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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	17 NOVEMBER 2011
PRESENT	COUNCILLORS WATSON (CHAIR), GILLIES (VICE-CHAIR), GALVIN, JEFFRIES, ORRELL, REID, SEMLYEN, WILLIAMS (AS A SUBSTITUTE FOR CLLR CRISP) AND RICHES (AS A SUBSTITUTE FOR CLLR GUNNELL)
APOLOGIES	COUNCILLORS CRISP AND GUNNELL

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## 25. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
Town Farmhouse, 25 Church Lane	Councillors Galvin, Gillies, Jeffries, Reid, Semlyen and Watson.	To familiarise Members with the site at the request of Cllr Gillies.
Castle Museum	Councillors Gillies, Jeffries, Reid, Semlyen and Watson.	To familiarise Members with the site at the request of Cllr Watson.
34 Picadilly	Councillors Galvin, Gillies, Jeffries, Reid, Semlyen and Watson.	To familiarise Members with the site at the request of Cllr Watson.
York City Art Gallery	Councillors Gillies, Jeffries, Reid, Semlyen and Watson.	To familiarise Members with the site at the request of Cllr Watson.

## 26. DECLARATIONS OF INTEREST

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

Councillor Galvin declared a personal and prejudicial interest in plans items 4a (Castle Museum), b and c (York City Art Gallery) as his son-in-law was in an employment dispute with York Museums Trust which was due to be settled by an employment tribunal. He left the room for these items and took no part in the debate or vote on these applications.

Councillors Galvin, Gilles, Orrell, Reid and Watson declared a personal non prejudicial interest in plans item 4e (Town Farmhouse, 25 Church Lane) as they knew one of the speakers who was a former Councillor.

## 27. MINUTES

RESOLVED: That the minutes of the last meeting of the West and City Centre Planning Sub Committee held on 20 October 2011 be approved and signed by the chair as a correct record subject to:

- i) the resolution for Minute 22c (Cygnet Inn, Cygnet Street) being amended to read *“That the application be approved and that delegation be given to officers to agree the necessary conditions”*
- ii) in respect of Minute 22d (134 Boroughbridge Road), an additional paragraph being inserted before the resolution to state that *“A Member raised concerns about the potential for litter outside the fish and chip shop and officers advised that this could be covered by a condition.”*

## 28. 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.

## 29. 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.

### 29a Castle Museum, The Castle, York, YO1 9RY (11/02267/FUL)

Members considered a full application from Mr Martin Watts for alterations to land between York castle walls, the River Foss and Tower Street including new paths, steps and lighting.

The agent had registered to speak at the meeting but having attended the site visit, advised Members that he no longer felt the need to speak on the application. He thanked officers for the way they had dealt with the application and offered to answer any questions Members may have. He responded to a query from a Member regarding control of geese.

**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 special interests of the listed building, the conservation area, the scheduled ancient monument, archaeology, bio-diversity, flooding. As such, the proposal complies with Policies HE2, HE4 HE9, HE10, GP9, GP15, NE1, NE2, NE7 NE8 of the City of York Development Control Local Plan ( 2005) ; and national planning guidance contained in Planning Policy Statements 1 "Delivering Sustainable Development," 5 "Planning for the Historic Environment" and 25 " Development and Flood Risk."

**29b York City Art Gallery, Exhibition Square, York, YO1 2EW  
(11/02175/FUL)**

Members considered a full application from Mr Michael Woodward for new landscaping and access to the York Art Gallery site from the Museum Gardens and demolition of hutment buildings.

Officers advised that condition 4 should be amended to require details of the hard standing by the two beech trees to be submitted so as to avoid damage to the roots and also to require replacement gates to the Marygate entrance to the Museum Gardens.

An email from “York Stories” raising concerns over the loss of the huts had been circulated to Members prior to the meeting. A copy of this email was shown to representatives of the York Museums Trust who were in attendance for their information at the suggestion of Members.

Representations were received from the agent acting on behalf of the University of York, occupants of Kings Manor. She noted that the proposals would open up the back of the art gallery for the first time. She asked that Members consider adding a condition to require the applicant to provide a higher boundary (in keeping with character of the area) to ensure the security of the Kings Manor grounds.

Officers stated that they did not believe that the proposals would impact negatively on the security of the university. However if Members felt that a fence was required for security reasons, they would ask that delegation be given to officers to agree the details of the fence and approve the application.

