
MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	22 MARCH 2007
PRESENT	COUNCILLORS HORTON, BARTLETT (VICE-CHAIR), SUE GALLOWAY, LIVESLEY (CHAIR), MACDONALD, REID, SIMPSON-LAING, SUNDERLAND AND B WATSON

73. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Reason for Visit	Members Attended
14 Copmanthorpe Lane, Bishopthorpe, York	At the request of Councillor Livesley	Councillors Bartlett, Horton, Macdonald, Reid, Sunderland and B Watson
1 Tudor Road, York	At the request of Councillor Simpson-Laing	Councillors Livesley, Bartlett, Horton, Macdonald, Reid, Sunderland and B Watson
Acomb Hotel, Kingsway West, York	As the application is recommended for approval and objections have been received	Councillors Livesley, Bartlett, Horton, Macdonald, Reid, Sunderland and B Watson
46 Hobgate, York	As the application is recommended for approval and objections have been received	Councillors Livesley, Bartlett, Horton, Macdonald, Reid, Sunderland and B Watson
49 Blossom Street, York	As the application is recommended for approval and objections have been received	Councillors Livesley, Bartlett, Horton, Macdonald, Reid and B Watson
34 St Mary's, York	As the application is recommended for approval and objections have been received	Councillors Livesley, Bartlett, Horton, Macdonald and Reid

74. 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.

Councillor Livesley declared a personal prejudicial interest in agenda item 4a (14 Copmanthorpe Lane, York) as a friend of both the applicant and the objectors. He left the room, took no part in the discussion or decision on the item, and Councillor Bartlett took the Chair.

Councillor B Watson declared a personal non-prejudicial interest in agenda item 4e (Acomb Hotel, Kingsway West, York) as a member of the Elite Racing Club and abstained from the vote on the item.

Councillor Sunderland declared a personal prejudicial interest in agenda items 4f and 4g (34 St Mary's York) as a friend of the managing director of the firm making the application and some of the objectors. She left the room and took no part in the discussion or decisions on the items.

Councillor Simpson-Laing declared a personal prejudicial interest in agenda item 4h (1 Tudor Road, York) as she had advised the applicant on procedures. She left the room and took no part in the discussion or decision on the item.

Councillor Simpson-Laing declared a personal prejudicial interest in agenda item 4i (46 Hobgate, York) as she knew a neighbouring resident. She left the room and took no part in the discussion or decision on the item.

75. MINUTES

RESOLVED: That the minutes of the meetings of the West and City Centre Area Planning Sub-Committee held on 15 February 2007 and 27 February 2007 be approved and signed by the Chair as a correct record.

76. 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.

77. 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.

77a 14 Copmanthorpe Lane, Bishopthorpe, York (06/00697/FUL)

Members considered a full application, submitted by Mr and Mrs M Cross, for the erection of a detached dwelling

Representations were received in objection to the application, from a neighbouring resident.

Members expressed concern regarding the size of the proposed footprint on the site and the consequent lack of amenity space. They did not raise any objections regarding the design of the proposed building and therefore requested that this be removed from the reason for refusal put forward by officers.

Members also expressed the view that off-street parking should be provided for two cars.

RESOLVED: That the application be refused.

REASON: The proposed dwelling by virtue of its scale and mass is considered to be detrimental to the character and amenity of the local environment, the proposed dwelling would have a cramped appearance on this site and when seen in context with the surrounding buildings resulting in overdevelopment of the site, and therefore is contrary to Policies GP1, H4a and GP10 of the City of York Development Control Local Plan (2005); and national planning guidance Planning Policy Statement 1 'Delivering Sustainable Development' and Planning Policy Statement 3 'Housing'.

77b 10 Hatters Close, Copmanthorpe, York (07/00162/FUL)

Members considered a full application, submitted by Mr P Hagues, for a two storey pitched roof side extension and single storey rear extension (resubmission).

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, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the dwelling and the locality. As such, the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan (2005); national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development"; and supplementary design guidance contained in the City of York's "A guide to extensions and alterations to

private dwelling houses" and Guidelines 2, 3 and 4 of the extension and infill development guidelines in the Copmanthorpe Village Design Statement (2003).

