
MEETING	PLANNING AND TRANSPORT (CITY CENTRE AREA) SUB-COMMITTEE
DATE	6 APRIL 2006
PRESENT	COUNCILLORS B WATSON* (in the Chair), BARTLETT*, EVANS, HALL*, JAMIESON-BALL*, KIRK (Substitute for Cllr Hogg) LOOKER, MORLEY (Substitute for Cllr Moore), and SIMPSON-LAING (Substitute for Cllr Smallwood).
APOLOGIES	COUNCILLORS HOGG, MOORE and SMALLWOOD.

* *attended site meeting*

71. INSPECTION OF SITES

Site	Reason for visit
Millennium Pedestrian & Cycle Route, Bishopthorpe Road Crossing	To assess the impact of the proposal on pedestrian and cycle safety and on local residents and businesses.
Knavesmire Primary School, Trafalgar Street	To assess the impact of the proposal on residential amenity.
23 Clifford Street	To assess the impact of the proposal on the street scene and on the character and appearance of the conservation area.
Proposed Mooring, Rear of Centrajt, Walmgate	To assess the visual impact of the proposal on the surrounding area, the effect on residential amenity and wildlife.

72. 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.

Councillor Hall declared a personal and prejudicial interest in plans item 3 (23 Clifford Street) as a colleague was a partner in the solicitors practice. He left the room and took no part in the discussion and decision on this item.

Cllr Jamieson-Ball declared a personal and prejudicial interest in plans items 5 and 6 (3 Blake Street) as his brothers godson was an interior advisor on the schemes. He left the room and took no part in the discussion and decision on these items.

Cllr Jamieson-Ball declared a personal and prejudicial interest in plans item 7 (The Raylor Centre, James Street), as his garden was adjacent to the boundary of the site. He left the room and took no part in the discussion and decision on this item.

Cllr Morley declared a personal non-prejudicial interest in plans item 3 (23 Clifford Street) as a member of the Fire Authority.

Cllr Evans declared a personal and prejudicial interest in plans items 5 and 6 (3 Blake Street), as the site was adjacent to his parents property. He left the room and took no part in the discussion and decision on these items.

†73. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED: That the press and public be excluded from the meeting prior to consideration of the Annex to Agenda Item 7 (Enforcement Cases - Update) on the grounds that it contained information classed as exempt under Paragraph 6 of Schedule 12A to Section 100A of the of the Local Government Act 1972 (as revised by the Local Government (Access to Information) (Variation) Order 2006).

REASON: As this information, if disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person, or to make an order or direction under any enactment which is classed as exempt.

74. MINUTES

RESOLVED: That the Minutes of the Sub-Committee held on 2 March 2006 be approved and signed by the Chair as a correct record subject to the deletion of the resolution to Minute 70c and its replacement with the following

RESOLVED: That the application be approved, following referral to the Secretary of State, subject to the conditions listed in the report, and subject to the following

- i) The removal of the partition in the lobby/gallery in the lower entrance of the property from the consent.
- ii) Prior to commencement of work, the submission of a drawing showing the centre bay of the ground floor arcade to the lower gallery not being opened up;

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the report and above, would not cause undue harm to interests of acknowledged importance, with particular reference to the effect on the special architectural and historic interest of the listed building. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No. 3 Adopted 1995) and Policy HE4 of the City of York Local Plan Deposit Draft.

75. PUBLIC PARTICIPATION

It was reported that nobody had registered to speak, under the Council's Public Participation Scheme, on general issues within the remit of the Sub-Committee.

76. 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.

76a. SALT AND PEPPERS, 19 TANNER ROW, YORK

This was a full application, submitted by L Williams for the removal of condition 1 of planning permission 04/03173/FUL (allowed on appeal 19.01.2006) to allow 24 hour opening, at Salt and Peppers, 19 Tanner Row, York (ref: 06/00253/FUL).

Officers updated that, Salt and Peppers had recently applied for a variation to their premises licence. It was confirmed that the Licensing Hearing had agreed to allow the premises to be opened until 3.30am every day subject to a number of conditions which included the use of CCTV and door supervision. The Highway Authority had confirmed that they had no objections.