The applicant acknowledged concerns regarding security at the back of the university’s buildings and advised Members that he had no objection to a fence being erected, as long as this was of a temporary nature, and was happy to accept a condition to this effect with the agreement of the university in order to allay fears.

Members discussed the practicalities of such as fence and questioned who owned the wall and who would be liable for the costs of erecting a fence. As it was not clear at this point in time whether the university’s concerns over security would materialise, Members agreed that a condition should not be

imposed on the application but that if security became a concern in the future, it could be dealt with at a later date, either by the erection of a fence or use of security controls or CCTV.

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

Amended Condition 4

Large scale details of the following items 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) Entrance to museum gardens to include ramp, steps, and gate.
- b) New entrance to Marygate to include gates and new edging.
- c) Dwarf wall around meeting space behind gallery and details of foundations/construction, the latter to avoid any damage to roots of the adjacent Beech trees.

Reason: To manage the impact/appearance of heritage assets

REASON: The proposal, subject to the conditions listed in the report and the amended condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on heritage assets and crime and disorder. As such the proposal complies with Policies GP4, HE2, HE3 HE5 and HE9 of the City of York Development Control Local Plan.

**29c York City Art Gallery, Exhibition Square, York, YO1 2EW (11/02172/CAC)**

Members considered an application for conservation area consent from Mr Michael Woodward for the demolition of hutment buildings at the rear of the art gallery.

**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 character and appearance of the conservation area. As such the proposal complies with Policy HE5 of the City of York Development Control Local Plan.

**29d British Heart Foundation, 34 Piccadilly, York, YO1 9NX (11/01437/FUL)**

Members considered a full application from Mr Martin Burgess for the conversion of the first and part of the ground floor to create nine flats.

Officers advised the Committee that the following comments had been received from the applicant's agent O'Neills.

- Application relates to change of use of an existing building which the external changes have been approved. Tesco to open on 9.12. As such there will be no additional inhibition to Castle Piccadilly development.
- The timescale for Castle Piccadilly is unknown, and potentially compromised by developments at Monks Cross
- The applicants would be willing to work with Centros in the Castle Piccadilly scheme, regardless of the future of the building.
- It is suggested the development be approved subject to a legal agreement which would keep the dwellings in single ownership and the flats would only be let on a short term basis.
- Development is sustainable and should be approved.

Officers informed the Committee that the following comments had been submitted from Jones Lang Lasalle (on behalf of developers of Castle Piccadilly) in objection to the application.

- Support officer's recommendation
- Comprehensive development of site is of significant importance to future of York centre. York's LDF evidence base advises that if the city does not enhance its retail offer there is a risk the share of expenditure will decline

having a harmful impact on the vitality and viability of the area.

- Piecemeal proposals such as the proposal could seriously prejudice the comprehensive regeneration of Castle Piccadilly, which is of strategic importance to York in terms of reversing its declining market share.

Representations in support of the application were received from a city centre resident, who also owned and occupied premises in Castlegate and worked as a chartered surveyor in the property market. He made the following points.

- Proposals would bring life back into a dormant building which had been an eyesore for a long time.
- Tesco were due to move into the ground floor at the start of December.
- First floor currently had permission for office lets, but due to downturn in property market, these units were not let.
- Apart from the rented residential sector, the market was stagnant therefore first floor offices likely to remain vacant for the foreseeable future.

Representations were also received from the agent in support of the application. She circulated a montage including photographs of the building and an aerial photo the position of the site within the Castle Piccadilly opportunity area, for the benefit of those members who had not been able to attend the site visit. She made the following points:

- the proposal does not inhibit the Castle Piccadilly development due to the low cost involved in buying out the flats if needed.
- Tesco have been offered a twenty year lease for the ground floor.
- This scheme would not prevent the masterplan for the Coppergate extension which could still go ahead but the process is lengthy and will take years if it does go ahead. Also need to take account of the recession.
- Client has offered to keep the flats in single ownership and let them on short term leases.
- Several letters of support received – only one in objection.

Members expressed their support for future plans for the Castle Piccadilly area and noted officers' arguments against the proposals due to the site being an important part of the Castle Piccadilly development and key to ensuring the development succeeds.

However they agreed that it was unfair that the owner of the property had suffered planning blight for so long as a result of future plans for the area and acknowledged that he had stated that he was willing to work with Centros on the future of area. They noted that they were not dealing with a completely empty property and that Tesco now had a 20 year lease for the ground floor of the property.

