MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	19 OCTOBER 2006
PRESENT	COUNCILLORS LIVESLEY (CHAIR), BARTLETT (VICE-CHAIR), SUE GALLOWAY, HORTON, MACDONALD, REID, SIMPSON-LAING AND B WATSON
APOLOGIES	COUNCILLOR SUNDERLAND

32. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Reason for Visit	Members Attended
131 The Mount, York	To familiarise Members with the site	Councillors Livesley, Bartlett, Horton, Macdonald, Reid and Brian Watson
Glebe Farm, Hessay to Moor Bridge, Hessay, York	To familiarise Members with the site, at the request of Cllr Hopton	Councillors Livesley, Bartlett, Horton, Macdonald, Reid and Brian Watson

33. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

No interests were declared.

34. EXCLUSION OF PRESS AND PUBLIC

The annexes to agenda item 7 (Planning Appeal at 26 – 28 Tadcaster Road) (minute 39 refers) did not contain any information classed as exempt under Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006 and therefore Members did not need to consider excluding the press and public during their consideration.

RESOLVED: That the press and public be excluded from the meeting during consideration of the following:

(i) The annexes to agenda item 6 (Enforcement Cases update) (minute 38 refers) on the grounds that they contained information classed

as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006. This information, if disclosed to the public would reveal that the authority proposed to give, under any enactment, a notice under or by virtue of which requirements were imposed on a person or that the Authority proposed to make an order or directive under any enactment.

35. MINUTES

RESOLVED: (i) That the minutes of the meeting of the West & City Centre Area Planning Sub-Committee on 21 September 2006 be approved and signed by the Chair as a correct record, with the following amendments:

a) To minute 20 (Inspection of Sites) to include attendances for the site visit to The Judges Lodging;

b) To minute 20 (Inspection of Sites) to indicate that Councillor Horton was present at all visits;

(ii) That the minutes of the meeting of the West & City Centre Area Planning Sub-Committee on 3 October 2006 be approved and signed by the Chair as a correct record.

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 Sub-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. 131 The Mount, York (06/01468/FUL)

Members considered a full application, submitted by Mr W Legard, for the erection of safety railings above the entrance door and bay window on the front elevation, the erection of a service kiosk to the side elevation, the provision of service ducting to the rear courtyard and the side elevation and the laying of external decking with safety railings to the existing flat roof area (all retrospective).

Representations were received from a neighbour in objection to the application and from the applicant's agent in support of the application.

With regards to the roof area above the bay window, Members requested that any permission contain a condition preventing the access through a window being replaced by a door.

Some Members expressed concern that the service ducting was currently incomplete, highlighted the need for it to match the colour of the rest of the house and requested that improvements be made.

In relation to the flat roof area, some Members expressed the view that the provision of decking allowed regular use of the area for sitting out, rather than just for maintenance purposes, and commented that this would have a detrimental effect on the neighbours' amenity, in terms of overlooking of their property. They concluded that the screening proposed would not provide a satisfactory, visually acceptable solution.

RESOLVED: That the application be refused.

REASON: (i) It is considered that the introduction of the decking and railings at roof level would be likely to result in an intensification of the use of the flat roof as an amenity area, resulting in unacceptable overlooking and loss of privacy to the occupiers of the adjacent property, 129 The Mount. It is also considered that erection of screening to this area would be both visually intrusive and would be perceived as a loss of privacy by the adjacent occupiers, with a consequent loss of amenity. Thus the proposal would conflict with Policy GP1(i) of the City of York Draft Local Plan, which states that development proposals will be expected to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

(ii) It is considered that the service ducting, together with those services that have been left exposed, detract from the appearance of the building, and from the character and appearance of the conservation area, by virtue of its excessive size, scale and incongruous appearance. Thus the proposal conflicts with Policy GP1(a) of the City of York Draft Local Plan, which states that development proposals will be expected to respect or enhance the local environment, and with Policy HE2, which states that within or adjoining conservation areas, development proposals must respect adjacent

buildings, landmarks, and settings and have regard to local scale, proportion, detail and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks, and other townscape elements which contribute to the character or appearance of the area.

37b. Glebe Farm, Hessay To Moor Bridge, Hessay, York (06/01769/FUL)

Members considered a full application, submitted by Mr B Curry, for the change of use of an agricultural store to a document store.

Comments from Hessay Parish Council and two letters of objection were reported to the meeting.

Members noted that there was a lack of information in the report regarding the traffic levels that the development was expected to generate and expressed the view that it would have been helpful to have a Highway Officer in attendance. Councillor B Watson moved and Councillor Macdonald seconded a motion to refuse the application on grounds of traffic intensification. On being put to the vote, this motion was lost.

Members requested that a condition be added to those proposed in the report to restrict the hours of use of the document store, to prevent an increase in traffic noise in Hessay village at anti-social hours.

