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MEETING	PLANNING AND TRANSPORT (CITY CENTRE AREA) SUB-COMMITTEE
DATE	5 JANUARY 2006
PRESENT	COUNCILLORS B WATSON* (in the Chair), BARTLETT*, EVANS, HALL*, JAMIESON-BALL, LOOKER*, MOORE, MORLEY (substitute for Cllr Hogg) and SMALLWOOD.
APOLOGIES	COUNCILLOR HOGG

\* *attended site meeting*

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## 52. INSPECTION OF SITES

Site	Reason for visit
Suites 4 and 5 Part Rowntree Wharf Navigation Road, York	To assess the quality of the existing office accommodation, and the impact of the proposal on the amenity of surrounding residents and the character of the listed building.
37 – 39 Swinegate	To assess the nature and operation of the proposed use and its impact on the surrounding area.

## †53. EXCLUSION OF THE PRESS AND PUBLIC

**RESOLVED:** That the press and public be excluded from the meeting prior to consideration of Agenda Item 7 (Enforcement Cases - Update) on the grounds that it contained information classed as exempt under Paragraph 13 of Schedule 12A of the Local Government Act 1972.

**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 that the Authority proposes to make an order or direction under any enactment.

## 54. 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.

Councillors Moore and Smallwood declared a personal non-prejudicial interest in plans item 6 (York Racecourse, Racecourse Road, Knavesmire), as they owned mobile phones.

Cllr B Watson declared a personal non-prejudicial interest in plans item 7 (Mr Chippy, 37 Swinegate), as he knew the applicant and his family. He left the room and took no part in the discussion and decision on this item, and Councillor Jamieson-Ball took the Chair.

## **55. MINUTES**

**RESOLVED:** That the Minutes of the Sub-Committee held on 1 December 2005 be approved and signed by the Chair as a correct record subject to the addition of the following under Minute 47 Declarations of Interest.

Plans item 6 (Evil Eye Internet Lounge, 42 Stonegate) Cllrs Bartlett and Moore left the room and took no part in the discussion and decision on this item.

## **56. 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.

## **57. 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.

### **57a. SUITES 4 AND 5 PART ROWNTREE WHARF, NAVIGATION ROAD, YORK**

This was a full application, submitted by Joseph Rowntree Foundation for the conversion of 5<sup>th</sup> floor offices (Class B) to 8 apartments (5 x 1 bedroomed and 3 x 2 bedroomed) to include change of use on part of external pedestrian deck to provide additional car parking at Suites 4 and 5 part Rowntree Wharf, Navigation Road, York (ref: 05/02251/FUL).

Officers updated that an email had been received from a resident of the building who confirmed that part of the 5<sup>th</sup> floor was already occupied. He also raised objections to the additional car parking, the operation of the

electronically controlled gate, which could be a security problem, and the choice of materials and he requested the refusal of the application.

Officers also updated that a request had been made at the site meeting for crime statistics for the area. It was reported that from January 2003 to date that in the Rowntree Wharf area there had been 30 reported incidents of which 12 were vehicle crimes but it was not clear whether they all related to the car park at this building.

Members questioned if all the car parking spaces were utilised, if the locked security gate would reduce vehicle crime, if the suite would be suitable to refurbish as office space and whether noise mitigation measures could be taken between the floors. Concern was expressed at the alteration of the listed building with the insertion of roof lights and the need for additional car parking spaces.

Verbal representations were received from a resident of the building who was concerned about the residents loss of amenity, sound problems between the floors both during and after construction, pollution from the cars using the new car parking spaces which were not required, decrease in security and an increase in heating bills following the works.

Verbal representations were received from the applicants agent who indicated that his offices were sited in the same building and that problems arose from the shared use of the entrance and lift space for residents and office workers. He detailed the improvements that they wished to make to the building and indicated that he was happy to discuss acoustic insulation of the fifth floor with officers.

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

No development shall take place until a scheme of sound insulation has been submitted for the written approval of the local planning authority. The scheme shall provide details of the measures to be taken to minimise the transmission of sound from the proposed apartments to the residential accommodation below, and shall be carried out in its entirety prior to the commencement of the development.

Reason: In the interests of the amenity of adjacent occupiers, both during the conversion works, and subsequently following the occupation of the proposed apartments.

**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 principle of residential conversion/loss of employment site, effect

on character and appearance of the conservation area, effect on neighbouring properties, crime and security and acceptability of proposed parking arrangements. As such the proposal complies with Policies E4 and H9 of the North Yorkshire County Structure Plan (Alteration No 3 Adopted 1995) and Policies HE2, H4a, H12, E3b, GP3 GP4 and L1c of the City of York Local Plan Deposit Draft.

