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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	20 OCTOBER 2011
PRESENT	COUNCILLORS WATSON (CHAIR), GILLIES (VICE-CHAIR), CRISP, GALVIN, GUNNELL, JEFFRIES, ORRELL, REID AND SEMLYEN

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## 17. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
134 Boroughbridge Road	Councillors, Crisp, Galvin Gillies, Gunnell, Jeffries, Reid, Semlyen and Watson	As objections had been received and the officer recommendation was for approval.
Bootham School, 51 Bootham	Councillors, Crisp, Galvin Gillies, Gunnell, Jeffries, Reid, Semlyen and Watson	As objections had been received and the officer recommendation was for approval.
Bar Convent, 17 Blossom Street	Councillors, Crisp, Galvin Gillies, Gunnell, Jeffries, Reid, Semlyen and Watson	To familiarise Members with the site at the request of Councillor Watson
Hotel du Vin, 89 The Mount	Councillors, Crisp, Galvin Gillies, Gunnell, Jeffries, Reid and Watson	As objections had been received and the officer recommendation was for approval.
Cygnets Inn, Cygnets Street	Councillors, Crisp, Galvin Gillies, Jeffries, Reid and Watson	To familiarise new Members with the site at the request of Councillor Fraser.
Castle Museum, The Castle.	Councillors, Crisp, Galvin Gillies, Jeffries, Reid and Watson	To familiarise Members with the site at the request of Councillor Watson.

## **18. 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 Gunnell declared a personal and prejudicial interest in plans item 5c (Cygnet Inn, Cygnet Street) as the applicant, who was present at the meeting, was a family friend. She left the meeting for this item and took no part in the debate or vote on this application.

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

**RESOLVED:** That members of the press and public be excluded from the meeting during consideration of Annex A to agenda item 7 (Enforcement Cases Update) (Minute 23 refers) on the grounds that it contains 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.

## **20. MINUTES**

**RESOLVED:** That the minutes of the meetings of the West and City Centre Area Planning Sub Committee held on 14 July and 18 August 2011 be approved and signed by the Chair as a correct record. subject to Minute 6 (Inspection of Sites) in the minutes of the meeting on 14 July 2011 being amended to show that Councillors Jeffries, Semlyen, Reid and Watson attended the site visit at 3 Little Stonegate.

## **21. 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.

## **22. 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.

### **22a Monkbar Hotel, St Maurices Road, York, YO31 7JA (11/02185/FULM)**

Members considered a major full application (13 weeks) from Mr Rishi Sachden for a four storey extension to the rear to create additional bedrooms and conference rooms and alterations to the existing hotel (application to extend time period for implementation of permission 08/01647/FULM).

**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, residential amenity, highway safety and flood risk. As such the proposal complies with Policies HE2, HE3, HE10 GP1 and V3 of the City of York Local Plan Deposit Draft.

**22b The Bar Convent, 17 Blossom Street, York, YO24 1AQ  
(11/02220/LBC)**

Members considered an application for listed building consent by the Bar Convent (Trust) for internal alterations including the creation of a bedroom and two ensuites.

**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. As such, the proposal complies with Policies HE4 and GP1 of the City of York Development Control Local Plan (2005) ; and national planning guidance contained in Planning Policy Statement 5 "Planning for the Historic Environment".

**22c Cygnet Inn, Cygnet Street, York, YO23 1AG (11/02372/FUL)**

Members considered a full application from Mrs Suzanne Shaw for the erection of two 2 storey houses and four 3 storey houses with associated parking following the demolition of the existing public house.

Representations were received from the agent in support of the application. He stated that the applicant had originally proposed a block of flats for the site which had been rejected by planning at pre-application stage. An application was then submitted for 6 houses on the site and that no objections had been received in respect of the scheme for 6 houses until 5 months had passed. The application was then reduced to 5 houses and the application was approved. He advised the Committee that the currently submitted revised scheme provided a better relationship between the site and neighbouring properties, and that as the penultimate house was three-storey and the end house two-storey the impact upon the adjacent facing dwelling would not be harmful.

