

---

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	3 OCTOBER 2006
PRESENT	COUNCILLORS BARTLETT (VICE-CHAIR), SUE GALLOWAY, HOLVEY, LIVESLEY (CHAIR), MACDONALD, REID, SIMPSON-LAING, SUNDERLAND, B WATSON AND FRASER (SUBSTITUTE FOR HORTON)
APOLOGIES	COUNCILLOR HORTON

---

## 25. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Reason for Visit	Members Attended
23 St Paul's Square	To familiarise Members with the site, at the request of Cllr B Watson	Cllrs Bartlett, Livesley, Sunderland and B Watson
Fox and Hounds, 39 Top Lane, Copmanthorpe	To familiarise Members with the site	Cllrs Bartlett, Livesley, Sunderland and B Watson

## 26. DECLARATIONS OF INTEREST

At this point Members were asked to declare any personal or prejudicial interests they may have in the business on this agenda.

None were declared.

## 27. MINUTES

Due to an administrative error, the wrong minutes were attached to the agenda which had been previously signed. Therefore there were no minutes to sign at the meeting.

## 28. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak, under the City of York Council Public Participation Scheme, on general issues within the remit of the Sub-Committee.

## **29. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That the public and press be excluded from the meeting during consideration of annex 3 of Agenda Item 6 (minute 31 refers), on the grounds that it contains information relating to financial and business affairs which forms information which is classed as exempt under Paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

## **30. 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.

### **30a. 23 St Pauls Square, York YO24 4BD (06/01901/LBC)**

Members considered a Listing Building Consent application, submitted by Mr Body, for alterations to rear window and door glazing and internal door at 23 St Paul's Square, York.

To ensure clarity, Members requested that the application included the wording "in rear porch" at the end of the description.

RESOLVED: That the application be approved in line with the conditions and informatives in the report.

REASON: The application complies with Policies HE2, HE3 and HE4 of the City of York Development Control Local Plan (2005): and the Planning Policy Guidance 15 – Planning and the historic environment.

### **30b. Fox And Hounds 39 Top Lane Copmanthorpe York YO23 3UH (06/01762/OUT)**

Members considered an outline application, submitted by Enterprise Inns Plc, for erection of 8 apartments with associated car parking and landscaping and extension to existing public house car parking facilities at Fox and Hounds, 39 Top Lane, Copmanthorpe, York.

Officers updated the Committee that objections had been received from Copmanthorpe Parish Council, which included concerns relating to loss of views, loss of parking, no mention of the Village Design Statement, and sought inclusion of a S106 agreement. Comments were also received from Highway Development requesting extra highway conditions be included to any permission granted. In addition officers had received 7 additional letters from members of the public in objection to the scheme.

David Johnson, Agent for the Applicant, addressed the Committee in support of the application and emphasised the merits of the scheme.

Members raised concerns about whether the developers could increase the number of flats on the site, which would create highway and parking issues, and resolved to include a condition restricting the number of units to 8. Members agreed to include an informative requesting that the application conform with the Village Design Statement guidelines.

**RESOLVED:** That the application be approved in line with the conditions and informatives in the report with the following conditions and informatives included:

1. No part of the residential development shall be occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the footway to match adjacent levels.

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

2. The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

a) The provision of a 2m wide footway fronting the site in both Top Lane and Tadcaster Road.

Reason: In the interests of the safe and free passage of highway users.

3. Prior to the commencement of any works on site, full details shall be submitted to and agreed in writing by the LPA of the means of supporting that area of public highway, including proposed new footway, within Top Lane adjacent to the site. Submitted details shall be in all respects in accordance with the City of York council document "Technical Approval Procedures For Developers Structures."

Reason: To ensure that the footway extension to the public highway is constructed in a safe and sound manner and is fit for adoption as a highway maintainable at public expense.

4. The extension to the western car park shall be completed in all respects prior to the commencement of the residential development.

Reason: To ensure adequate car parking facilities are maintained for the "Fox and Hounds" public house throughout the development clear of the public highway and public access is maintained.

5. The residential development hereby permitted shall not commence until full details of the proposed vehicular access, car parking and cycle storage facilities have been submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority. These facilities shall be constructed in accordance with the specification so approved prior to the development being first brought into use and thereafter shall be maintained clear of any obstruction which would preclude their intended use.

Reason: To ensure appropriate on-site vehicle parking facilities, access and manoeuvring areas are provided in the interest of highway safety and general amenity of the development.

6. INFORMATIVE: You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 171/Vehicle Crossing - Section 184 -  
Stuart Partington (01904) 551361  
Cafe Licence - Section 115 - Miss T Santana (01904) 551367

7. The development shall comprise of 8 no. flats.

Reason: To accord with the submitted details given the configuration of the site and the submitted parking layout and to provide a mix of unit sizes as required by policy H3c of the Development Control Local Plan.

8. INFORMATIVE: Members of the sub-committee will expect a future reserved matters submission to demonstrate compliance with the design guidelines of the Copmanthorpe Village Design Statement Supplementary Planning Guidance.

**30c. 19 Horseman Avenue Copmanthorpe York YO23 3UF (06/01772/OUT)**

Members were advised that this application had been withdrawn by the applicant prior to the meeting and as such was not part of the Plans List for determination.

**31. URGENT BUSINESS - PLANNING APPEAL AT 26-28 TADCASTER ROAD**

Members considered a report which contained officer advice about an Appeal in connection with planning application 26-28 Tadcaster Road (06/00103/FULM).

A Public Inquiry was due to be held, into the appeal against the Council's refusal of planning permission for residential development at 26 – 28 Tadcaster Road. One of the reasons for refusal was on highway grounds, against highway officers' recommendation. The Council had to provide evidence at a Public Inquiry in support of all reasons for refusal. However, in this case, highway officers considered that it was not possible for them to defend the highway reason for refusal at the Inquiry. Officers advised that this leaves a serious risk of an award of costs against the Council, in the absence of supporting evidence: serious doubts would be raised about satisfying the Inspectorate that the Council had acted reasonably in relation to the highway issues. Officers, therefore, requested Members to consider whether they would wish to withdraw the highway reason, in the hope of reducing the risk of costs. The other reason for refusal, on design grounds, would still be defended at the Inquiry. Officers were taking further advice from an independent traffic consultant.

There were two options presented to Members:

- (i) For the highway reason to be defended at the Inquiry. If the independent traffic consultant's findings concur with those of the Council's own highway officers, then the reason could only be defended as part of the planning officer's proof of evidence; that is without any technical highway evidence or expertise from the highway profession. However, if the consultant's advice differs substantially, the consultant could be retained to appear at the Inquiry as the expert witness.
- (ii) For Members to agree to withdraw the highway reason for refusal; with the planning officer's evidence relating solely to the design reason.

An email from Cllr Hopton, stating reasons for not removing the Highway reason for refusal, was circulated at the meeting. Confidential Annex 3 (the independent traffic consultant's report) was tabled at the meeting.

The meeting was adjourned for 20 minutes to allow Members time to peruse the additional information and for copies of the minutes from the meeting on 16 March 2006, when the original decision was made, to be copied and circulated.

The meeting went into private session to consider the content of Annex 3 and to receive legal advice. Members requested further information relating to the issues contained in this report and agreed to defer the item to the next meeting to allow for a more detailed report to be obtained from the independent traffic consultant.

**RESOLVED:** That the item be deferred to the next meeting on 19 October.

**REASON:** To allow for a more detailed report to be obtained from the independent traffic consultant.

COUNCILLOR D LIVESLEY

Chair

The meeting started at 12.00 pm and finished at 2.10 pm.