77c 42 Neville Terrace, York (06/02557/FUL)

Members considered a full application, submitted by Mr and Mrs Martin, for a two storey pitched roof side extension and garage to rear, after demolition of outside WC.

Representations were received in objection to the application, from a neighbouring resident, and in support of the application, from the applicant's architect.

It was noted that agreement would need to be reached between the applicant and the owners of 76 Park Grove on issues covered by the Party Wall Act.

Some Members expressed concern regarding the alteration to the streetscape, in terms of removing the gap between Neville Terrace and Park Grove.

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, would not cause undue harm to interests of acknowledged importance, with particular reference to visual and residential amenity. As such the proposal complies with Policies GP1 and H7 of the City of York Local Plan Deposit Draft.

77d 49 Blossom Street, York (06/02811/FUL)

Members considered a full application, submitted by Deniz Dogan, for the variation of condition 2 of planning permission 98/01664/FUL to extend opening hours from 1130-2300 Monday-Sunday to 1130-2400 Monday-Sunday.

RESOLVED: That the application be approved, subject to the condition 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 to amenity, crime and disorder and the character and appearance of the conservation area. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies S6 and HE3 of the City of York Local Plan Deposit Draft.

77e Acomb Hotel, Kingsway West, York (07/00191/FUL)

Members considered a full application, submitted by Coral Estates Ltd., for a single storey flat roof extension to the front to provide a licensed betting shop (use class A2) (resubmission).

The case officer clarified that the letter of objection referred to in paragraph 3.3 of the report was from two residents.

Representations were received in support of the application, from the applicant's agent.

Members highlighted the need for covered cycle storage to be provided, as required by condition 5, and requested that an additional condition be included requiring the provision of secure bin storage.

Members expressed concern regarding the proposed opening hours and the impact of additional traffic and noise on residents. Some Members also expressed concern regarding the design of the proposed extension and its impact on the appearance of the existing building.

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

- (i) Condition – “Before the commencement of the development details of secure bin and recycling facilities must be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: In the interest of the appearance of the area and to ensure that sufficient storage capacity is provided for recyclable materials.”

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 visual and residential amenity. As such the proposal complies with Policies GP1 of the City of York Development Control Draft Local Plan.

77f 34 St Mary's, York (06/01703/FUL)

Members considered a full application, submitted by Hogg Builders (York), for the erection of 7 no. apartments after demolition of the existing dwelling.

The case officer reported that two further letters of objection had been received and further comments from the Environment Agency, who did not object but had requested the inclusion of a standard surface run-off condition. He circulated photographs taken from the Alhambra Hotel, a sketch comparing the existing and proposed buildings, and a plan comparing the current and previous development schemes. He also

recommended the following amendments and additions to the conditions set out in the report:

- An amendment to the informative attached to condition 27 to reflect that the financial contribution for open space had been recalculated at £3,629;
- The replacement of conditions 10 & 11 with a new condition requiring the submission of a method statement for the tree protection measures for approval prior to development commencing;
- The addition of a condition requiring the layout of the development to be set out on site and agreed with the Local Planning Authority prior to development commencing;
- The addition of a condition requiring the scheme for the limitation of surface run-off to be submitted for approval.

Representations were received in objection to the application, on behalf of the St Mary's Conservation Group, relating to the site of the application, parking and sustainability, and in support of the application, from the applicant's agent. The Conservation Group also provided photograph boards of the area.

Members highlighted the need for appropriate measures to be put in place to protect the monkey puzzle tree. Some Members expressed concerns regarding the appearance of the proposed building, in terms of the entrance being at the rear and the number of windows in the rear elevation. Concerns were also expressed regarding the lack of evidence for sustainable design, the loss of garden for hard surface parking, the lack of on site amenity space, the removal of the privet hedge, the failure to meet Design for Life standards and the loss of the existing family home.

Members requested the following amended and additional conditions:

- The amendment of condition 9 (LAND1) to include hedges;
- The replacement of condition 25 (HT1) with a new condition requiring the height of the proposed building to be referenced to the ridge height of the adjacent buildings;
- An additional condition requiring to the details of the floorsurfacing of the car park to be submitted for approval;
- An additional condition requiring a photographic record of the site to be made before development commenced;
- An additional condition requiring a sample panel of materials to be submitted for approval.

With regards to the final condition above, Members requested that officers allow them the opportunity to comment on the sample panel of materials.