Members suggested that in respect of design, the row would be more balanced with a two bed house at each end and six

houses sat better visually than the 5 approved houses. They raised concerns with the existing approval that if the area at the end of the row was not built on this could potentially be used as a parking space or area where people could hang out. Members asked for clarification on what the space at the end would be used for if no house was build on it. There were advised it would be garden for the approved end house with a 1.6m boundary wall.

Officers advised that the additional house proposed would over-develop the site and the end elevation of the proposed house at plot 1 could be around 8.6m from the front elevation of numbers 7 and 8 Cygnet Street. They advised Members that it would be exceptional to grant a scheme with as small a separation distance as this.

Members acknowledged officers' concerns regarding overdevelopment and impact on residents amenity but accepted that the area consists mainly of terraced properties and is already quite densely built up, expressing the view that one further property would not change the situation.

Members agreed that there would be little difference in outlook from the living room at 8 Cygnet Street between looking out onto a boundary wall or the gable end of a house

RESOLVED:

That the application be approved subject to the following conditions.

- 1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following plans:- SPD 01 H, HT 01 H

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

- 3 Materials: Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials. The houses shall each be of the same brickwork the roof of slate roof tiles

Reason: So as to achieve a visually cohesive appearance and to ensure the building preserves the character of the area.

- 4 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.

- 5 Large scale details of the items listed below 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) Windows including notes on colour finish (windows to be set within reveals, sliding type and cream rather than white coloured).
  - b) Dormer type windows including notes on materials
  - c) Any Solar or PV panels (preferred type which are fixed flush with roof tiles)

Reason: So that the Local Planning Authority may be satisfied with these details.

- 6 Rain water pipes shall be coloured black and service boxes, and any means of extraction and ventilation to kitchens and bathrooms shall be colour coated to blend in with brickwork, unless an alternative dark colour is agreed.

Reason: In the interests of appearance.

- 7 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed hard and soft landscape scheme which shall include any hardstanding, the species, density (spacing), stock size and position of trees, shrubs and other plants. It will also include details tree pits and ground preparation. 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 the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the overall appearance and variety, suitability and disposition of species, and quality of implementation that influences the planting's success, since the landscape scheme is integral to the amenity of the development.

Note: Holly and Robinia are not suitable tree species in this case, suggested alternatives include Pyrus calleryana 'Chanticleer', Sorbus 'Cardinal Royal' or S. 'Sheerwater Seedling" and /or more of the Malus and Crataegus. Driveways to be a colour which contrasts with the brickwork on the dwellings.

- 8 Tree protection: Prior to commencement on site, of demolition, clearance, site preparation, building or other development operations, including the importing of

materials and any excavations, protective fencing shall be erected around the recommended root protection area of the adjacent ash tree in accordance with BS 5837:2005. This fencing will also include the existing grassland. Before commencement on site the protective fencing line shall be shown on a plan and agreed with the local authority in writing and subsequently adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zone or within the canopy area of existing trees: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles, mechanical cultivation. Within the exclusion zones there shall be no site huts, no marketing offices, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'protection zone - do not remove' shall be attached to each section of fencing.

Reason: To protect existing trees and that make a significant contribution to the amenity of the immediate area grassland from damage and compaction.

- 9 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the proper drainage of the site, and to comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk).

- 10 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit



shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

- 11 No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

- 12 The development hereby permitted shall not be occupied 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 the approved plans, or arrangements entered into which ensure the same.

- Adoption of highway (footpaths to northeast and northwest of site).
- Removal of site from residents parking zone.

(See informatives for further information)

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

- 13 The development shall not be occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb to match adjacent levels.

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

- 14 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, D, E, F of Schedule 2 Part 1 of that Order shall not be erected or constructed.

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.

- 15 No walls or fences other than those shown on the approved plans that would be over 1m high shall be added without planning permission.

Reason: In the interests of appearance and highway safety.