Officers also reported receipt of a further letter of objection from a neighbour referring to the premises being open beyond the 3.30am limit, the lack of bins and toilet facilities, vehicles collecting employees early in the morning all of which affected the local residents amenity. A letter had also been circulated to Members by email from the Licensing Officer from North Yorkshire Police making further representations regarding an increase in hours.

Verbal representations were received from a local resident who confirmed that although the present opening hours had been granted on appeal these hours had never been adhered to. He confirmed that local residents should be allowed some respite during the week as recommended in the Appeal decision. Photographs taken by the resident earlier that morning were circulated showing young people congregating in the area.

Verbal representations in support were received from the applicant who indicated that she did not intend to have 24 hr opening just until 3.30am in accordance with the premises licence. The planning application had been made to allow the premises to open in line with neighbouring bars and to alleviate the need to keep reapplying for changes to hours.

Members questioned if the premises used CCTV and had door supervision at present. They confirmed that the prevention of crime and disorder were their main concerns and indicated their support for the extension of hours in line with those granted by Licensing.

RESOLVED: That the application be approved subject to the following condition:

1 The opening hours of the premises shall be restricted to the following times:

0700 hours to 0330 hours on the following morning, seven days a week

For the avoidance of doubt, the premises shall be closed and vacated of all customers by 0330 hours on each and every day.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the condition listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to local and national policy context, crime and public order issues and impact on residential amenity. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policy S6 of the City of York Local Plan Deposit Draft.

76b. PROPOSED MOORING REAR OF CENTRAJET, WALMGATE, YORK

Members considered a full application, submitted by D Y V LLP for a proposed mooring at the rear of Centrajel, Walmgate, York (ref: 06/00033/FUL).

Officers updated that an additional letter had been received from the Chair of the River Foss Society objecting to the proposal. They also referred to the earlier site meeting when it had been indicated that the adjacent residential development at Dixon's Yard was now for only 48 units, due to internal changes, so if the application was refused Condition 5, relating to the provision of affordable housing, would require removal. Officers confirmed that they would obtain clarification of this.

Verbal representations were received from a local resident who stated that he was very concerned that the proposal would affect resident's amenity, the close proximity of neighbouring dwellings and the need to retain river access.

Verbal representations in support were received from the applicant who indicated that traditional barges could be used for holiday lets without the need for planning consent. The proposal for floating homes was they felt a significant step in utilising the river an under used resource sustainably. He then referred to objections raised regarding wildlife, the listed building, overlooking, noise and smells, affordable housing, navigational effects and sustainability.

Members referred to possible noise problems which could arise from the outdoor amenity areas at the rear of the houseboats and questioned the roof construction. They also referred to the close proximity of the boats to the adjacent dwellings, the large areas of glazing and the impact on the otters.

RESOLVED: That the application be refused for the following reasons;

- 1 It is considered that the introduction of houseboats into this narrow section of the River Foss would harm the setting of the adjacent Grade II listed building, Rowntree Wharf, through the narrowing of the water channel and the erosion of the open space that contributes to its setting. The proposed change of use will also harm the character and appearance of the conservation area, by introducing domestic structures and activity into an area of typically industrial appearance. The proposal is therefore considered contrary to Central Government advice given in Planning Policy Guidance Note 15: "Planning and the Historic Environment". The proposal is also considered to conflict with Policy E4 of the Approved North Yorkshire Structure Plan and Policies

HE2 and HE4 of the City of York Draft Local Plan, which state as follows:

POLICY E4 (Structure Plan)

"Buildings and areas of special townscape, architectural and historic interest will be afforded the strictest protection."

POLICY HE2 (Draft Local Plan)

" 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 features which contribute to the character or appearance of the area."

POLICY HE4 (Draft Local Plan)

" With regard to listed buildings, consent will only be granted for the following types of development (inter alia) where there is no adverse effect on the character, appearance or setting of the building:

- development in the immediate vicinity of listed buildings.