RESOLVED: That the application be approved, subject to the conditions listed in the report, with the following changes:

- a) The deletion of conditions 10 & 11 and their replacement with the following:

- (i) Condition – “Before the commencement of the development upon the site, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees and hedges shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials, location of marketing cabin; together with existing and proposed levels, where a change in surface material and/or levels are proposed within the canopy spread and likely root zone of a tree. All works shall be carried out in accordance with the agreed method statement.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area.”

- b) The deletion of condition 25 and its replacement with the following:

- (i) Condition – “Notwithstanding the information contained in the approved plans, the overall ridge height of the approved development shall be a minimum of 0.79 metres and 0.65 metres below the ridge heights of the adjoining properties at 32 St Mary’s and 35 St Mary’s respectively, as indicated on Plan No. B00/05/B received 15 February 2007. In any case the overall ridge height of the approved development shall not exceed 24.25m A.O.D.

Reason: To ensure that the approved development does not have an adverse impact upon the character of the Conservation Area.

- c) The following amended conditions:

- (i) Condition 9 – “No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs and hedges to be planted/retained. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.”

- (ii) Condition 27 – “No development shall commence unless and until details of provision for public open space facilities or alternative

arrangements have been submitted to and approved on writing by the Local Planning Authority. The open space shall thereafter be provided in accordance with the approved scheme or the alternative arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: To comply with the provisions of Policy L1c of the City of York Draft Development Control Local Plan, incorporating the 4th set of changes (April 2005).

INFORMATIVE

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990, by those having a legal interest in the application site; requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £3,629.”

d) The following additional conditions:

- (i) Condition – “Notwithstanding the information contained in the approved plans, prior to the commencement of works upon the site, the layout of the development shall be marked out on site, for inspection and subsequent agreement in writing by the Local Planning Authority. In addition, measures to ensure that markers identifying the layout remain in place at all times at agreed points throughout the construction works shall be agreed in writing with the Local Planning Authority.

Reason: To ensure that the approved development does not have an adverse impact upon the character of the Conservation Area.”

- (ii) Condition – “Before the commence of development upon the site, a detailed scheme for the provision and implementation of a surface water run-off limitation shall be submitted to and approved in writing by of the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding.”

- (iii) Condition – “Before the commencement of works upon the site, the materials for the floorscaping of the car park and vehicle access shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance in the Conservation Area.”

- (iv) Condition – “A sample panel of the brickwork to be used on this building shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has

been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works, in view of their sensitive location.”

- (v) Condition – “Prior to the commencement of works upon the site, four copies of a photographic record illustrating the current site and its context shall be submitted to and agreed in writing by the Local Planning Authority. This record shall include: the main elevations of the existing dwelling upon the site, in its setting with adjoining buildings both on the street frontage and from the gardens to the rear; streetscene and detailed close-up photographs of the monkey puzzle tree and the ground areas around its base; and the treed setting in the existing garden. The photographs shall be dated and labelled with the location, and bound into an A4 folder.

Reason: To provide a photographic record illustrating the site and its context prior to the development being carried out.”

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; in particular the character and appearance of the Conservation Area, the setting of adjoining listed buildings, and the amenities of adjoining occupants. As such the proposal complies with Policies H9 and E4 of the North Yorkshire County Structure Plan (Alteration No. 3 Adopted 1995), and Policies CYGP1, CYGP9, CYHE2, CYHE3, CYHE11, CYH4A, CYH5A, CYED4, and CYL1C of the City of York Development Control Local Plan Deposit Draft, incorporating the 4th set of changes (April 2005).

77g 34 St Mary's, York (06/01704/CAC)

Members considered an application for conservation area consent, submitted by Hogg Builders, for the demolition of a dwelling in the Conservation Area.

Members requested the addition of a condition requiring the protection of trees and hedges during the demolition process.

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

- (i) Condition – “Before the commencement of the development upon the site, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees and hedges shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include

details and locations of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials, location of marketing cabin; together with existing and proposed levels, where a change in surface material and/or levels are proposed within the canopy spread and likely root zone of a tree. All works shall be carried out in accordance with the agreed method statement.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area.”