**REASON:**

The proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the loss of a community facility, provision of open space and education facilities in the area, design, amenity, archaeology and highway safety. As such the proposal complies with Policies GP1, C3, L1C, ED4, H4, HE10 of the City of York Development Control Local Plan.

**22d 134 Boroughbridge Road, York, YO26 6AL (11/02339/FUL)**

Members considered a full application by Mr Kevin Pallister for the conversion of a ground floor flat to a fish and chip shop with ground floor extension at the rear for storage and seating in eating area, plus first floor rear extension to the flat to create a three bedroom flat and alteration to vehicle parking and access in forecourt (resubmission).

Officers recommended an additional condition be added stipulating that the extraction flue serving the cafe/takeaway be painted a dark colour.

Officers advised that a consultation response has been received from Highway Network Management who raised no objection to the proposal subject to three additional conditions being appended to any permission, these being: Highway 9 Vehicular Areas Surfaced, Highway 17 Removal of Redundant Crossing and Highway 18 Cycle Parking Details to be agreed.

Officers drew Members' attention to the proposed forecourt works and advised them that they largely fall outside of the area of the applicant's control and are themselves Permitted Development. They asked that Members disregard their detail in determination of this application.

Officers advised that 13 further letters of objection have been received since the agenda was compiled. These objections raised concerns with regard to the following issues.:

- proposed parking and access works impinging upon the adopted highway to the detriment of the safety and convenience of highway users;
- noise from delivery vehicles attending to the proposed business and the associated impact upon the residential amenity of neighbouring properties;
- possible usage of the rear amenity area serving the proposed flat by users of the cafe/takeaway;
- impact from noise and odours from the extraction system to the cafe/takeaway use on the residential amenity of neighbouring properties;
- noise from the proposed cafe/takeaway use and its impact upon neighbouring properties;
- proposed opening hours and the potential for anti-social behaviour in the locality;
- adequacy of the drainage arrangements for the premises and possibility of contamination from waste from the takeaway/cafe use;
- impact of parking associated with the proposed business on the safety and convenience of highway users in the surrounding area.

Officers advised Members that following further investigation it had been established that the conversion of the property into two flats was undertaken over four years ago and as such the use had become lawful. Therefore Policy H8 of the Draft Local Plan may be disregarded in consideration of this application.

A letter which was received from Councillor T Simpson-Laing, Ward Member for Acomb was circulated to members of the

committee. The letter raised the following concerns of local residents.

- Removal of family housing - The property was originally a family house and could be returned to a family house.
- Lack of suitable, safe and appropriate amenity space.
- Concerns over pedestrian safety in view of the access to parking area and the location of the pedestrian crossing and bus stop.
- Overprovision of hot food retail units in this residential area.
- Long opening hours

Members discussed the issue of parking and the proposals to regulate the frontage with dropped kerbs and a marked “in” and “out” to a parking area with spaces for 3 cars. They acknowledged that a fish and chip shop would lead to people parking for a very short period. They noted that if the parking area was full, there was no option to park on the road which could cause a potential for problems. However they noted that Highways had not objected to the scheme subject to conditions.

RESOVLED: That the application be approved subject to the conditions listed in the report and the additional conditions below.

#### Additional Condition

The extraction flue serving the cafe/takeaway use hereby authorised shall be painted a dark colour previously authorised in writing by the Local Planning Authority prior to the development being first brought into use and maintained as such thereafter.

Reason:- To safeguard the visual amenity of the wider street scene and to secure compliance with Policy GP1 of the York Development Control Local Plan.

#### Additional Condition

Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with the approved plans.

Reason: To prevent the egress of water and loose material onto the public highway.

Additional Condition

The development shall not be first brought into use until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the verge to match adjacent levels.

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

Additional Condition

Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

REASON: The proposal, subject to the conditions listed in the report and the additional conditions above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon residential amenity of neighbouring properties, impact upon the living conditions of future occupants of the proposed flat, loss of an existing family house, impact upon the safety and convenience of highway users and impact upon the local surface water drainage system. As such the proposal complies with Policies GP1, T4, E4, H8, H9 and S6 of the City of York Development Control Local Plan.

