**ADJACENT OWNERS/OCCUPIERS** - Two letters have been received, one from the Golden Slipper public house and one on behalf of House and Son, owners of the adjacent land and buildings to the northwest, which make the following points:

- the height and proximity of the development will take away daylight from the outside space (used as a garden area) at the rear of the public house and reduce the value of the business.
- the proximity of the building will impede a possible escape route in the event of fire.
- the public house caters for small parties, wedding receptions etc and is licensed until 2am. The new neighbours could perceive this as a nuisance and request that action be taken under the Licensing Act. Our business is a lawful activity and should not be inhibited in this way.
- the pub is also someones home and this proposal will have a detrimental impact on the property and all who live there in the future.
  - although the scheme is substantially reduced in terms of height there are still concerns regarding overdevelopment in terms of footprint.
- the space between the Dutch House and the new build is only 3 metres creating a claustrophobic and overdominant effect.
- the overlapping of the proposed rear block to the adjacent brewery warehouse will seriously reduce light to a number of windows, at a time when plans to convert the warehouse to apartments are well advanced.
- the brewery warehouse and Dutch House are both listed buildings and their setting commands full consideration.
- the size and separation of some of the proposed windows do not comply with Building Regulations, and other windows impinge upon the adjacent property.
- the turning facilities within the site are restricted, resulting in vehicles having to reverse out onto Ogleforth. As the parking arrangements do not work, these could be omitted and the area re-planned so as to reduce the impact on the adjacent properties.

## **4.0 APPRAISAL**

### **4.1 Key Issues**

- principle of redevelopment of the site
- detailed design issues, impact on character and appearance of conservation area
- effect on the setting of adjacent listed buildings
- impact on adjacent occupiers
- highway and parking issues

4.2 The site is located within the city walls in a street which, following the closure of the House and Son warehouse, is now predominantly residential in character. Policy H4 of the City of York Draft Local Plan states that planning permission will be granted within defined settlement limits for new housing development on land not already allocated on the proposals map where the site is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings. Additionally, the policy stipulates that development should be of an appropriate scale and density to surrounding development,

and should not result in the loss of open space or have a detrimental impact on existing landscape features. Central Government advice within Planning Policy Guidance Note 3 "Housing" (PPG3) advocates the efficient re-use of previously developed land, particularly within urban areas, in order to create more sustainable forms of development and to reduce pressure for new housing development on green field sites outside built-up areas and within the open countryside. However, PPG3 cautions that the efficient use of land should not take place at the expense of environmental quality.

4.3 The site is within the Central Historic Core conservation area and is surrounded by a number of listed buildings, including the Grade II "star" Dutch House. Policy E4 of the Approved North Yorkshire Structure Plan states that buildings and areas of special townscape, architectural and historic interest will be afforded the strictest protection. Policy GP1 of the Draft Local Plan seeks to achieve a standard of design that will secure an attractive environment and safeguard or enhance the environment. In particular, development proposals will be expected to be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, using building materials appropriate to the character of the area.

4.4 Within any designated conservation area, the City Council, when determining planning applications, is under a statutory duty to consider the desirability of preserving or enhancing the character or appearance of the area. This duty is reflected in Policy HE2 of the Draft Local Plan, which states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks, and other townscape elements which contribute to the character and appearance of the area. The written statement that accompanies Policy HE2 states that design of new development should avoid superficial, confused or pale reflections of the existing built environment and that high quality contemporary designs which respect the historic context will be encouraged. Policy HE4 is also relevant, stating that development in the immediate vicinity of listed buildings will only be permitted where there is no adverse effect on the character, appearance or setting of the building.

4.5 The application relates to the development of a privately owned car park within the urban area where there are a number of established residential properties in the immediate locality and as such no objections are raised to the principle of the proposal from a land use planning standpoint. It is considered that the proposal would constitute a highly sustainable form of development in terms of its proximity to existing services, transport links and other amenities. Central Government advice within PPG3, relating to the efficient use of land, particularly within urban areas, also lends support to the principle of the proposal.

4.7 It is considered that the existing use of the site as a private car park has a negative visual impact on the character and appearance of the conservation area, and that the principle of the development of the site is generally to be welcomed. The elimination of the car park would be in accordance with Policy T16 of the Draft Local Plan, which states that the Council will seek to reduce the level of private commuter parking spaces in or adjacent to York City Centre through negotiation with site owners as redevelopment proposals come forward. The gap in the street frontage, created by the access to the car park, is also considered to be an incongruous feature and does not reflect the built form of the street in a historical sense, as indicated on photographs which accompanied the previous application. The proposal to infill this gap would restore the continuously built up nature of this part of the street frontage.

