
MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	18 OCTOBER 2012
PRESENT	COUNCILLORS WATSON (CHAIR), GALVIN, GILLIES (VICE-CHAIR), LOOKER, ORRELL, REID, SEMLYEN AND WILLIAMS (SUBSTITUTE)
APOLOGIES	COUNCILLORS FUNNELL AND JEFFRIES

23. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
10 Bankside Close	Councillors Gillies, Galvin, Reid, Semlyen and Watson.	As objections had been received and the officer recommendation was to approve.
107 Main Street, Askham Bryan	Councillors Gillies, Galvin, Semlyen and Watson.	As objections had been received and the officer recommendation was to approve.
York City of York Council Art Gallery	Councillors Gillies, Galvin and Watson.	As objections had been received and the officer recommendation was to approve.
78 Low Petergate	Councillors Gillies, Galvin and Watson.	At the request of Councillor B Watson.

24. DECLARATIONS OF INTEREST

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests that they

might have had in the business on the agenda. No interests were declared.

25. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the Members of the Press and Public be excluded from the meeting during the consideration of Annexes to agenda item 6 (Enforcement Cases Update) on the grounds that they contain information that if disclosed to the public, would reveal that the Authority proposes to give, under any enactment or notice by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment. This information is classed as exempt under Paragraphs 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.

26. MINUTES

RESOLVED: That the minutes of the meeting of the West and City Centre Area Planning Sub-Committee held on 16 August 2012 and 13 September 2012 be approved and signed by the Chair as a correct record.

27. 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.

28. 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.

**28a 10 Bankside Close, Upper Poppleton, York, YO26 6LH
(12/00921/FUL)**

Members considered a full application from Mark Harris for the erection of a two storey detached dwelling and detached garage (revised scheme).

Officers circulated a written update to the Committee. They reported that Upper Poppleton Parish Council had objected to the revised plans on the following grounds:

- Overdevelopment of the site
- There is a covenant on the site designating the site for a single dwelling
- There is a petition signed by 100 householders objecting to the scheme
- This is contrary to the Poppleton Village Design Statement
- The Officer's recommendation is inconsistent with previous refusals for similar developments.

Officers also announced that further correspondence had been received from an objector, which raised the following planning issues:-

- Concern regarding the quality of the design
- Unable to control future design and overdevelopment associated with the retention of permitted development rights
- Does not comply with Policy H4a
- Loss of residential amenity to the host dwelling
- Does not comply with paragraphs 57 and 66 of the NPPF

Representations were received from Mr Barker, a neighbour, in objection to the application. With the agreement of the Chair, he circulated a petition which had been signed by 79 local residents in objection to the proposed development. He raised the following concerns:

- The density of development is significantly higher than the application previously rejected on grounds of scale
- The gap between the properties would give a sense of enclosure

- The proposed development would significantly overlook the neighbouring bungalow on Riversvale Drive
- 10 Bankside Close would be the only property without a double garage
- Plans fail to identify the trees around the site. Impact on wildlife and trees is unclear
- None of these issues have been fully addressed in the officer's report.

Representations were also received from Councillor Healey, Ward Councillor for Rural West York Ward, in objection to the application. He explained that Bankside Close has an open aspect with significant spaces between dwellings. He made the following points:

- Due to density of development, the corner of the close would appear very cramped and it would change the character of the close.
- There would be inevitable overlooking – particularly to the bungalows to the rear
- The proposed property would only have a single garage which would be inconsistent with other properties in the close. Although off street parking is available, this could lead to additional on street parking.
- There is no support from local residents for the development.

Members noted that the report contained several pages of objections. They recognised that some of these were more relevant than others, that some could not be considered as planning reasons and that many were contradictory. With regard to the issue of overlooking they felt that this would be difficult to prove as the distances between the proposed property and other properties was sufficient to comply with our normal guidelines.

Some Members felt that, on balance, the proposed building was too large for the site and Councillor Gillies moved, and Councillor Galivn seconded, a motion to refuse the application. On being put to the vote, the application fell.

Other members accepted that although the new building would be seen from neighbouring properties, there should be no detrimental impact to residents' amenity through overlooking.

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 dwellings and the locality, and highway safety. As such, the proposal complies with Policies GP1, GP10, GP15a, H4a, and L1c of the City of York Council Development Control Local Plan (2005); supplementary planning guidance in the Poppleton Village Design Statement (2003); and national planning guidance contained in the National Planning Policy Framework (2012).

**28b 107 Main Street, Askham Bryan, York, YO23 3QS
(12/01796/FUL)**

Members considered a full application from Mr Berks for the erection of a new dwelling after the demolition of an existing dwelling (resubmission).