**22e Castle Museum, The Castle, York, YO1 9RY (11/02229/LBC)**

Members considered an application for listed building consent from Mr Andrew Morrison for internal alterations to the visitors toilets including removal of walls.

Officers provided an update on the application. They advised that at the site visit a question had been raised as to whether building regulations approval was required for this work and they confirmed that Part M of Building Regulations would apply to this application.

Members questioned whether the layout of the proposed toilet complied with British Standard 8300 (Design of buildings and their approaches to meet the needs of disabled people. Code of Practice). Officers advised they would look into this issue but noted that granting this application for listed building consent would not affect the freedom to move fixtures and fittings within the room if this was deemed necessary to meet building regulations or comply with BS8300.

Members also questioned whether it would also be possible to incorporate baby changing facilities in the ladies' and men's toilets as well as the disabled toilet so as to avoid situations where the disabled toilet is available for a disabled person to use because it was being used to change an infant. The applicant advised that this may be possible in the ladies toilet but that there would not be space in the men's toilets.

Officers reminded Members that this was an application for listed building consent and therefore these issues were not a requirement which could be imposed as part of this application, however the applicant agreed to take members comments back to the organisation and investigate possible options.

**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. As such, the proposal complies with Policies HE4 and GP1 of the

City of York Development Control Local Plan (2005) ; and national planning guidance contained in Planning Policy Statement 5 "Planning for the Historic Environment".

**22f Bootham School, 51 Bootham, York, YO30 7BT (11/01998/FULM)**

Members considered a major full application (13 weeks) by Bootham School for alterations to the existing music building and the erection of a new single and two storey music and arts building as well as minor alterations to the assembly hall.

Officers explained that with regard to sustainability, condition 3 required the development to be constructed to a BRE Environmental Assessment Method (BREEAM) standard of "very good". Officers advised that the school had requested that the requirement for an assessment to be carried out be waived due to the prohibitive cost of this. However officers remained of the view that the requirement for a BREEAM assessment should be retained as a condition as it was council policy for developments of this size.

Officers also drew Members attention to condition 4 which requires 10% of the development's predicted energy requirements to be provided from on-site renewable energy sources. They advised that the applicant had requested that this condition be relaxed as their intention had been for photovoltaic panels to be situated on the sweeping roof but this roof was now to be a sedum roof therefore there would be fewer photovoltaic panels. They advised that the school still hoped to achieve the 10% level. They pointed out that the condition had a caveat which with the agreement of the local planning authority could provide flexibility by acknowledging that there were other ways of achieving the 10% such as air source heat pumps and a biomass boiler.

Representations were received from a local resident in objection to the application. She informed Members that the proposals did not preserve nor enhance the character or appearance of the conservation area. She expressed regret that some trees, which had been dedicated with plaques, would be removed during the development work. She advised Members that the window of

the performing space would look directly into her living room window. She noted that the report stated that residents would not be disturbed by the building work, but advised Members that she had been woken early the previous day by building work. In response to a query from Members, she stated that, according to the report, her property was 29m from the proposed building but in her opinion it was between 20 – 26m away.

Representations were also received from the school's Building Development Manager. He explained that the school had set out on a development programme which would take 5 years to achieve. He confirmed that there was no intention to increase student numbers, only to improve facilities for the students. He advised that the current music facilities were poor, although the school employed two full-time music teachers and 26 peripatetic teachers. He advised that the current art facilities offered little room for expansion but the new proposed space would provide enough space for music, art and drama with drama inheriting the former art space and gaining a studio. He advised that they were expecting a BREEAM pre-assessment rating of very good or excellent explaining that they had engaged a company to undertake an energy strategy report and hoped to reduce energy costs dramatically over the following 5 years. The Building Development Manager responded to Members' specific questions.

Members acknowledged the school's need to expand in order to improve facilities for their students. They also understood that the site was difficult to develop due to its location and mixed age of buildings. They recognised the need to link the new building to the existing Assembly Hall and the restrictions this posed for the location of the new building, and the associated loss of the garden area. With regard to design, they agreed that the proposed building would sit nicely amongst the existing buildings.