4.8 Planning permission in respect of the previous proposal was refused for three reasons, the first stating that the proposed development, by virtue of its excessive height, density and

scale, and its proximity to adjacent buildings, would constitute an unacceptable overdevelopment of a restricted site. The applicant has sought to address this issue through the submission of a more modest proposal for the erection of two dwellings on the site, one occupying the gap in the street frontage, with a second unit located within a separate block at the rear of the site. The block at the rear has been reduced by a full storey in height in comparison to the previous proposal, and the overall height, massing and scale has been further reduced as a result of a significant lowering of the roof pitch. The footprint of the building has also been reduced, providing a visual separation between the new building and the Dutch House, and also enabling a small area of private garden to be created. The provision of an independent pedestrian access to the rear of the site between the Dutch House and the new build proposal on the Ogleforth frontage would provide a further degree of visual separation.

4.8 There is a wide variation in the scale of the buildings in the immediate vicinity of the site, ranging from the two storey dwellings immediately opposite the site in Ogleforth, the two-and-a-half storey Dutch House, the three storey residential and commercial buildings in Goodramgate, through to the tall four storey warehouse buildings at the back of the site. The proposed development proposes a range of building heights for the site, including a two storey dwelling in the gap along the site frontage, providing a transition between the three storey residential building to the southeast (16 Goodramgate) and the Dutch House to the northwest. At the rear of the site a three and a half storey building is proposed, with the eaves and ridge heights remaining significantly below that of the adjacent House and Son warehouse. The front wing of the new "L" shaped building would step down to three stories in height, again providing a transition between the two-and-a-half storey Dutch House and the taller buildings at the rear of the site. It is considered that the overall massing and scale of the proposal would be acceptable in this context, and would not constitute overdevelopment of the site, particularly bearing in mind the strong urban setting of the site where built form makes a significant contribution to the character of the area.

4.9 The second reason for refusal related to the adverse impact of the proposal on the character and appearance of the conservation area, and on the setting of the adjacent listed buildings. It is considered that this issue has been addressed, at least in part, through the reduction in the scale of the proposed development outlined above. Additionally, the design of the proposal has been changed from the previous contemporary style of architecture to a more traditional approach. A traditional red/brown facing brick and plain clay tiles would be used, in keeping with the surrounding area, in contrast to the previous proposal, which incorporated modern materials including the use of lead sheet cladding and Iroko panels. The proposed development would incorporate flush fitting "conservation" style rooflights with timber doors and windows. The inclusion of a glazed dormer providing light to a third floor study would constitute a modern intervention in the design of the building. However, this would be located within one of the rear roof slopes and would not form a prominent feature in the streetscene.

4.10 The dwelling on the frontage of the site would reflect the two storey scale of the adjacent Dutch House, and would be separated from it by a narrow pedestrian access. By including window and door openings with traditional forms and opening sizes, it is considered that the new facade would constitute a subtle addition to the streetscene of an appropriate scale and form, without attempting to mimic or compete with the style of the adjacent buildings. The new dwelling would occupy a "back of footpath" location (the previous application incorporated a small setback at ground floor level), which would reflect the general layout and form of other buildings in the street, and is considered to be entirely appropriate in this location. The creation of a "courtyard" type development with a drive-through access allowing glimpse views of the development at the rear is indicative of other developments within the street, such as at John Saville Court and Ogleforth Mews. The Council's Conservation Architect considers that in overall terms the proposal would enhance

the character and appearance of the conservation area without harming the setting of the surrounding listed buildings. Both English Heritage and the York Civic Trust, who objected to the previous proposal, are generally supportive of the changes made to the scheme.

4.11 The third reason for refusal contended that the previous proposal would have adversely affected the amenity and living conditions of the occupiers of adjacent buildings by virtue of its height and proximity to those buildings, the overdominant impact, and the unacceptable loss of light and outlook that would result. Policy GP1 of the Draft Local Plan expects development proposals to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. The infill dwelling on the frontage of the site would provide a "window to window" gap of 6 metres to the residential properties immediately opposite the site. However, similar relationships already exist not only in Ogleforth but also within other narrow streets elsewhere in the centre of York, and given the relatively small scale of the development is not considered to be unacceptable in this case.

