
MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	5 DECEMBER 2012
PRESENT	COUNCILLORS WATSON (CHAIR), FUNNELL, GALVIN, GILLIES (VICE-CHAIR), JEFFRIES, LOOKER, ORRELL, REID AND SEMLYEN

34. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
11 Poplar Street	Councillors Galvin, Gillies, Semlyen and Watson.	As objections had been received and the officer recommendation was to approve.
Il Paradiso Del Cibo, 40 Walmgate	Councillors Galvin, Gillies, Semlyen and Watson.	As objections had been received and the officer recommendation was to approve.
1 Church Street	Councillors Galvin, Gillies, Semlyen and Watson.	At the request of Councillor Watson.
3 Little Stonegate	Councillors Galvin, Gillies, Semlyen and Watson.	As objections had been received and the officer recommendation was to approve.

35. DECLARATIONS OF INTEREST

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests they might have in the business on the agenda. No interests were declared.

36. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Committee.

37. 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.

37a Clement House, 6 Bishopgate Street, York, YO23 1JH (12/03359/LBC)

Members considered an application for listed building consent from Mr and Mrs Lambley for a single storey extension.

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

REASON: 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 impact upon the special historic nature of the dwelling. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan and National Planning Policy Framework paras 132 and 134

37b Acomb Branch Library, Front Street, York, YO24 3BZ (12/03240/FUL)

Members considered a full application from the Yorkshire Ambulance Service for the variation of condition 1 of permitted application 10/01187/FUL to extend the temporary permission

for siting of a portakabin for use as an ambulance stand-by point for a further 5 years.

Officers advised the committee that the Ambulance Service reports that the portakabin serves its purpose well and at present there is no suitable location for a permanent stand-by point. Furthermore it allows flexibility due to uncertainties about how call-outs will operate in the future because this arrangement does not tie them to one site. Officers confirmed that there had been no problems with ambulances exiting the site, which had been a concern when Members approved the temporary permission two years previously. Members confirmed that residents of the ward were happy for the stand-by point to remain in its current position.

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

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the building and the adjacent conservation area. As such, the proposal complies with Policy GP23 of the City of York Development Control Local Plan (2005).

37c 1 Church Street, York, YO1 8BA (12/02166/FUL)

Members considered a full application from Mr Holder for the change of use from retail (use class A1) to mixed retail/cafe use (retrospective).

Representations were received from Chris Holder, the applicant. He advised the committee that he had been in catering for 25 years and that his wish had always been to open a delicatessen in his home town of York. He explained that he had been looking for suitable premises for 18 months but had been gazumped many times by national chains. He stated that he was passionate about catering and would employ local people in his business.

Members considered whether it was necessary to condition the times the business could operate. Officers explained that they did not consider this necessary due to its locality and type of use and members accepted this advice.

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

REASON: 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 vitality and viability of the city centre and the impact on the character and appearance of the conservation area. As such the proposal complies with the provisions of the National Planning Policy Framework and Policies S3, S6 and HE3 of the City of York Development Control Local Plan.

37d 11 Poplar Street, York, YO26 4SF (12/03192/FUL)

Members considered a full application from Mr Jim Hargreaves for the erection of a two storey detached dwelling to the side.

Officers provided an update on the application. They advised that four objections had been received, including two from local residents and two on behalf of Poppleton Road Memorial Hall. These raised concerns that existing parking problems in the area would increase, there would be a loss of off-street parking, an increased demand for on-street parking and access for large vehicles would be more difficult.

One of the residents also raised concerns about the loss of sunlight/daylight and the overlooking of adjacent houses and gardens. In addition, Cllr Alexander had objected on behalf of a local resident.

With regard to access and parking, officers advised that the site is occupied by a single domestic garage with a substandard driveway that is too short to accommodate a parked car. The vehicle crossover would be removed as a result of the development and the adjacent footway/kerb made good. Therefore there would be no net change in the amount of car

parking available. The only issue would be the increase in the demand for parking due to the creation of the extra, modest (2-bedroom) house. The surrounding area is not subject to any residents parking scheme. The adjacent highway is protected by existing restrictions in key locations to ensure that vehicle flow and visibility are maintained. Network Management consider that the car parking associated with the proposed and existing properties can be accommodated on-street without detrimental impact.