They stressed that if the application was approved, it was important to ensure the offer made by the owner to keep the flats in single ownership and let on short term leases was legally enforced, and a legal agreement entered into to cover this. With the inclusion of the legal agreement, they agreed that the proposals should not inhibit the long term plans for the Castle Piccadilly development.

RESOLVED: That the application be approved subject to the prior completion of a legal agreement to ensure that the flats were retained in single ownership and delegation be given to officers to agree the necessary conditions.

REASON:  
FOR

APPROVAL: The proposal, subject to the prior completion of a legal agreement including an obligation to place a restriction on the legal title preventing the sale of individual flats, so that they remain in single ownership, would not be contrary to policy SP9 e) of the Development Control Local Plan which states that planning permission will not be granted for any development which could prejudice the implementation of the comprehensive redevelopment of the Castle/Piccadilly Action Area.

The proposal would also comply with Policies GP15, L1c, ED4, H3, H4, H11 and HE3 of the City of York Council Development Control Local Plan (2005) in respect of flood risk, the provision of new open space in developments, developer contributions towards educational facilities, the conversion of upper floors to

housing and the impact of the development on local amenity and the character and appearance of the conservation area.

**29e Town Farmhouse, 25 Church Lane, Nether Poppleton, York, YO26 6LF (11/01736/FUL)**

Members considered a full application from Mr Robin Garland for the erection of one dwelling and garage building in the garden of 25 Church Lane with associated access following the demolition of the garage at 11 Poppleton Hall Gardens (resubmission).

Officers advised that the Conservation Area Advisory Panel had submitted further objections and three further letters had been received from neighbours in support of the officer's recommendation to refuse the scheme. Their objections included:

- Detracts from verdant character, covenant, inappropriate backland development and poor design.
- There is a covenant (from when the land was sold by north yorks Council in 1979) that only one house may be on the application site.
- Highway safety concerns.

Representations were also received from a local resident who spoke on behalf of immediate neighbours in objection to the application. He circulated a plan of the site, an aerial view of the surrounding area and a photograph of part of Poppleton Hall Gardens for the benefit of Members. He raised the following points:

- Proposals are detrimental to the character and appearance of the area.
- Contrary to 5 out of 9 policies in GP1.
- Contrary to majority of the 10 policies in the Village Design Statement, including its proximity to an ancient monument.
- Does not protect conservation area.
- Immediate neighbours would be overlooked by new property
- Existing long gardens have become wildlife havens.
- Concerns over highway safety – would exacerbate problems on the narrow cul-de-sac

- Loss of amenity for 11 Poppleton Hall Gardens due to creation of parking space in front of living room window.
- Policy GP10 states you may choose to sub divide gardens as long as it is not detrimental – this would be detrimental

Representations were also received from a parish councillor on behalf of Nether Poppleton Parish Council in objection to the scheme. He advised Members that he supported the officer's recommendation to refuse the application stating:

- Members of parish council had discussed the application at their meeting and agreed that it does not protect or enhance the conservation area.
- A covenant exists which should protect the land from further development.
- There is already congestion in Poppleton Hall Gardens, due to width of road. If cars are parked on the road at all, it makes traffic movements very difficult.
- Children play in cul-de-sac raising concerns over their safety.

Members acknowledged concerns over highway safety which had been raised by the speakers but noted that highways network management had not objected to the scheme. However they agreed that the proposals would be detrimental to the character and appearance of the conservation area.

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

**REASON:** The proposed development, because of its location, the scale of the proposed house, the amount of associated development (ancillary building and vehicle parking and turning areas) and removal of existing landscaping would have an urbanising effect.

The application site is in part of the Nether Poppleton Conservation Area which is characterised by its green/open character, on the periphery of the settlement where the distinctive historic character is retained by the remaining historic plots with gardens that lead down to the river and the presence of the Scheduled Ancient Monument to the east.

The scheme would not preserve or enhance the distinctive character of the area, contrary to PPS1 and Local Plan policies GP1 and GP10, and there would be harm to the character and appearance of the Nether Poppleton Conservation Area, contrary to PPS5, Local Plan policies HE2 and HE3 and the policies within the Poppleton Village Design Statement.

Councillor Watson, Chair

[The meeting started at 3.00 pm and finished at 4.45 pm].