4.12 The infill dwelling would result in the loss of small ground and first floor windows on the gable elevation of 16 Goodramgate (to the southeast of the site), which consists of three flats arranged horizontally within the building. However, the windows concerned perform a secondary function, the principal living room windows in these properties facing directly onto Ogleforth. The infill dwelling would also overlap a recessed area at the rear of these properties, within which a number of windows are located. However, the windows affected principally serve bathrooms, in addition to a first floor bedroom window which would be partially obscured by the gable wall of the new dwelling. Whilst it is accepted that this is not an ideal situation, it is not considered that the impact on outlook, amenity and living conditions for the occupiers would be such that the refusal of planning permission would be justified. It is unlikely, for example, that any overshadowing of the window would occur bearing in mind its northwesterly orientation. A further bedroom window at second floor level would be clear of the mass of the new dwelling and thus would not be directly affected.

4.13 The two other properties affected by the proposed development would be the Royal Oak and Golden Slipper public houses on Goodramgate, the rear elevations of which contain windows orientated towards the application site. The main bulk of the new block at the rear of the site would be located approximately 12 metres from the respective rear elevations, with the roof profile of the two storey garage/living room also being visible at closer range above the boundary wall enclosing the rear yards of both public houses. However, in the case of the Royal Oak, the windows in the rear elevation serve the kitchen/food preparation area for the public house, a domestic bathroom, and a storeroom. It is not considered, therefore, that living conditions for the occupants would be unduly affected by the proposed development. Although the development may have some impact on the yard at the rear of the public house, this is in commercial use and is already tightly enclosed by existing boundary walls.

4.14 In the case of the Golden Slipper there are three windows at first and second floor level which would be potentially affected, and it is accepted that the accommodation within is capable of occupation as a self contained flat in association with the public house. However, at the present time the first floor room is used as a food storage/preparation area for the public house, and one of the second floor rooms is furnished, and is clearly currently used, as an office. The one remaining room, at second floor level, consists of a bedroom. It is doubtful, therefore, that the accommodation as a whole is occupied on a permanent or self contained basis, and given these circumstances, it is not considered that the proposed development would result in the standard of amenity for the occupiers falling below that which could be reasonably expected.

4.15 The garden/yard at the rear of the Golden Slipper would be affected by the proposed three and a half storey block where it projects above the adjacent boundary wall. However, this area is relatively narrow and is already tightly enclosed both by the boundary wall and the adjacent tall buildings, and it is not considered that the increased sense of enclosure would justify the refusal of planning permission. The new block would be located to the north/north east of the yard, and thus would be unlikely to result in additional overshadowing. In terms of possible disturbance from the yard, the area concerned is relatively small and is capable of accommodating only small numbers of people. Thus it is not considered that the occupiers of the new dwelling would suffer undue noise and disturbance, particularly bearing in mind that there are no principle windows within the new dwelling that would overlook the yard.

4.16 Concerns have been expressed by the Environmental Protection Unit in relation to an extraction unit located in the rear elevation of the Royal Oak public house, which vents towards the application site, with the potential for kitchen odours and noise to adversely affect the amenity of future occupiers of the proposed (and adjacent) dwellings. The Environmental Protection Unit have received no previous noise or odour complaints in relation to this extraction unit, and although they have some experience of odour complaints from residents living in similar courtyard developments, do not consider that there is sufficient evidence to justify the refusal of planning permission in this case.

4.17 No highway objections are raised to the proposal, the loss of the existing private car park and its replacement with the new development being particularly welcomed. It is also noted that the paved patio area between the Dutch House and the new development would be made available for the occasional turning of vehicles, thus easing turning manoeuvres within the site. The "back of footpath" location of the infill dwelling would result in vehicles emerging onto Ogleforth from the drive through access with limited visibility of oncoming traffic. Whilst this would normally be a concern, given the limited number of vehicle movements along the street, and the fact that similar arrangements already exist elsewhere along Ogleforth, the proposals are considered to be satisfactory in this location.

4.18 The proposed three and a half storey block would be directly adjacent to the former House and Son warehouse, an exceptionally tall Grade II listed building of industrial appearance. A planning application to convert the warehouse to 13 apartments was submitted in January of this year but was subsequently withdrawn following a request for further information. However, it is likely that the application will be resubmitted in the near future when the relevant information is available. The proposed block at the rear of the site would overlap the warehouse by approximately 9.5 metres and concern has been expressed that the resultant relationship could compromise the successful conversion of the warehouse to apartments, in addition to adversely affecting the setting of the listed building itself.

4.19 The new block would particularly affect natural light to the ground floor windows on the southeast elevation and a first floor window on the northeast elevation. However, the loss of light would only affect a small area of the building as a whole and it is not considered that the effect would be so extensive that the conversion of the warehouse to an alternative use would be precluded. Windows in the gable ends of the new blocks facing the House and Son site would contain acid etched obscure glass in order to prevent overlooking and loss of privacy. In any event, planning permission has yet to be granted for the conversion of the warehouse to apartments and the refusal of planning permission for this reason would effectively pre-empt the outcome of a future application. Thus it is considered that only limited weight can be attached to this issue. Due to its exceptional height, it is not considered that the dominance, stature or setting of the warehouse would be unduly diminished as a result of the proposal. Although the Dutch House has a detached appearance at the present time, historically it has always formed part of a larger group of buildings and it is considered that its existing somewhat forlorn appearance would be enhanced by the proposal.