Councillors Smallwood and B Watson requested recording that they had voted against this application.

**57b. SUITES 4 AND 5 PART ROWNTREE WHARF, NAVIGATION ROAD, YORK**

Members considered a listed building application, submitted by Joseph Rowntree Foundation for the installation of roof lights, enlargement of existing windows and internal alterations at 5<sup>th</sup> floor level in connection with conversion of existing building to 8 apartments at Suites 4 and 5 part of Rowntree Wharf, Navigation Road, York (ref: 05/02258/LBC).

Members indicated that their comments in relation to the previous application also related to this listed building application.

**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 in the report, 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 Policies HE4 of the City of York Local Plan Deposit Draft.

Councillors Smallwood and B Watson requested recording that they had voted against this application.

**57c. MICKLEGATE HOUSE, 88 – 90 MICKLEGATE, YORK**

Members considered a full application, submitted by York Backpackers Ltd, for the change of use of part of basement and ground floor layout to provide additional café/restaurant and dining room facilities and vary condition 5 of planning permission ref 01/00328/FUL to extend existing café/restaurant opening hours from 7.30am-8pm to 7.30pm-12.30am at Micklegate House, 88-90 Micklegate, York (ref: 05/01568/FUL).

Members questioned whether comments had now been received from English Heritage following their receipt of additional information and why it

was not considered necessary to reimpose the condition relating to hot food takeaways. Officers confirmed that

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

The permission hereby granted for the use of these premises for the purpose contained within Class A3 (Restaurants and Cafes) of Part A of the Schedule of the Town and Country Planning (Use Classes) Order 1987, specifically excludes their use for the sale of hot food or drink for consumption off the premises.

Reason: The use of these premises for the sale of hot food or drink for consumption off the premises is likely to be detrimental to the amenities of nearby residents.

**REASON:** The proposal is considered to be acceptable and not in conflict with Policy E4 of the North Yorkshire Structure Plan or Policies HE3 or S6 of the Draft Local Plan. It is considered that any alterations arising from the proposed changes can be adequately dealt with through the listed building consent process or by discussion on site.

#### **57d. RACECOURSE, KNAVESMIRE ROAD, YORK**

This was a full application, submitted by York Race Committee for the variation of condition 1 of planning permission 03/03774/FUL for permanent planning permission for new bend to form a continuous course, at York Racecourse, Knavesmire Road, York (ref: 05/02276/FUL).

Members questioned whether it was normal to grant permission for less than a 5 year period and whether the previous permission had granted solely for the Ascot event.

Verbal representations in support were received from the applicant who confirmed that the extension had been carried out to a high standard and that it had proved successful with no real objections being received to the proposal. He explained that the Race Committee wished to obtain permanent permission to enable them to plan race meetings which could take several years to arrange and to allow them to include longer races in their calendar of events, if required.

Members questioned the need for the football pitches displaced by the extension to the racecourse. An Officer from Education and Leisure confirmed that last season additional pitches were not required but as long as land was available for pitches if they were required in future, they would have no objections.

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

The football pitches indicated on Drawing SDWG as pitches 4,5,6 and 15, forming part of application ref: 03/03774/FUL, shall be relocated as illustrated on that drawing, and shall be made available for public use, in accordance with details that have first been agreed in writing by the Local Planning Authority, which shall include details of the timing of the operation.

Reason: In order to ensure that the existing level of sport and leisure facilities on the Knavesmire are maintained as a result of the permission hereby granted.

**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 principles applying to temporary planning permissions, whether the refusal of permanent planning permission can reasonably be refused. As such the proposal complies with Policies SP2 and GB1 of the City of York Local Plan Deposit Draft.

**57e. DERWENT COACHWORKS AND NORTHERN ELECTRIC DEPOT, PALMER LANE, YORK**

This was a full major application submitted by Euro Car Parks for the renewal of temporary planning permission 04/03435/FUL for operation of temporary medium/short stay daytime car park at Former Derwent Coachworks and part of Northern Electric Depot, for a further 12 month period, at Derwent Coachworks and Northern Electric Depot, Palmer Lane York (ref: 05/02384/FULM).

**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, would not cause undue harm to interests of acknowledged importance, with particular reference to traffic generation and the principle of additional short/medium stay car parking in the City Centre, air quality, impact upon amenity of adjacent occupants and the future comprehensive redevelopment of the site. As such the proposal

complies with Policies T14, GP4b, GP23 and SP9 of the City of York Local Plan Deposit Draft.

**57f. YORK RACECOURSE, RACECOURSE ROAD, KNAVESMIRE, YORK**

This was a full application, submitted by the T Mobile HG3, Orange and O2, for the extension of the stairwells at the top of the Ebor Stand with GRP plastic and siting of telecom apparatus within three shrouds providing telecommunications coverage for four operators, at York Racecourse, Racecourse Road, Knavesmire York (ref: 05/02356/FUL).