Officers advised that Network Management have asked that standard condition HWAY17 (removal of redundant crossing) be included if planning permission is to be granted and confirmed that they supported this request.

Officers stated that the committee of Poppleton Road Memorial Hall have asked Network Management to consider introducing parking restrictions on Poplar Street, adjacent to the hall, due to the impact and nature of the traffic generated by the hall's activities. The proposed restrictions do not appear to relate to this planning application as the development would not affect the existing arrangements currently in place in this area. They advised that if the hall committee would like to pursue this request they should write to Network Management and ask for Poplar Street to be included in their review of parking restrictions in the area.

With regard to neighbour amenity, officers advised that sunlight and daylight were covered in the report. All of the proposed windows face front and rear so would not overlook adjacent houses. The only part of the house that could cause overlooking is the side wall of bedroom 2. It is unlikely that the applicant would insert a window in this elevation. Nevertheless, condition 5 in the report would prevent such a risk by removing permitted development rights for external alterations.

Representations were received from Mr David Nunns on behalf of Poppleton Road Memorial Hall in objection to the application due to the loss of parking and likelihood of additional parking. He stated that over the last 20 years he had seen an increase in the number of cars in Poplar Street and Oak Street and parking on Poplar Street had become more difficult. Although many local residents walk or cycle to work, their vehicles are left on the street during the day and delivery lorries have problems accessing the street. He stated that money has been spent

upgrading the memorial hall and that the hall uses on street parking to supplement its parking needs but that they have lost some weekly bookings due to problems with parking. He expressed the view that the application would be detrimental to the amenity of the hall and what will be left of 11 Poplar Street.

Members noted that the plot was small but agreed that York needed more small starter homes. They acknowledged that parking was at a premium in this area and this development would provide the need for one further parking space but that this needed to be balanced against the need for extra homes. They did not consider that this application would have an undue effect on the memorial hall.

RESOLVED: That the application be approved subject to a Section 106 Agreement, subject to the conditions listed in the report and the additional condition below.

Additional Condition

The development shall not commence until the existing vehicular crossing not shown as being retained on the approved plans has been removed by reinstating the kerb and footway to match adjacent levels.

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

REASON: The proposal, subject to the conditions listed in the report and the additional condition above, and the Section 106 agreement, would not cause undue harm to interests of acknowledged importance, with particular reference to housing provision, visual appearance, flood risk, neighbour amenity, sustainability, cycle storage and provision of open space. As such the proposal complies with the National Planning Framework and policies GP1, GP4a, GP10, GP15a, H4a, T4 and L1c of the City of York Local Plan.

37e Borders, 3 Little Stonegate, York (12/02521/FUL)

Members considered a full application from ARC Inspirations LLP for the change of use from retail (Use Class A1) to Bar/Restaurant (Use Class A4/A3).

Representations were received from Karen Waugh, the owner of Kennedy's Bar in objection to the application. She expressed concerns about the loss of retail sites from the city centre. She stated that with regard to the number of bars, the Quarter was already at saturation point with 14 bars, some of which were already seriously under trading and questioned the need for another bar, which she said would also lead to an increase in noise and litter pollution in the area. She raised concern that the plans did not include details of the extraction system which was a vital part of the application.

Representations were received from Richard Lockey, the Architect, in support of the application. He explained that the unit had been empty since 2010 when Borders closed and in 2011 the unit was split from the retail unit on Davygate. It had been continually marketed with little interest. He stated that the proposals would create a cafe/bar serving quality food and would create around 75 jobs. He explained that the company had other bars including one in Harrogate and this development would follow the same design as the others. He advised the Committee that he had liaised with officers regarding the design and if approved, the funding was in place and the development would move forward in the New Year. He confirmed that the unit had never been used as a stand alone retail unit.