4.20 In accordance with Policy L1c of the Draft Local Plan (Fourth Set of Changes), approved for development control purposes in April 2005, the proposed development would attract a commuted sum payment towards the upgrading of public open space in the local area. This is calculated at £2,851 and the payment of this sum can be secured through an Agreement under Section 106 of the Town and Country Planning Act 1990 between the Council and the applicant/developer.

## 5.0 CONCLUSION

5.1 The site occupies a sensitive location within the Central Historic Core conservation area. It is considered that the existing use of the site as a car park has a negative impact on the character and appearance of the area. It is considered that the proposed redevelopment represents a measured response to the character of the area, showing respect for adjacent buildings, local scale, proportion and materials as well as historic context, and would thus accord with relevant Local Plan policies and national planning policy advice for residential development and development in conservation areas. The proposal is supported by the Council's Conservation Architect, and the changes made to the earlier unsuccessful scheme are appreciated by both English Heritage and the York Civic Trust. The revised proposal is, therefore, considered to be satisfactory.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

1 TIME2

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

OGL/B SK:020 Rev A - Proposed ground floor plan  
OGL/B SK:020 Rev A - Parking movements - sketch overlay  
OGL/B SK:021 Rev A - Proposed first floor plan  
OGL/B SK:022 Rev A - Proposed second floor plan  
OGL/B SK:023 Rev A - Proposed third floor plan and sections  
OGL/B SK:024 Rev A - Proposed section and south elevation  
OGL/B SK:025 - Proposed Ogleforth elevation  
OGL/B SK:026 - Proposed courtyard elevation  
OGL/B SK:027 Rev A - Proposed northwest elevation from warehouse forecourt  
OGL/B SK:028 Rev A - Proposed courtyard drive-through section  
OGL/B SK:029 - Proposed northeast elevation - rear of infill  
OGL/B SK:030 Rev A - Proposed northeast elevation from public house yard  
OGL/B SK:031 Rev A - Proposed courtyard elevation and section

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

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

3 VISQ8

4 VISQ7

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

Gates

Window and window openings

External doors and door openings

Dormers and rooflights

Eaves and verges for both buildings

Garage doors and surrounds

Rainwater goods

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

- 6 Prior to the commencement of the development, a scheme shall be submitted to and approved in writing by the local planning authority to ensure the stability of the boundary wall surrounding the application site. The approved scheme shall be carried out in its entirety in accordance with a timetable that has first been agreed in writing with the local planning authority.

Reason: To ensure the preservation of the boundary walls surrounding the site, in the interests protecting the character and appearance of the area.

7 ARCH1

8 ARCH2

9 ARCH3

10 HWAY10

11 HWAY17

12 HWAY18

13 HWAY20

14 HWAY21

15 HWAY29

16 HWAY31

17 HWAY40

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

Reason: To protect the health & safety of future occupants of the site.

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

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

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

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

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

Reason: To protect the health and safety of future occupiers of the site and the integrity of structural components and any proposed underground services.

20 A timetable of proposed remedial works shall be submitted to the local planning authority prior to any works being undertaken on site.

Reason: To protect the health and safety of future occupiers of the site and the integrity of structural components and any proposed underground services.

21 All works and ancillary operations during construction and demolition including deliveries to the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of nearby residents.

22 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 9.4 metres (infill dwelling) and 10.6 metres (rear block), as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: To establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

23

No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1c of the City of York Draft Local Plan.

**INFORMATIVE:**

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £2,851

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

**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:

- principle of redevelopment of the site
- detailed design issues, impact on character and appearance of conservation area
- effect on the setting of adjacent listed buildings
- impact on archaeology
- impact on adjacent occupiers
- highway and parking issues

As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies H4, GP1, HE2, HE4, HE10 and T16 of the City of York Local Plan Deposit Draft.

2. In order to minimise noise and dust nuisance from construction works to nearby residents, the following should be noted

- (i) All plant and machinery to be operated, sited and maintained in order to minimise disturbance.
- (ii) 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
- (iii) 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.

**3. INFORMATIVE:**

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

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

**Contact details:**

**Author:** Simon Glazier Development Control Officer  
**Tel No:** 01904 551351