Officers circulated photographs of the building showing how the extension would look when completed.

The applicant answered Members questions relating to materials to be used, height and the relocation of the masts from the Terry's building.

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

**REASON:** It is considered that the proposal would have only minimal additional visual impact, and as such would not conflict with Policies GP1, HE3 or GP20 of the Deposit Draft Local Plan, local plan policy or national guidance, subject to appropriate planning conditions that would lessen the impact. It would result in visual benefits to the area, as it would create a multi-user site and the removal of prominent telecommunications equipment from Terry's, the adjacent listed building.

**57g. MR CHIPPY, 37 SWINEGATE, YORK**

This was a full application, submitted by George Pavlou for the change of use from ground floor shop (A1 use) at 39 Swinegate and the upper floors of Nos 37 and 39 to mixed A3/A4 use and alterations to the front entrance at 37-39 Swinegate (retrospective), at Mr Chippy 37 Swinegate York (ref: 05/02066/FUL).

Officers circulated a letter received from the applicant in which he detailed the history of the site and premises. Officers updated on the schedule of consents and uses of the application site. They also referred to the large air conditioning unit and alteration to a window vent on Three Cranes Lane, which had been pointed out at the site meeting the day before. It was indicated that if approval was given that an additional condition relating to a planning application for the air conditioning unit was required.

Members questioned the limited access policy for late evening use of the premises.

Verbal representations in support were received from the applicant who apologised for the retrospective application.

**RESOLVED:** That the application be approved subject to the conditions outlined in the report and subject to the addition of the following note to the applicant

It is noted that an air conditioning unit has been installed above the fire exit to Three Cranes Lanes that has not been considered in this application for planning permission. This alteration requires planning permission, and an additional planning application should be submitted to the Local Planning Authority for its determination

**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 the character and amenity of the conservation area, adjacent residential amenity, the vitality and viability of the city centre.

**58. MILLENNIUM PEDESTRIAN AND CYCLE ROUTE: BISHOPTHORPE ROAD CROSSING.**

Members considered a report, which advised them of the outcome of consultation on proposals aimed at making it easier and safer for pedestrians and cyclists to cross Bishopthorpe Road at its junction with South Bank Avenue and Butcher Terrace. As a result of comments received members were asked to consider various options and authority was also sought to advertise a Traffic Regulation Order covering waiting restrictions linked to the scheme.

Officers reported that this was the last important link in the Millennium Pedestrian and Cycle Route, which linked the University to Acomb. During 2004, Officers had carried out feasibility studies on a range of possible solutions, which included

- Toucan crossing
- Mini roundabout
- Central refuges and splitter islands
- Build-outs
- Signals

Following consultation on the solutions it was felt that the options available to best assist pedestrians and cyclists crossing appeared to be:



- 1 Implement the refuge scheme as sent out for consultation as shown in **Annex E** of the report.
- 2 Implement the revised refuge scheme as shown in **Annex F** of the report, plus any other amendments Members consider necessary.
- 3 Implement the signals scheme.
- 4 Do nothing.

Members raised concerns regarding the proposed pedestrian and cycle refuge island adjacent to Butcher Terrace, which they felt, was too near the junction. It was suggested that a temporary structure to ascertain the refuges suitability, prior to full implementation of the scheme, might be a better way forward.

Officers reported that any trial should be for a short period, as a long trial would require the installation of lighting etc, which would add to the costs. Officers confirmed that cycling groups would be informed of the trial dates if Members agreed to this course of action.

- RESOLVED:**
- i) That the Sub-Committee accept the layout of the revised refuge scheme and associated measures, as shown in Annex F, for the Bishopthorpe Road Crossing subject to the trialling of a temporary structure in place of the southern refuge island for a two week period, during term time, to ascertain its suitability;
  - ii) That the Chair and Vice Chair be given delegated authority to approve the inclusion of the southern refuge in the scheme following a successful trial and taking into account feedback from users;
  - iii) That delegated authority be then given for the Acting Director of Environment and Development Services to advertise the Traffic Regulation Order for the “At Any Time” waiting restrictions linked to the scheme shown in Annex F, and to make the Order subject to their being no substantive objections (any objections will be reported back to a future Sub-Committee meeting);
  - iv) That the Sub-Committee approve implementation of the scheme, subject to the TRO being made.

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

**†59. 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.

Officers updated in respect of a number of the enforcement cases. Members agreed to take legal action in two cases and to look at legal progress in further cases.

**RESOLVED:** That the report be noted.

B WATSON, Chair

The meeting started at 5.00 pm and finished at 7.55pm.