
MEETING	PLANNING AND TRANSPORT (CITY CENTRE AREA) SUB-COMMITTEE
DATE	4 MAY 2006
PRESENT	COUNCILLORS B WATSON* (in the Chair), BARTLETT*, EVANS, HALL*, HOGG, JAMIESON-BALL*, LOOKER, MOORE, and SMALLWOOD

* *attended site meeting*

79. INSPECTION OF SITES

Site	Reason for visit
22 Bewlay Street, York	To assess the impact of the proposal on neighbouring properties.

80. DECLARATIONS OF INTEREST

The Chair invited Members to declare at this point any personal or prejudicial interests which they had in any of the business on the agenda. No interests were declared.

†81. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED: That the press and public be excluded from the meeting prior to consideration of the Annex to Agenda Item 6 (Enforcement Cases - Update) on the grounds that it contained information classed as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by the Local Government (Access to Information) (Variation) Order 2006).

REASON: As this information, if disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person, or to make an order or direction under any enactment which is classed as exempt.

82. MINUTES

RESOLVED: That the Minutes of the Sub-Committee held on 6 April 2006 be approved and signed by the Chair as a correct record.

83. PUBLIC PARTICIPATION

It was reported that nobody had registered to speak, under the Council's Public Participation Scheme, on general issues within the remit of the Sub-Committee.

84. 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.

84a. 13 BISHOPHILL SENIOR, YORK

This was a full major application, submitted by C Stuart Esq for the renewal of previously approved planning permission 01/00144/FUL for the conversion of 13 and 15 Bishophill Senior to form 14 flats at 13 Bishophill Senior, York (ref: 06/00261/FULM).

Officers reported that since the granting of permission in 2001, the Council had adopted a policy that required developers, in certain circumstances, to make financial contributions towards the cost of meeting the educational facilities necessary to support their developments. If the application was approved the developer would be required to pay a commuted payment of £19,152 towards this provision.

Members questioned whether any provision had been made for recycling storage on the site.

RESOLVED: That the application be approved subject to the conditions listed in the report and the addition of the following informative

The design of the bin store should take into account the need to provide separate storage of waste and recyclable material.

84b. 13 BISHOPHILL SENIOR, YORK

Members considered a listed building application, submitted by C Stuart Esq for the conversion of 13 and 15 Bishophill Senior to form 14 flats (renewal of previously approved Listed Building Consent 01/00146/LBC), at 13 Bishophill Senior, York (ref: 06/00262/LBC).

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 in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the visual amenity and character of the listed building. As such, the proposal complies with Policy E4 of the North Yorkshire County Structure Plan; Policies HE4 and GP1 of the City of York Draft Local Plan- Incorporating the Proposed 4th Set of Changes Deposit Draft; and national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development" and Planning Policy Guidance Note No. 15 "Planning and the Historic Environment. "

84c. PITCHER AND PIANO BAR, CONEY STREET, YORK

Members considered a full application, submitted by Wolverhampton and Dudley Breweries PLC, for the variation of Condition 12 of planning permission 97/01825/FUL to extend opening hours to Mon-Sat 11.00-03.00 and Sun 12.00-02.00, at the Pitcher and Piano Bar, Coney Street, York (ref: 06/00447/FUL).

Officers updated that Councillor Merrett, as Ward Member, had raised concerns that any extension of hours should not relate to the outside area.

Members questioned the need for a one hour 'drinking up' period in the extension of opening hours.

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

1 The external area shall be closed to patrons of the premises at 24.00 hours (midnight) and not used between 24.00 (midnight) and closing time on any day.

2 The use shall be confined to the following hours:

Monday - Saturday: 11.00 hours to 03.00 hours the following day

Sundays: 12.00 hours to 02.00 hours the following day

REASON: In the opinion of the Local Planning Authority the proposal would not cause undue harm to interests of acknowledged importance, with particular reference to the special historic interest of the listed building, residential amenity, crime and disorder and the vitality and viability of the city centre. As such the proposal complies with national planning policy guidance note PPS:6, policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and policies HE3, HE4, S6 and S7 of the City of York Local Plan Deposit Draft.

84d. 49 BLOSSOM STREET, YORK

This was a full application, submitted by Deniz Dogan for the variation of condition 2 of planning permission 98/01664/FUL to extend opening hours from 11.00-23.00 to 11.30-03.00 the following day, Monday - Sunday, at 49 Blossom Street, York (ref: 06/00184/FUL).

Officers updated that there had been an administrative error on the site notice and letters in that they stated that the premises would be open until 07.00 on any day and not 03.00 each day of the week as stated on the application.

There had been a request from Cllr Fraser, Ward Member, that the application be determined at committee. It was reported that Cllr Merrett, Ward Member, supported the Officers recommendation for refusal on the grounds that the proposal would have a significant adverse effect on the amenity of nearby residents in South Parade and Moss Street.