Members asked if the trees referred to by the speaker could be relocated to another part of the grounds. The agent advised that the school had been able to move some trees the previous summer but that there was a limit to the size/age of tree which could be moved. He advised that the school's intention was to rededicate the plaques to new trees in the planting scheme. One Member asked the agent to investigate the options for transplanting the rowan tree.



Members suggested that it may be possible to soften the view of the building from the speakers window by planting of additional trees around the temporary car park area but acknowledged that this area was not within the application site and suggested the school should liaise with neighbouring residents when they came to design the landscaping scheme in this area.

**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 heritage assets, amenity, flood risk and highway safety. As such the proposal complies with Policies HE3, HE4, HE10, GP1, GP15 and ED1 of the City of York Development Control Local Plan.

**22g Bootham School, 51 Bootham, York, YO30 7BT (11/01999/LBC)**

Members considered an application for listed building consent by Bootham School for a new music and art building, including alterations and extension to the Assembly Hall building.

**RESOVLED:** 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 heritage assets. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan.

**22h Hotel Du Vin, 89 The Mount, York, YO24 1BL (11/02039/FUL)**

Members considered a full application from Mr Stephen Rodwell for the permanent retention of a smoking shelter to the rear of the hotel following approval of temporary planning permission dated 13.05.2010 (10/00376/FUL).

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 Central Historic Core Conservation Area and the impact on residential amenity. As such, the proposal complies with Policies HE2, HE3 and GP1 of the City of York Development Control Local Plan.

**22i Go Mobile, 11 Church Street, York, YO1 8BG (11/00480/FUL)**

Members considered a full application from Mrs S Caglar for the change of use from retail (use class A1) to hot food takeaway (use class A5) with extract grille to the first floor window (retrospective).

Officers advised that the Environmental Protection Unit (EPU) had commented on the existing extraction system and stated that it was not acceptable in terms of its environmental impact. EPU recommend that a kitchen extraction system be installed at the premises which is adequate for the treatment and extraction of fumes so that there is no adverse impact on the amenity of occupiers of nearby premises by reason of fumes, odour or noise. In view of these comments from EPU, officers recommended an additional reason for refusal based on concerns regarding unsuitable extraction methods.

Members were shown a photograph of the front of the building which showed how a pane of glass in a first floor window to the front of the building had been removed to allow for an extraction vent to be fitted. Member agreed that this had caused harm to the character of the listed building and that the current extent of the ventilation system was inadequate for the current purpose of the building.

RESOLVED: That the application be refused.

REASON; It is considered that the blanking in of one of the lower panes to the first floor window and the insertion of a vent detracts from the architectural interest of the building. The works are therefore harmful to the character of the building and its contribution to the character and appearance of the Central Historic Core Conservation Area and there is inadequate justification and no public benefits that outweigh the harm caused. As such the proposals are contrary to PPS5; Planning for the Historic Environment, and policies HE3 and HE4 of the City of York Draft Local Plan.

The existing kitchen extraction system is not adequate for the treatment and extraction of fumes and therefore is likely to impact on the amenities of surrounding occupiers as a result of fumes, odour or noise. As such, to allow the development would be contrary to policy S6 of the Draft Local Plan which states that permission for A3 uses (food and drink) will be granted provided acceptable external flues and means of extraction have been proposed and any likely impact on the amenities of surrounding occupiers as a result of traffic, noise, smell or litter would be acceptable.

## **23. APPEALS PERFORMANCE AND DECISION SUMMARIES**

Consideration was given to a report, which was also being presented to the main Planning Committee and East Area Planning Sub-Committee informing Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3 month period up to 30 June 2011. The report also provided a summary of the salient points from the appeals determined in that period together with a list of outstanding appeals as at 30 August 2011.

RESOLVED: That the report be noted.

REASON: To update Members on appeal decisions within the City of York Council area and inform them of the planning issues surrounding each

case for future reference in determining planning applications.

**24. 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 this 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 5.15 pm].