

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	22 JUNE 2006
PRESENT	COUNCILLORS BARTLETT (VICE-CHAIR), SUE GALLOWAY, HORTON, LIVESLEY (CHAIR), MACDONALD, REID, SIMPSON-LAING, SUNDERLAND AND B WATSON

## 1. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Reason for Visit	Members Attending
49 East Mount Road	In order for members to familiarise themselves with the site.	Livesley, Macdonald, Horton, Reid, S Galloway, Sunderland, and Bartlett.
9 Slingsby Grove	In order for members to familiarise themselves with the site.	Livesley, Macdonald, Horton, Reid, S Galloway, Sunderland, and Bartlett.
York Marine Services, Ferry Lane, Bishopthorpe	In order for members to familiarise themselves with the site.	Livesley, Macdonald, Horton, Reid, S Galloway, Sunderland, and Bartlett.
32 A Copmanthorpe Lane	In order for members to familiarise themselves with the site.	Livesley, Macdonald, Horton, Reid, S Galloway, Sunderland, and Bartlett.
First Farm, Main Street, Askham Richard	At the request of Cllr Hopton.	Livesley, Macdonald, Horton, Reid, S Galloway, Sunderland, and Bartlett.
48 Wetherby Road, Acomb	In order for members to familiarise themselves with the site.	Livesley, Macdonald, Horton, Reid, S Galloway, Sunderland, and Bartlett.
14-18 Agar Street	In order for members to familiarise themselves with the site.	Livesley, Macdonald, Horton, Reid, S Galloway, Sunderland, and Bartlett.
Car Park adjacent Woolpack, The Stonebow	In order for members to familiarise themselves with the site.	Livesley, Macdonald, Horton, Reid, S Galloway, Sunderland, and Bartlett.

## 2. DECLARATIONS OF INTEREST

The Chair invited Members to declare at this point any personal or prejudicial interests which they had in any of the business on the agenda.

In the interests of transparency Cllr Simpson Laing requested that it was recorded that she is a customer of Nexus in relation to Plans Item 4 (b) Nexus, 25 George Hudson Street although it was neither a personal nor prejudicial interest.

## 3. MINUTES

**RESOLVED:** That, the minutes of the Planning and Transport (City Centre) Sub-committee meeting on 4 May 2006 be approved and signed by the Chair as a correct record with the removal of “as a ward member” from the second sentence of minute 84c - Pitcher and Piano Bar, Coney Street, York;

and

That, the minutes of the Planning and Transport (West Area) Sub-committee be approved and signed by Chair as a correct record with the following amendments made;

That Cllr Horton be shown as present at the meeting and removed from apologies,

That the word ‘two’ be replaced with the word ‘three’ at minute 78 – Vote of thanks to Chair,

insertion at minute 82b – 32 Skiddaw, York YO24 2SZ;

**‘REASON:** Members found that the applicant has not proven that on the balance of probabilities the oak has been the cause of subsidence damage.’

## 4. PUBLIC PARTICIPATION

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

## 5. PLANS LIST

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

### 5.a 10 Wattlers Close, Copmanthorpe (06/00671/FUL)

Members considered an application for a one and two storey pitched roof side extension submitted by P and H Scurry.

Officers updated the committee that the word “not” had been omitted in paragraph 1.2 of the report and the final sentence should read, “The applicants do not want to proceed with the change and the application comes before committee for decision on the original submitted plans (received 29 March 2006)”.

**RESOLVED:** That the application be approved in accordance with the conditions and informatives outlined in the report.

**REASON:** As the application complies with planning policy and the amenity requirements of the area and would not harm highway safety.

#### **5.b Nexus, 25 George Hudson Street (06/00174/FUL)**

Members considered a full application for the conversion of a former food store to nightclub with internal and external alterations to frontage, submitted by McMillan York Ltd.

A document ‘Nexus – A first class leisure venue for a first class city’ was tabled at the committee.

Officers advised that if Members were minded to approve the application then it would need to be subject to a satisfactory Section 106 agreement to cover the outstanding CCTV and bus service issues.

Mr Clark, a neighbour addressed the committee and raised concerns about the negative impact of this development on the residents of Tanner Row and challenged why a nightclub of the proposed scale was needed in the City Centre.

Mr Wright, addressed the committee on behalf of the applicant and explained that discussions were still needed between the stakeholders in respect of the night bus service. Further, the applicant was happy to comply with the CCTV requirements but was awaiting a clarification on cost. Mr Wright described the concept of having a ticket entrance fee and that customers would spend much longer in the club than currently.