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 character and appearance of the conservation area, and the setting of adjoining Listed Buildings. As such the proposal complies with Policy E4 of the North Yorkshire County Council Structure Plan (Alteration No. 3 Adopted 1995) and Policies CYHE3, CYHE4 and CYHE5 of the City of York Development Control Local Plan, incorporating the 4th set of changes (April 2005).

77h 1 Tudor Road, York (07/00256/FUL)

Members considered a full application, submitted by Mr J A Glavina, for the erection of 1 no. detached dwelling (resubmission).

Representations were received in support of the application, from the applicant. He also circulated supporting written documentation and photographs to Members for consideration.

Members expressed concern that the proposed development was out of character with the area and that it would have a detrimental impact on neighbours' amenity.

RESOLVED: That the application be refused.

REASON: (i) It is considered that due to the scale and siting of the proposed dwelling and the resultant loss of garden space (of 1 Tudor Road) the proposed development, if approved, would lead to this prominent corner site appearing cramped and overdeveloped. The proposal would also appear incongruous and contrived when compared to the existing scale, pattern and form of development within Tudor Road and the surrounding streets. The erection of a new dwelling therefore constitutes an unacceptable form of development

on this plot of land as it would have a harmful impact upon the character and visual amenity of the local environment and is therefore considered contrary to design guidance in PPS1 (Delivering Sustainable Development) and policies GP1, GP10, H4a, L1c of the emerging City of York Draft Local Plan (incorporating the 4th set of changes) approved April 2005.

- (ii) The proposed house will be of such a size and scale as to impede upon the living conditions of adjacent neighbours due to the dominance of its occupation upon the site and proximity to the boundary with number 1 Tudor Road, 2 and 4 Stuart Road. Such a development would result in an un-neighbourly and overbearing feature which would also have an adverse impact upon the levels of light and privacy to their rear private gardens. Furthermore the proposed dwelling would further harm the residential amenity of the occupants of 1 Tudor Road by reason of additional noise and disturbance arising from the comings and goings of occupants and their cars if the scheme were amended to satisfy Highway requirements. As a consequence this proposal is considered contrary to design guidance in PPS1 (Delivering Sustainable Development) and to policies GP1, GP10 and H4a of the emerging City of York Draft Local Plan (incorporating the 4th set of changes) approved April 2005.

77i 46 Hobgate, York (07/00121/FUL)

Members considered a full application, submitted by Ian and Mary Macbeth, for the erection of a new dwelling after demolition of the existing one.

The case officer circulated copies of an additional letter of objection, plans on which the proposed building had been superimposed and plans showing the gable profiles of the proposed and adjacent properties. He reported that the dormer window on the front elevation of the proposed building, referred to in paragraph 4.6 and condition 11, had been deleted from the plans. He also circulated a sheet detailing the following amended and additional conditions:

- Deletion of condition 11 and its replacement with a condition requiring development to be in accordance with the approved plans;
- Amendment of condition 12, relating to the screening to rear balconies, requiring details, including height and materials, to be submitted for approval and then to be implemented and retained thereafter;
- Addition of a LAND1 condition, requiring details of landscaping to be submitted for approval;

- Addition of a condition removing Permitted Development Rights for alterations and extensions to the dwelling and its roof.

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

Members highlighted the need to protect the pine trees at the rear of the site and were advised that this was covered by the deeds of the property.

RESOLVED: That the application be approved, subject to the conditions listed in the report, with the following changes:

a) The deletion of condition 11 and its replacement with the following:

- (i) Condition 11 – “The development hereby permitted shall be carried out only in accordance with the following plans:

MAC (D) 01 Rev A and 02 Rev B received 19 March 2007

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendments to the approved plans.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.”

b) The amendment of condition 12 to read as follows:

- (i) Condition – “Further details of the screening to the rear balconies, including its height and details of proposed materials shall be submitted to and approved in writing by the Local Planning Authority and implemented and retained thereafter.

Reason: To protect the residential amenity of adjoining residents.”

c) The addition of the following conditions:

- (i) Condition – “No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.”

- (ii) Condition – “Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C and D of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.”

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 impact upon the character and appearance of the locality and residential amenity. As such the proposal complies with Policy GP1 of the City of York Local Plan Deposit Draft.

COUNCILLOR D LIVESLEY
CHAIR

The meeting started at 3.00 pm and finished at 6.55 pm.