2 The proposed houseboats would be directly overlooked on two sides by existing and proposed residential accommodation and it is considered that the occupants of the houseboats would not be provided with a satisfactory standard of amenity as a result of the unacceptable overlooking and loss of privacy which would result. It is also considered that the proximity of the houseboats to the adjacent living accommodation would result in loss of amenity as a result of unacceptable levels of noise and disturbance to existing and future occupiers.

3 It is considered that by virtue of the visual intrusion of the houseboats into the river corridor and their adverse impact on the character and appearance of the river setting, the proposal would conflict with Policy H4a of the City of York Draft Local Plan which states as follows:

" Proposals for residential development on land not already allocated on the Proposals Map will be granted planning permission where,

a) the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings;

b) the site has good accessibility to jobs, shops and services by non-car modes

AND

c) it is of an appropriate scale and density to surrounding development, and

d) it would not have a detrimental impact on existing landscape features."

- 4 It is considered that the proposal would conflict with Policy NE2 of the City of York Draft Local Plan by virtue of their intrusion into the river corridor and their adverse impact on the character and appearance of the river setting. Policy NE2 states as follows:

" Development which is likely to have an adverse impact on the natural features of river and stream corridors, ponds or wetland habitats will not be permitted. Their environmental and amenity value will be conserved and enhanced by (inter alia):

- resisting development that would have an adverse impact on their landscape character
- ensuring the design of structures and engineering works are appropriate in form and scale to their setting"

REASON: It is considered that, in determining the application as submitted, the principle of a change of use to residential in this location is unacceptable. Whilst houseboats in themselves can be attractive structures in more open locations, it is considered that the application site, given the warehouse style of buildings and general industrialised nature of the area is not appropriate. It is not considered that the introduction of houseboats into such an area would harm the character and appearance of the conservation area.

76c. 23 CLIFFORD STREET, YORK

Members considered a full major application, submitted by Crombie Wilkinson Solicitors, for the conversion of existing ground and basement level offices and erection of 4 additional floors above to create 6 storey building and basement comprising 11 no apartments, at 23 Clifford Street, York (ref: 06/00146/FULM).

Officers updated that an additional letter had been received from the Magistrates Court Service in which they expressed concern that the development would overlook the courtrooms. It was confirmed that no objections had been raised by the Service to two previous applications for this site.

Verbal representations in support were received from the applicant who indicated that the Sub-Committee had considered the previous application out of keeping with the character of Clifford Street which had also been agreed by the Inspector, on appeal. It was hoped that the revised proposals dealt with the objections regarding design and materials. The development would use red brick, lead for the rainwater pipes, reconstituted sandstone and a slate roof.

Members commented on the distance the oriel windows would project from the building, the ventilation shafts, the air quality in the properties arising from the non-opening windows and the rear elevation.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the principle of the proposal, architectural design, the effect on adjoining occupants, noise and air quality and cycle parking and refuse storage. As such the proposal complies with policies E4 and H9 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies H4, GP1, HE2 and HE4 of the City of York Local Plan Deposit Draft.

76d. KNAVESMIRE PRIMARY SCHOOL, TRAFALGAR STREET, YORK

This was a general regulations application, submitted by Richard Stephenson for the formation of a multi use games area (MUGA) including 3m high ball fencing, at Knavesmire Primary School, Trafalgar Street, York (ref: 06/00116/GRG3).

Officers updated that if approval was granted for the games area an additional condition would be required relating to planting/screening at the sites boundary with Trafalgar Street.

Verbal representations in objection to the application were received from a local resident who referred to problems of trespass and vandalism at the adventure playground and wildlife garden at the school. He indicated that this also extended to damage to property and vehicles in the area. Residents felt that the new games area would attract additional youngsters and anti social behaviour would increase, they therefore requested the sub-committee to refuse the application. He went onto state that one of the objectors would consider supporting the proposal if the area was fully screened behind mature native British trees.

Verbal representations in support of the application were received from a school representative, who stated that there was a lack of facilities for sport at the school which had been highlighted in the schools Ofsted report. This would be a safe, secure play area which would increase the range of sports the school was able to offer. There would be no floodlighting, no letting or community use, no additional parking and the area would be locked when not in use.