Cllr Merrett, Ward Member for Micklegate, addressed the committee and raised significant concerns about the negative impact that the proposal would have on the Micklegate area. His concerns included potential increases in anti-social behaviour and crime. He was concerned that the committee heeded the strong objections from residents and the police and underlined that there were 50 residents living only 200 yards from the location. Reference was made to a noise survey that had been conducted in the area and the view was expressed that this club would only increase

that problem. He emphasised the need for full CCTV coverage and satisfactory resolution to the extension of the night time bus service.

The meeting was adjourned for 10 minutes whilst advice was sought as to whether members of the West and City Centre Areas Planning Sub-Committee who were also members of the Licensing Act 2003 Sub Committee Hearings asked for clarification about their role in determining the planning application and then any future licensing applications. Advice was provided that as long as Members were able to clearly distinguish the separate issues of licensing considerations and planning considerations then Members would be able to act on both. However, the members concerned then stated that as there was substantial overlap between planning and licensing considerations in the report and also in the issues raised by speakers they were going to determine the planning application and would not determine any future licensing applications.

Cllr Horton moved and Cllr B Watson seconded, refusal on this application on the grounds of “public order and safety, crime and disorder and impact on residential amenity” and on being put to the vote the motion was declared lost.

**RESOLVED:** That the application be approved in line with the conditions and informatives outlined in the report with the exception of conditions 5 and 8 and subject to a satisfactory Section 106 agreement for the CCTV and night bus service.

**REASON:** As it is considered that there are no fundamental land use objections and that the impact resulting from the significant increase in the capacity of the premises would be significantly offset by the proposed change in the mode of operation of the premises.

### **5.c 49A East Mount Road (06/00793/FUL)**

Members considered an application for conversion and alterations to storage building to form 5 no. flats and the erection of new two storey attached dwelling following demolition of existing lean-to store and erection of single storey cycle and bin storage, submitted by Park Ridge Ltd.

Officers updated the committee that a revised drawing had been submitted which addressed design issues in relation to windows and entrance door detail and also answered the highway concerns. The scheme would be excluded from the Residents Parking Scheme. Officers also reported the views of the Micklegate Planning Panel which were concerned that the quality of the development did not enhance the conservation area and also raised concerns over parking.

Mr Green addressed the committee on behalf of residents of East Mount Road. Concerns included the view that this scheme was overdevelopment of the site as an existing lean-to would become a 2 storey building. The design was felt to be out of keeping with the rest of the street with particular reference to the building line of this scheme and the fore-court nature of the rest of the street.

Ms Potter, the owner of East Mount House, addressed the committee, with specific concerns about the detrimental impact of the height of the new 2 storey property and the overbearing impact and loss of light. Mr Proctor, a local resident addressed the committee with concerns about the density of the development and the impact on parking spaces and the overall negative impact of the development on the conservation area.

Members discussed the application and some felt there had not been enough significant improvements since the refusal of the last scheme.

**RESOLVED:** That the application be refused.

**REASON:** On the grounds of overdevelopment, design and impact on the character and appearance of the conservation area which is contrary to Policy HE3 and GP1 and the impact on living conditions of 50 East Mount Road in terms of loss of light and the overbearing impact are contrary to GP1 and H4A also policy E4 of the Approved North Yorkshire Structure Plan and Policy HE2 of the Draft Local Plan.

#### **5.d 9 Slingsby Grove (06/00623/FUL)**

Members considered an application for the erection of a single dwelling submitted by Mr Travis.

Officers advised that their recommendation was now altered to request a deferral on this item as the neighbours had not been notified of the site visit or committee meeting in respect of this item.

**RESOLVED:** That the decision on this item be deferred.

**REASON:** In order to ensure that appropriate notification be given to all parties.

#### **5.e York Marine Services Ltd, Ferry Lane, Bishopthorpe (06/00590/FUL)**

Members considered an application for the erection of 15 no. lodge style, static caravans, including landscaping, environmental improvements and the creation of a new marina, submitted by Mr David Smith and Mr Glyn Aucott. The application also involved the use of the spoil from the excavation of the marina to raise the level of the site.

Officers updated the committee that a further letter had been received from York Marine Services outlining that the application formed part of a survival plan needed because of flooding on the site. In addition, a letter from the

Environment Agency was reported to the committee, which indicated that their original objection was withdrawn subject to a range of conditions on any approval. Further, Officers advised that should Members refuse the application, policy V5 be added to the reasons for refusal.

Mr Dale, a neighbour speaking in objection to the application, addressed the committee and raised concerns about the loss of open space for villagers to enjoy, the negative impact on rare and endangered species which currently had recovery time over the winter when the site was less well used. He also expressed concerns about the impact of raising the ground level of the site both in terms of forcing flood water elsewhere and also in terms of a detrimental visual intrusion by raising the static caravans.