Officers advised that additional surface water drainage information had been submitted and the Flood Risk Management Team had confirmed that they have no objections to the proposed scheme. However they have requested a condition that the development is constructed in accordance with the details within the drainage report by Survey Site Services. Condition 1 has therefore been revised accordingly and also now includes a revised plan which differs from the one in the report in that the term “sketch” has been removed from the title.

Representations were received from Mrs R Turner, a neighbour, in objection to the application. She raised concerns about the height and depth of the proposed building noting that it would extend beyond the boundary of the existing dwelling. She advised the Committee that she didn't want it as high at the back as it would block sunlight to her property from the west.

Representations were received from Mr G Berks, the applicant and owner of the property. He expressed his aim to preserve and enhance the character of the village. He explained that since his original application was refused, he had met with planning officers to discuss the reasons for it being turned down and taken these issues into account and had resubmitted plans in April 2012. He advised the committee that there was no single architectural design in the street but that his proposals take account of guidance contained in the Village Design Statement.

Members acknowledged the concerns which had been raised by the neighbour regarding possible loss of sunlight to the back of her property. They accepted that there were many different building designs on that side of the street. They agreed that the proposed building would be an improvement on the design of the existing building, that it would add to the architectural design of the village and would compliment the next door house. They noted that the design would leave sufficient room in between properties either side to maintain views through to open countryside beyond.

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

Amended Condition 1

The development hereby permitted shall be carried out in accordance with the following plans:-

- Drawing Number B160/01/01 Revision A received 24 September 2012
- Drainage Report by Survey Site Services received 31 July 2012;

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

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 visual amenity of the building within the streetscene, the impact to the conservation area and its setting, and its impact to the residential amenity of the occupants

of the neighbouring dwellings. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GP1, HE2, HE5, and GB2 of the City of York Development Control Local Plan and Government policy contained within the National Planning Policy Framework.

**28c 107 Main Street, Askham Bryan, York, YO23 3QS
(12/01797/CAC)**

Members received an application for Conservation Area Consent from Mr Berks for the demolition of an existing two storey dwelling in connection with the proposed construction of a replacement dwelling (see Minute No 27b).

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 visual amenity and character of the Askham Bryan Conservation Area. As such the proposal complies with Policies HE2, HE3, and HE5 of the City of York Development Control Local Plan and national planning guidance contained in the National Planning Policy Framework.

28d 78 Low Petergate, York, YO1 7HZ (12/02355/FUL)

Members considered a full application from York Hogroast Ltd for the change of use from a shop (Use Class A1) to restaurant and café (Use Class A3) and alterations to the shopfront.

Officers advised that condition 5 should be revised to include reference to the proposed Rationale cooker system in response to amended extraction details received.

In response to a query which had been raised during the site visit regarding catering premises in the area, Officers circulated two maps to Members which showed the distribution of restaurants, cafes, public houses and takeaways close to the crossroads of Low Petergate, Church Street, Goodramgate and

Kings Square. Officers advised that two premises, one hot food takeaway and one cafe, both on Church Street had recently changed their use to a shop. If this application was approved, it would mean the non retail frontage of Low Petergate would be 33 percent.

Members questioned whether any restrictions had been proposed to the opening hours. They noted that nearby YO! Sushi was restricted to 9am to 11pm but acknowledged 78 Low Petergate was a much smaller unit. They noted that the applicant intended to apply for a premises licence,

Representations were received from Ms Taylor-Hemingway, agent for the applicant. She explained that the company was starting to diversify from hotfood takeaway to cafe operation and that they had recently opened a cafe in Chester. She stated that the company had worked hard in conjunction with the conservation officer to ensure that the proposals would preserve and enhance the listed building. Seating would be on the ground and first floor around the existing fireplace. The development would provide job and training opportunities for local residents. She stressed that no objections had been received during the conservation period. In response to questions from Members, she confirmed that disabled access and toilet facilities would be available on the ground floor. With regard to opening hours, she confirmed that their intention was to apply for a premises licence and they hoped to stay open until 1am on some days of the week.

Members noted that the existing Hogroast is open until 1am Friday and Saturday nights and 11pm other days and that the owner did not intend to apply for a liquor licence as they did not intend to serve alcohol.

Members agreed it would be sensible to impose a condition to restrict opening hours, to take into account the amenity of nearby residents and future use of the premises and agreed that this should be 8am to 1am the following day.

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

Amended Condition 5

Full details of the proposed RATIONALE cooker system or the

alternative scheme for the treatment and extraction of cooking odours through the use of the chimney stack, shall be submitted to the local planning authority for approval. Once approved, the scheme shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of residents and local businesses.

Additional Condition

The hours of operation of this approved use shall be confined to between 08.00 and 01.00 on the following day.

Reason: To safeguard the amenities of adjoining and nearby occupants.

REASON: The proposal, subject to the conditions listed in the report and the amended and additional condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to the vitality and viability of the city centre, the impact on the character and appearance of the conservation area and the listed building, and the amenity of neighbours. As such the proposal complies with the provisions of the National Planning Policy Framework and Policies S3, S6, S7, HE3 and HE4 of the City of York Development Control Local Plan.