Members commented on access to the site, whether the Police Architectural Liaison Officer had been consulted and the colour of the fencing and playing surface.

RESOLVED: That Officers be given delegated powers to approve the application under General Regulations 3 Council Development, subject to the conditions outlined in the report and subject to the following

- i) The submission of revised drawings showing the extension of the perimeter roadside fencing.
- ii) An additional condition relating to planting/screening.
- iii) An additional condition relating to the colour of the MUGA surface and fencing.
- iv) The addition on an informative relating to the overall security of the school site in relation to trespass.
- v) Consultation with the Police Architectural Liaison Officer.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to design and impact on residential amenity. As such the proposal complies with Policy GP1 of the City of York Local Plan Deposit Draft.

76e. 3 BLAKE STREET, YORK

This was a full application, submitted by The Helmsley Group, for the conversion of existing first floor and part second floor storage area into two self contained apartments at 3-5 Blake Street, York (ref: 05/02570/FUL).

Officers updated that English Heritage had now investigated the premises with a view to upgrading the listing from Grade II to Grade II*. It was confirmed that the Planning Authority now wished to ensure that the proposed works were of a standard to support this and had consulted

English Heritage about the proposal and conditions to be imposed. It was confirmed that they did not wish to add any additional conditions. Officers also updated that the agent had now confirmed that it was anticipated that the proposed method of emptying the bins would be similar to other gated developments.

Members referred to the condition relating to the payment of a commuted sum to the Council for play space and which would be used to improve a local site, it was suggested that this should be Clarence Gardens.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the principle of the change of use, impact on the character and appearance of the conservation area/listed building, impact on the amenity of the neighbours, archaeology and parking and cycle provision. As such the proposal complies with Policies H9 and E4 of the North Yorkshire County Structure Plan (Alteration No. 3 Adopted 1995) and Policies GP1, H4, HE2 and HE3 of the City of York Local Plan Deposit Draft – incorporating the Proposed 4th Set of Changes, and related national guidance and policies.

76f. 3 BLAKE STREET, YORK

This was a listed building application, submitted by The Helmsley Group, for internal alterations to convert existing first floor storage and part second floor area into two self-contained apartments at 3 Blake Street, York (ref: 05/02571/LBC).

Members commented that there was a need to retain the corner fireplace which appeared to be affected by the bathroom in bedroom 1 in apartment 2. Members also requested the undertaking of a photographic record of the structure and finishes.

Officers confirmed that all the fireplaces would be retained and that there would be a need to include an extra condition in any approval relating to photographic recording.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not

cause undue harm to interests of acknowledged importance, with particular reference to the visual amenity and character of the listed building. As such, the proposal complies with Policy E4 of the North Yorkshire County Structure Plan; Policies HE4 and GP1 of the City of York Draft Local Plan –Incorporating the Proposed 4th Set of Changes Deposit Draft; and national planning guidance contained in Planning Policy Statement 1 “Delivering Sustainable Development” and Planning Policy Guidance Note No.15 “Planning and the Historic Environment”.

At this point Cllr Evans left the meeting.

76g. THE RAYLOR CENTRE, JAMES STREET, YORK

This was a full major application, submitted by H B Raylor and Co Ltd, for the erection of 6 no. industrial/warehousing units (use class B1, B2 and B8), at The Raylor Centre, James Street, York (ref: 05/02414/FULM).

Officers updated that the applicant had now agreed to contribute £7,000 towards bus stop improvements in the vicinity of the application site. It was reported that the funding would be used towards a scheme to implement BLISS (Bus Location Information Sub System) equipment at the outbound Lawrence Street bus stop and that this would require an additional condition if the application was approved.

RESOLVED: That the application be approved subject to the conditions listed in the report and subject to the addition of the following condition

No part of the development hereby permitted shall be occupied until the following highway works

" The provision of a real time bus information display to the nearest outbound bus stop on Lawrence Street at its junction with James Street "

have been carried out in accordance with a specification to be agreed in writing with the Local Planning Authority, or alternative arrangements have been made to ensure the same.