With regard to change of use,. Members acknowledged that the principle of change of use had been accepted when the Committee had given permission for a youth cafe on this site. They expressed the opinion that there was little chance that it could ever be used for retail and considered this was a suitable and imaginative use of the building. They noted that there were other examples in the city where former churches had been converted into cafes/bars and this proposal would allow a derelict site back into use.

Members accepted that there were already a number of bars in the area and concerns over the effect on residential amenity and they noted the closing times of nearby premises. With regard to residential amenity, officers drew Members attention

to conditions 4 (restrictions on emptying of bottles into bins), 5 (use of noise limitation devices to control music) and 6 (controls to noise output from plants) to control noise from the premises.

Councillor Gillies moved and Councillor Galvin seconded a motion to approve the application subject to the conditions recommended by officers.

Councillor Watson moved, and Councillor Jeffries seconded, an amendment to approve the application but with a closing time of midnight to protect the amenity of local residents. On being put to the vote, the amendment was lost.

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

REASON: 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 vitality of the city centre, the impact on the listed building, the character and appearance of the conservation area and the amenity of surrounding occupants. As such the proposal complies with Policies HE3, HE4 and S6 of the City of York Development Control Local Plan.

37f Borders, 3 Little Stonegate York (12/02879/LBC)

Members considered an application for listed building consent from ARC Inspirations LLP for internal alterations including the reconfiguration of the staircase at the left end and stair up to mezzanine level, enlargement of existing openings into the main space, installation of partition walls and bar (at gallery level) and removal of raised floors.

Officers advised that comments had been received from English Heritage who did not object to the bar above the original panelled gallery front provided this has no affect on the timber panelled gallery and that the bar is reversible ie it can be removed. English Heritage have asked that a condition is applied to require removal of the bar in future if the premises are not longer used as a bar/restaurant. The justification for the bar is that it is necessary to make the proposed use viable. Officers

suggested that a condition could be added, which would require removal of the bar if the bar/restaurant use were to cease. Officers confirmed that English Heritage did not object to the staircases but asked for the C18 ballustrade to be re-used where possible on the “escape stair”.

Officers recommended condition 3 (large scale details of bar) be amended to include construction details to ensure that the insertion can occur without damaging/affecting the original timber panelled gallery.

Add large scale details –

- Proposed staircase from the gallery floor to the upper gallery to include handrail, balusters and string
- Any secondary glazing

Officers recommended that new conditions be added to cover the future removal of bar and the protection of panelling around gallery level.

RESOLVED: That the application be approved subject to the conditions listed in the report and the amended and additional conditions below.

Amended Condition 3

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.

a) New bar at first floor level shown in context, which shall demonstrate the insertion can take place without damaging/affecting the original panelled gallery. Details to include the relationship between the bar and the glazed screen and balustrade at first floor level, connection points for the glazed wall display and soffit details.

b) Staircase from the gallery to the upper floor gallery (mezzanine level) - to include a vertical cross section through which includes the handrail, balusters and string.

c) Any secondary glazing proposed. To include indicative cross sections at a scale of 1:10.

Reason: In the interests of the appearance of the listed building.

Additional Condition

The gallery level bar insertion shall be fully removed and areas made good at the time at which the use hereby approved ceases.

Reason: As the bar causes less than substantial harm to the significance of the heritage asset and it will be designed as a reversible feature. As such when it becomes redundant its removal is desirable, to restore the architectural and historic importance of the listed building.

Additional Condition

Protection of panelling around gallery level: A written schedule of protection measures for the timber panelling around the gallery during construction shall be submitted and approved by the Local Planning Authority prior to commencement of construction and the works shall be carried out in accordance with the approved schedule. The timber panelling shall remain as existing, not painted/coated in any way.

Reason: To protect the special architectural and historic interest of the building.

REASON: The proposal, subject to the conditions listed in the report and the amended and additional conditions above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the listed building. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan.