Mr Smith, the Managing Director of York Marine Services Ltd addressed the committee and explained that the application was a result of huge flood impact on the site and argued that the development should be considered as a special case for development in the green belt.

Mr Mellors, addressed the committee on behalf of the Bishopthorpe Parish Council and emphasized that although improvements were needed on the site he urged the committee to consider the impact on the green belt and on the conservation area. He expressed the view that more detail of the development was needed at this stage, he raised concerns about the style of chalets being out of place with other housing in the area and also concerns about waste disposal. He expressed the view that survival of a business was not a planning consideration.

Members established from the applicant that a site investigation would be carried out with an analysis of excavation works to ensure that the spoil would be suitable to raise the ground level on the site. Members discussed the need for more detail on the technical considerations in relation to the application. Members clarified the situation in relation to the footpath and ownership of the land and established that although the application would involve a diversion of the path there was no intention to reduce its use. Members queried the intended depth of the marina and also discussed the impact of the chalets and the marina in the greenbelt and in a conservation area.

**RESOLVED:** That the application be refused.

**RESOLVED:** As the proposed use of land for the siting of 15 lodge style static caravans is considered to be inappropriate development in the Green Belt and by virtue of its overall design, appearance and prominent location within the designated Green Belt, would harm the open character and appearance of the Green Belt, contrary to the PPG2 guidance, Structure Plan Policy R10 and Policy GB1, V5 of the City of York Development Control Local Plan.

**5.f 32A Copmanthorpe Lane, Bishopthorpe (06/00565/FUL)**

Members considered an application for the erection of a first floor pitched roof extension to create a two storey dwelling house, single storey side extension and front porch (resubmission) submitted by Mr and Mrs Burlison.

Officers advised that their recommendation was now altered to request a deferral on this item as an amendment had been submitted by the applicant that could potentially overcome the problems with the scheme. Officers wanted further time to consult with neighbours.

**RESOLVED:** That decision on the application be deferred.

**REASON:** In order to allow further consultation to take place.

**5.g First Farm, Main Street, Askham Richard (06/00626/FUL)**

Members considered a full application for a conversion of existing outbuilding to 1 no. building, submitted by Mr and Mrs Bertram.

Mr Kendall, the agent for the applicant, addressed the committee and spoke in support of the item.

Cllr Macdonald moved a motion to approve this application subject to windows of the deign on the 2004 drawings and the replacement of the existing white plastic gutters being replaced.

**RESOLVED:** That the application be delegated to Officers for approval in line with the conditions and informatives attached to the previous approval where appropriate and subject to the satisfactory receipt of an amended plan showing the reinstatement of first floor windows and the additional condition that the existing white plastic rainwater goods be replaced in black painted metal.

**REASON:** By virtue of the fact that there would be no harmful overlooking from the additional window bearing in mind the previous approval for the conversion of this property to residential use.

**5.h 48 Wetherby Road (06/00222/FUL)**

Members considered a full application for the erection of a detached dwelling and garage to the rear of 48 Wetherby Road, submitted by Mr K Webb.

Officers updated the committee that the following additional condition was recommended should Members approve the application;

“The existing hedge on the eastern boundary of the site shall not be removed or reduced in height, until the boundary details required of Condition 6 have been approved in writing by the Local Planning authority.

The hedgerow as agreed to be retained, shall therefore be maintained in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the Interests of the visual amenities of the area and the occupiers of neighbouring properties.”

Ms Davies, a neighbour to the site, addressed the committee and raised concerns about loss of privacy in rear gardens, the height of the western wall at the boundary, no space for scaffolding, loss of trees, including a maple and 100 ft of mature hedge and fear of increased risk of crime. Mr Shore addressed the committee with concerns about the visual impact of the proposal, loss of privacy and increase of noise. Mr Smalley addressed the committee with concerns that the design was out of character with the area as there was no other rear developments, loss of the use of his garden and specific concerns about the manoeuvre to get a car onto and out of the site and the practicalities of having locked gates.

Mr Barnes, the agent for the applicant addressed the committee and answered some of the concerns raised. He emphasised the separation distances from the proposed dwelling to other properties and confirmed that the hawthorne hedge along the boundary would be kept.

Members had concerns about the height of the scheme and the siting of the building on the plot and the consequent impact on neighbouring properties.

**RESOLVED:** That the application be refused.

**RESOLVED:** By virtue of the width of the plot, the height of the proposal and the proximity of adjacent houses would result in harm for the living conditions of the occupiers of 50 Wetherby Road also 18 and 20 Ridgeway and the overbearing impact and loss of privacy is contrary to GP1 and H4A.

### **5.i 28 Garnet Terrace (05/02754/FUL)**

Members considered a full application for the conversion of an existing dwelling into 2 no self-contained flats, demolition of detached store and the provision of detached cycle store, submitted by Mr K Webb.