Reason: In order to encourage employees to travel to the site by public transport in accordance with the advice contained in Planning Policy Guidance Note 13: "Transport", and with Policy T20 of the City of York Draft Local Plan.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not

cause undue harm to interests of acknowledged importance, with particular reference to policy issues, and the absence of any significant change in circumstances since the original granting of planning permission. As such the proposal complies with Policy I6 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, T4 and E3 of the City of York Local Plan Deposit Draft-Incorporating the Proposed 4th Set of Changes.

77. MILLENNIUM PEDESTRIAN AND CYCLE ROUTE: BISHOPTHORPE ROAD CROSSING.

Members considered a report, which advised them of the outcome of advertising a Traffic Regulation Order (TRO) for proposed no waiting at any time restrictions at the junction of Bishopthorpe Road, South Bank Avenue and Butcher Terrace.

Officers reported that in late 2004, a scheme had been prepared for the installation of a scheme to install traffic signals at this junction to enable pedestrians and cyclists to cross Bishopthorpe Road. Following receipt of objections further options had been considered but Members felt that the objectors' concerns were outweighed by the potential benefits of the scheme.

Further objections had now been received following the advertisement of the Traffic Regulation Order relating to parking restrictions having an effect on businesses and reduced parking for student accommodation.

Officers updated that an additional letter of objection had been received from the proprietors of a guest house on Bishopthorpe Road it was reported that they had concerns regarding the introduction of double yellow lines which they felt would prevent their guests parking and they suggested alternate crossing points for cyclists.

Officers also updated that following the site visit the previous day it was proposed to retain additional parking at Butcher Terrace which resulted in a 2 metre increase at the north side. In answer to Members questions Officers confirmed that Highway Code guidance recommended that parking should not take place within 10 metres of a junction and that this was all the current proposal sought to introduce which would result in the net loss of 4 parking spaces for the whole scheme.

Verbal representations in objection to the proposal were received from a resident and owner of business premises in Bishopthorpe Road who referred to the loss of parking for visitors to his shop, in particular disabled visitors. He confirmed that he had no objections to the provision of yellow lines at the ends of the road.

Verbal representations in objection were also received from the proprietor of a guesthouse on Bishopthorpe Road who confirmed that the proposals would badly affect their business with the reduction in parking for guests. She confirmed that at present there was adequate parking for all local residents and businesses and she suggested alternative routes for the cycle crossing.

Members then considered the following options:

- 1 Over-rule the TRO objections and approve implementation of the refuge scheme, as shown in **Annex A** of the report.
- 2 Amend the TRO proposals in light of the objections received, and approve implementation of the modified refuge scheme.
- 3 Do not proceed with the TRO in view of the objections received, and abandon plans to implement the proposed refuge scheme.

- RESOLVED:**
- i) That the Sub-Committee note the contents of the report;
 - ii) That the Sub-Committee approve the implementation of the Traffic Regulation Order together with the other elements of the refuge scheme at the Millennium Pedestrian/Cycle Route, Bishopthorpe Road as shown at Annex A of the report, subject to
 - the allocation of funding in 2006/07
 - and the retention of additional parking at the northern side of Butcher Terrace, amounting to 2 metres;

REASON: To make it safer and easier for pedestrians and cyclists crossing Bishopthorpe Road at its junction with South Bank Avenue and Butcher Terrace.

†78. ENFORCEMENT CASES - UPDATE

Members considered a report, which provided them with a quarterly update on the number of enforcement cases currently outstanding for the City Centre area.

Members were informed that the Planning Enforcement Officer was unable to attend the meeting due to illness.

- RESOLVED:**
- i) That consideration of the report be deferred to the next meeting of the Sub-Committee to enable the Officer to provide updates.
 - ii) That Officers be requested to prepare brief descriptions in relation to the Section 106 cases listed in the report for the next meeting.

B WATSON, Chair

The meeting started at 5.00 pm and finished at 7.35pm.