Officers also updated that a further 16 letters and emails had been received in objection to the application, which had been made on the basis of the incorrect hours. The main reasons for objection related to noise, litter, anti-social behaviour, vandalism, crime, parking, smells from the premises and that if approved the proposal would create a precedent in the area. Details in relation to the Officer update were circulated at the meeting.

Verbal representations in support of the application were received from the applicants Solicitor. She stated that the applicant wished to extend the opening hours in line with those granted by Licensing to enable him to

generate additional custom to create a viable business. She confirmed that if the Sub-Committee did not support the full extension she requested consideration be given to late opening to 03.00 on Friday and Saturday only.

Members commented that they understood that the Special Protection Zone extended to Holgate Road to try and alleviate any anti-social behaviour problems in the area and that they felt residents had the right to some protection from nuisance.

RESOLVED: That the application be refused for the following reason

- 1 The Local Planning Authority considers that the proposed extension of opening times until 03.00 hours, seven days a week would harm the residential amenity of those living around the site as a result of increased noise and disturbance. There are a significant number of residential properties above ground floor level along Blossom Street nearby that, although subjected to some nuisance from existing premises, are not generally disturbed late at night due to the controlled opening hours in the nearby area. The loss of amenity which would result from this proposal would be significant and unacceptable.

As such the proposal would be contrary to Policy S6 of the City of York Draft Local Plan and PPS6 paragraph 2.24 which seek to protect the amenities of nearby residents when determining planning applications for uses associated with the night time economy.

REASON: In the opinion of the Local Planning Authority the undue impact on residential amenity that would occur. The proposal would introduce premises that would open until 03.00 hours, seven days a week where commercial uses in this particular cluster of developments (Nos. 45 to 55 Blossom Street) cease by midnight. The proposal would have a significant detrimental impact upon the amenity of residents located above ground floor level at Nos. 45 to 53 Blossom Street.

84e. 22 BEWLAY STREET, YORK

This was a full application, submitted by Wills and Co Developments Ltd, for a flat roof dormer to the rear of 22 Bewlay Street, York (ref: 06/00434/FUL).

Officers updated that building work had commenced on site and that the applicant had been advised to stop work pending determination of the application. At the site visit it had been noted that the flat roof dormer had now been substantially completed so there was a need to insert the words 'retrospective' in brackets on the application. It had also been noted that from measurements taken on site the dormer was 8cm larger than on the

approved plans. Photographs of the dormer taken from Rowntrees Park, Richardson Street etc were displayed at the meeting. Officers gave details of the type and size of dormers situated on properties in the vicinity of the site.

Members referred to the 'Guide to extensions and alterations to private dwelling houses' which stated that as a general rule dormers should not extend across more than one third of the roof span. It was also recommended that any development should not dominate the existing roof and should be of a similar scale and proportion to the original house.

Verbal representations in objection to the application were received from a neighbour who indicated that she lived diagonally opposite the site and that the proposal was not sympathetic to the Victorian property as it would alter the roofline. She felt that the dormer was obtrusive with a flat roof and that it would intrude on neighbours privacy.

RESOLVED: That the application be refused for the following reason

REASON: 1 The rear dormer by reason of its design, size, appearance and prominence would harm the appearance of the host dwelling and the visual amenities of the area contrary to policies H7 and GP1 of the Development Control Local Plan Incorporating the 4th Set of Changes, the City Council's Supplementary Planning Guidance "Guide to Extensions and Alterations to Private Dwellinghouses" and national planning policy contained in Planning Policy Statement 1 "Delivering Sustainable Development".

2 Because of its height, size and design the rear dormer would result in nearby residential properties being overlooked and dominated by an overbearing structure thereby harming their living conditions contrary to policies H7 and GP1 of the Development Control Local Plan Incorporating the 4th Set of Changes.

Councillors Hall and Hogg left the meeting at this point.

85. ENFORCEMENT CASES - UPDATE

Members considered a report, which provided them with a quarterly update on the number of enforcement cases currently outstanding for the City Centre area. Consideration had been deferred at the last meeting to enable Officers to provide updates.

Officers updated in relation to a number of the enforcement cases and agreed to consult legal in respect of action that could be taken on one case. Officers also confirmed that in future they would include additional information in relation to Section 106 cases.

- RESOLVED:**
- i) That the report be noted.
 - ii) That Members concerns regarding delays experienced by Enforcement with Conservation support be raised with the Director of City Strategy as this was having an adverse affect on progress with enforcement cases.

86. CHAIRS REMARKS

Councillor B Watson thanked Members and Officers for their support during his time as Chair of the City Centre Area Sub-Committee.

B WATSON, Chair

The meeting started at 5.00 pm and finished at 7.10pm.