Officers updated the committee with the response from the Environment Agency indicating that their previous objection had been withdrawn and



that the detail of Condition 2 be amended to refer to plan KW/2A received on 17/05/2006.

Mr Laverack, agent for the applicant addressed the committee in support of the application.

Members discussed the subdivision of terraced houses into flats and asked for clarification on the need to raise the floor height in response to the Environment Agency request.

**RESOLVED:** That the application be approved in line with the recommendations and informatives outlined in the report but with the exception that the floor level not be raised 400mm but be left at its current height.

**REASON:** As, on balance, it is considered that the proposal would not harm the locality and that the permission has been conditioned to ensure that the living conditions of the adjacent and future users would not be materially harmed.

#### **5.j Cafe Nero, 16 Davygate (06/01099/FUL)**

Members considered a full application for the use of public highway for outside seating in connection with the Café use of 16 Davygate, submitted by Nero Holdings.

Officers updated the committee that the location site for the application was on the New Street Frontage to the property and not the Davygate and that the type of furniture to be used if approval be granted, would need to be approved in writing by the Local Planning Authority. Environmental Protection Unit reiterated that the hours of use should be 10.30 am – 4.00pm (Monday – Saturday) and 12.00pm – 4.00 pm (Sunday and Bank Holiday).

Members raised concerns about the distance between this proposed area and the other outdoor areas further along New Street and the lack of consultation with disabled groups. Members expressed concern about the size of the area requested as it appeared to small to accommodate furniture and also had concerns about the camber of the footway.

**RESOLVED:** That the application be refused.

**REASON:** The proposed development, by virtue of the proposed number of tables and chairs on New Street would be detrimental to highway safety. The proposed development is therefore unacceptable and is refused in accordance with Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004 which states that local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise.

**5.k Car Park Adjacent Woolpack House, The Stonebow  
(05/02677/FUL)**

Members considered a full application for the erection of 4 new residential town houses submitted by Tropicwatch Ltd.

Officers updated the committee that the following additional condition should be added:

Notwithstanding the information on the approved plans, the height of the development shall not exceed 12.5 metres, as measured from the 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.

Ms Ward, a neighbour, addressed the committee and raised concerns about the height of the development and the significant overlooking particularly from the balconies.

Mr Reeves, the agent for the applicant, addressed the committee in support of the item.

**RESOLVED:** That the application be approved subject to the conditions and informatives listed in the report with condition 15 and reason 3 of condition 16 removed and condition 10 amended to replace “should date” with “dating”.

**REASON:** The proposal is considered to result in an enhancement to the character and appearance of the conservation area and is acceptable in terms of its design, massing and height.

**5.l Land Lying To The Rear Of 14 to 18 Agar Street (06/00795/FUL)**

Members considered a full application for the erection of 7 no. town houses with associated access road, car parking and cycle storage, submitted by Mack and Lawler Builders Ltd.

Officers updated Members that additional highway conditions would need to be added to any approval and these are listed below;

1 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with the approved plans.

Reason: To prevent the egress of water and loose material onto the public highway.

2 No part of the site shall come into use until the turning areas have been provided in accordance with the approved plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

3 Prior to the development commencing full detailed drawings showing the design and materials for roads, footways, and other highway areas (and which shall comply with the requirements set out in the NYCC Residential Design Guide and Specification - second edition) shall be submitted to and approved in writing by the Local Planning Authority. Such roads, footways and other highway areas shall be constructed in accordance with such approved plans prior to the occupation of any dwelling which requires access from or along that highway.

Reason: In the interests of good planning and road safety.

4 Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

5 The dwellings hereby approved shall not be occupied until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with the approved plans, or arrangements entered into which ensure the same.

A Traffic Regulation Order, to ensure that waiting restrictions are in place along the site access road prior to the occupation of the dwellings.

Reason: In the interests of the safe and free passage of highway users.

INFORMATIVE - Because of the central location of the site, the access road is likely to be immediately subject to commuter parking unless waiting restrictions are introduced at the start of occupation. The Traffic Regulation

Order would ensure that yellow lines are in place prior to occupation of any of the properties. All associated costs would be met by the developer.

6 Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the LPA.

Reason: In the interests of the safety and good management of the public highway.

**RESOLVED:** That the application be approved in line with the conditions and informatives outlined in the report and those conditions listed above.

That sites other than Glen Gardens be investigated for investment of the developer financial contributions.

**REASON:** The proposal is considered to be a satisfactory use of this city centre site for the provision of family size housing in a sustainable location.

Cllr David Livesley

Chair of West and City Planning Sub Committee  
The meeting started at 3.00 pm and finished at 9.00 pm.