28e 78 Low Petergate, York, YO1 7HZ (12/02359/LBC)

Members considered a Listed Building Consent application by York Hogroast Ltd for internal and external alterations associated with change of use to restaurant.

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 historic and architectural interest of the listed building. As such the proposal complies with the National

Planning Policy Framework and Policy HE4 of
the City of York Development Control Local
Plan.

28f First York, 45 Tanner Row, York, YO1 6JP (12/02118/FULM)

Members considered a major full application from Brantingham Property Services Ltd for the conversion and alteration of 45 Tanner Row and 4 Barker Lane from offices to 11 residential apartments.

Officers advised that the recommendation should be amended to delegate authority to officers to approve the application on receipt of a unilateral undertaking to provide contributions towards open space, education and city car club.

With regard to the open space contribution, they stated that in paragraph 4.26 of the report, a figure of £11,984 is quoted as the required sum towards open space. This advised Members that this figure was incorrect and should read £7,068.

Mr A Key, the agent, was present at the meeting to answer any questions from Members. He advised Members that he had been informed that there was very little chance of being able to re-let the space as office space so they were looking at other uses. He confirmed that once completed the apartments would probably be let on a long term basis or put on the market for sale, but confirmed they would not be used as short term lets.

RESOLVED: That delegation be given to officers to approve the application on receipt of a unilateral undertaking to provide contributions towards open space, education and city car club, and 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 principle of conversion / loss of employment land; the design / impact on the conservation area; residential amenity; and the impact on existing education and open space provision. As such the proposal complies with the National Planning Policy Framework and Policies HE3, H4A, E3B, GP4A,

**28g York City Art Gallery, Exhibition Square, York YO1 2EW
(12/02508/FUL)**

Members considered a full application from Mr Michael Woodward for a series of works and alterations to the Art Gallery including a first floor extension above the south gallery, rear extension including first floor balcony and external stair, roof mounted plant and enclosure and the demolition of single storey timber building to the north side of the building.

The Council's Conservation Architect showed the Committee large scale plans of the site and provided additional information to Members on the proposals and the benefits of the work. Officers provided a written update for Members and expressed their support for the scheme noting that there were significant benefits for the listed building and confirming the proposals were in line with the National Planning Policy Framework. The made the following points:

- The internal works overall enhance the architectural and historic aspects of the building
- There will be social, cultural and economic benefits for the gallery
- The extensions will enhance the appearance of the listed building

Officers proposed that draft conditions 4 (details of hard landscaping scheme) and 5 (details of enclosure to bin store) of the planning permission be deleted as they are no longer required due to additional information being received.

They stated that revised plans had been supplied which relocate the bin store at the rear of the premises, under the proposed rear addition. There will be no timber screen to the north side of the building. The plans of the rear extension have been modified and the proposed structure would now be in timber (external stair, screen and terrace). It has been confirmed the surfacing along the north alley way is intended to be Yorkstone (as was agreed in the 2011 application for this site)

An image of how the proposed works to the rear of the building would look was circulated to the Committee. Members expressed mixed views regarding the design of the terrace, spill

out space and access to gardens, but accepted that this was an architectural statement and like any piece of artwork, some people would like it and others would not.

With regard to plans for the garden area, Members were advised that a permanent garden would be created on the site of the former bowling green and beyond that there would be a less permanent landscaping scheme.

One Member queried whether there was the opportunity to incorporate an enclosed children's play area, where younger children could play safely, as part of the garden plans as there was almost nowhere else in the city centre for this. The applicant advised that their hope was to be able to introduce playful elements into the garden scheme rather than a dedicated play area.

RESOLVED: That the application be approved subject to the conditions listed in the report and the removal of conditions 4 and 5.

REASON: The proposal, subject to the conditions listed in the report and the removal of conditions 4 and 5, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on heritage assets and the amenity of surrounding occupants. As such the proposal complies with Policies GP1, HE3, HE4, and HE10 of the City of York Development Control Local Plan.

28h York City Art Gallery, Exhibition Square, York, YO1 2EW (12/02509/LBC)

Members considered an application for Listed Building Consent from Mr Michael Woodward for a number of internal and external alterations including; additional gallery floor above main gallery, internal demolitions, replacement windows following demolition of timber building to the north of the gallery, 1st floor extension to south wing to create new gallery area, external balcony at rear and roof mounted plant and enclosure.

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 listed building. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan.

29. ENFORCEMENT CASES UPDATE

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

RESOLVED: That the report be noted.

REASON: To update Members on the number of outstanding enforcement cases within the Sub Committee's area.

Councillor B Watson, Chair
[The meeting started at 3.00 pm and finished at 5.00 pm].

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