**37g II Paradiso Del Cibo, 40 Walmgate, York, YO1 9TJ
(12/03296/FUL)**

Members considered a full application by II Paradiso Del Cibo for the use of the highway for tables and chairs to serve II Paradiso Del Cibo and the installation of French doors and a canopy to the side.

Officers advised the committee that a further representation had been received on behalf of the directors, owners and residents of the block of flats known as 1-6 Dixons Yard expressing their objections and raising the following points:

- Officers did not support seating area at time of pre-application enquiry in May 2012.
- Incorrect information from applicants regarding installation of French door
- Impact of noise on residents of flats – impact on ability to let flats and affect sale values
- Overdevelopment – number of customers are too great for size of premises
- Refuse – close proximity of refuse area to seating area represents a health hazard. Bins are regularly overflowing.
- Bins have now been moved and positioned on the pavement restricting movement on footpath.
- Seating on Walmgate – area to front of property had been used as a pavement cafe for years, which is not safe. Tables have recently been removed.
- Fire Safety – means of escape are currently compromised, as is disabled access
- Licence for sale of alcohol does not extend to outside of restaurant leading to breach of licence by serving alcohol in front of premises.
- Consumption of alcohol in the street - nuisance from local drunks

Members acknowledged the problems regarding refuse but were advised that as this was not conditioned in the original change of use application, it could not be considered as part of this application.

Representations were received from Mr Barnes, the agent in support of the application. He explained that the outside seating area, comprising two tables, was enclosed by barriers with a canopy over in the colours of the Italian flag. The purpose of this

area was for people to be able to sit and have a drink while they were waiting for a table to become available inside the restaurant. He stated that its impact on residential amenity was controlled by specified hours of operation with the outside area to be vacated by 9.45pm Mon to Sat and by 7.45pm on Sundays and no music to be played outside. He assured Members that the proposals would have no adverse impact on residential amenity. He confirmed that three bins, which were adequate for the needs of the restaurant, were now parked by the wall.

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

REASON: The proposal, subject to the conditions listed in the report, causes no undue harm to interests of acknowledged importance, with particular reference to the vitality and viability of the city centre, the visual amenity and character of the conservation area, highway safety and residential amenity. As such, the proposal complies with Policies S6, S7, HE3, T2a, GP1 and GP18 of the City of York Development Control Local Plan (2005); and national planning guidance contained in the National Planning Policy Framework.

37h 2 - 16 Piccadilly, York (12/03155/FULM)

Members considered a major full application (13 weeks) from Mr and Mrs A Graham for the change of use of existing ground floor retail units (use class A1) to flexible A1,A2, A3 or A4 use, change of use of former White Swan Hotel (use class C1) to residential (use class C3) to form 14 apartments, at first, second and third floor level, external extensions to the rear and side, at first and second floor level and associated works.

Representations were received from Harry Spawton, the agent in support of the application. He advised the committee that the application followed significant pre application discussions with officers and local residents. No objections had been received and they had the support from York Civic Trust. He confirmed that the proposed uses accorded with the local development

plan and national policy guidelines and it would allow a building which had lay vacant for 20 years to be brought back into use.

Members expressed their full support for the proposals. They raised the issue of bats with the Countryside Officer who was present at the meeting. He confirmed that a bat survey had been carried out which indicated a small potential roost on the site but advised that the works would not affect the roost or the entrance to it. Planning officers drew Members attention to condition 20 but confirmed that there was no need for a protected species licence.

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

REASON: 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 impact on the conservation area, the vitality and viability of the city centre, amenity, species protected by law and highway safety. As such the proposal complies with Policies GP1, GP12, GP16, HE3, H4a, NE6, S3a, S6, L1c and ED4 of the City of York Development Control Local Plan.

38. APPEALS PERFORMANCE AND DECISION SUMMARIES

Members received a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1st April to 31 October 2012 and provided a summary of the salient points from appeals determined in that period.

RESOLVED: That the content of the report be noted.

REASON: So that Members can be kept informed on appeals determined by the Planning Inspectorate.

Councillor B Watson, Chair
[The meeting started at 3.00 pm and finished at 4.30 pm].