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

(i) Condition – "The hours of operation, including deliveries to and dispatch from the site, shall be confined to 08:00 to 19:00 Monday to Fridays, 08:00 to 12:00 Saturdays and no works at all shall be carried out on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents from vehicle movements to and from the site."

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 designated Green Belt. As such the proposal complies with Policies GB1 and GB3 of the City of York Development Control Draft Local Plan.

37c. 73 Gale Lane, York (06/01508/FUL)

Members considered a full application, submitted by Mr J Wheldon, for the erection of an apartment block comprising 6 no. two bed flats and 1 no. 2 bed house, after demolition of the existing dwellings at 73 and 75 Gale Lane (resubmission).

Representations were received from a neighbour in objection to the application.

Members expressed concern regarding the design and positioning of the refuse and cycle stores on the boundary to the east, particularly in relation to the potential for people to climb them and gain access to the neighbouring gardens. They also expressed concern that parts of the site could not be seen from the buildings and that there was therefore the potential for vandalism and anti-social behaviour to occur, and highlighted the need to ensure that gates to the site could be secured. Members noted that comments from the Safer York Partnership had not been received on this application and expressed the view that these would be helpful.

Members raised concerns relating to the number of vehicles accessing the development and safe access to the site for refuse collection vehicles, and expressed the view that it would be helpful to have a Highway Officer in attendance to discuss these. Members also commented that demolition of the existing houses on the site was unsustainable and that they were family homes, which were much needed in the city.

RESOLVED: That the application be deferred.

REASON:

(i) For further consideration of security issues affecting adjacent properties relating to the design and positioning of the refuse and cycle stores on the boundary to the east and the securing of the gates;

(ii) For further consideration access for refuse collection vehicles;

(iii) For the attendance of a Highway Officer at the meeting.

37d. Land To Rear Of 3 To 19 Shirley Avenue, York (06/01904/FUL)

Members considered a full application, submitted by Isoproco Ltd., for the erection of 2 no. 4 bedroomed semi-detached houses (in place of the detached house previously approved on 14.02.02 under reference 01/03329/FUL).

The applicant's agent attended the meeting to answer questions.

Members expressed some concerns regarding the massing of the development as viewed from Ouseburn Avenue below and the loss of the garage at 9 Shirley Avenue.

RESOLVED: That the application be approved, subject to the conditions and informatives 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 the residential amenity of the neighbours, the visual amenity of the dwellings and the locality, and the provision of off-site open space. As such, the proposal complies with Policies GP1, GP10, L1c and H4a of the City of York Development Control Local Plan (2005).

38. ENFORCEMENT CASES UPDATE

Members received a report which provided a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by the Sub-Committee.

Members requested that future reports include business names as well as addresses for easy identification of properties. They also requested that a map be made available to ward members in Rural West York indicating OS field numbers, so that they could easily locate enforcement cases.

RESOLVED: That the report and updates be noted.

REASON: To inform Members of ongoing work in this area.

39. PLANNING APPEAL AT 26 - 28 TADCASTER ROAD

Members received an update report regarding an appeal in connection with a planning application for 26 – 28 Tadcaster Road.

At the meeting on 3 October 2006 Members had been asked to consider withdrawing the highway reason for refusal, relating to the current planning appeal at 26 - 28 Tadcaster Road. An independent traffic consultant's report was presented at that meeting. Members considered this to be inadequate and resolved that the consultants should be retained to undertake a further survey and analysis of the highway issue. In view of the likely significant cost involved in retaining the consultants, the Head of Network Management had produced a report attached at Annex A. This advised that it was not considered possible to bring forward viable evidence to defend the highway reason for refusal at the Public Inquiry. The serious risk of costs against the Council remained and Members' further instructions were sought.

The report presented two options for consideration:

(i) For the highway reason to be defended at the Inquiry. However both the Council's own highway officers and the Consultant who was retained, felt unable to bring forward evidence to defend the reason.
(ii) For Members to agree to withdraw the highway reason for refusal. The design reason for refusal would continue to be defended.

Members noted that the following information that they had requested at the meeting on 3 October 2006 was not included in Annex A:

- A discussion of their specific concerns regarding the safe access to and egress from the site by cyclists and pedestrians;
- A scale diagram of the access point to the site through the bus stop lay-by, indicating traffic flows;
- Figures for the actual use of the access point now and advice on whether the access would be permitted now, if it did not already exist;
- A proper discussion, in highway terms, of what alternative access arrangements could be created for the site.

Members requested that their very strong reservations about the scheme, in terms of site access through the bus stop lay-by endangering the safety of highway users, be formally recorded. They expressed frustration at the situation in which they found themselves and commented that they would write to the Planning Inspector and attend the Inquiry, as individual Members of the Council, to raise their concerns.

RESOLVED: That the highway reason for refusal be withdrawn from the refusal notice dated 20 March 2006 (reference: 06/00103/FUL).

REASON: On the basis of the assessment provided by the Head of Network Management.

COUNCILLOR D LIVESLEY
Chair
The meeting started at 3.00 pm and finished at 7.05 pm.