

---

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	12 JANUARY 2012
PRESENT	COUNCILLORS WATSON (CHAIR), GILLIES (VICE-CHAIR), CRISP, GALVIN, GUNNELL, ORRELL, REID, SEMLYEN AND RICHES (AS A SUBSTITUTE FOR CLLR JEFFRIES)
APOLOGIES	COUNCILLOR JEFFRIES

---

### 35. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
Brackenhill, Askham Bryan Lane, Askham Bryan	Councillors Crisp, Galvin, Gillies, Reid, Semlyen and Watson.	To familiarise Members with the site.
2 St Martins Lane	Councillors Crisp, Gillies, Reid and Watson.	To familiarise Members with the site.

### 36. 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 items 5 a and b (2 St Martins Lane) as the applicant was a councillor who was a personal friend of hers.

All other Members of the committee declared personal, non prejudicial, interests in the same item as the applicant was a serving councillor.

### 37. EXCLUSION OF PRESS AND PUBLIC

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 41 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.

### **38. MINUTES**

RESOLVED: That the minutes of the last meeting of the West and City Centre Area Planning Sub Committee held on 7 December 2011 be approved and signed by the chair as a correct record.

### **39. 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.

### **40. 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.

#### **40a 2 St Martins Lane, York, YO1 6LN (11/03037/FUL)**

Members considered a full application from Mr and Mrs P S Healey for the change of use from offices (use class B1) to a residential dwelling (use class C3)

The applicant advised that he was happy to answer any queries Members may have on the application but did not wish to make a statement himself.

Members queried the consultation response received from the public house at 49 Micklegate which drew attention to the fact that the rear of the property was close to an existing outside licensed outside drinking area and asked that this be noted and that future occupants of the property should not be able to complain about noise. Officers advised that no such proviso could be sought through planning control and they had therefore not included it as a condition.

Members agreed that this was a good use of the property and welcomed the fact that it would become a family home again.

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, the supply of office space in the city and residential amenity. As such the proposal complies with Policies HE3, HE4, E3b, H4, and H12 of the City of York Development Control Local Plan.

**40b 2 St Martins Lane, York, YO1 6LN (11/03039/LBC)**

Members considered an application for listed building consent for internal and external alterations including replacement of rear windows and installation of a satellite dish.

Officers advised that at first floor level, the original staircase compartment has been altered and doors re-used in an inserted lobby. They explained that this occurred in two stages; lobby to front rooms, to a high standard, re-using original doors and a later alteration to allow the entire floor to be occupied independently.

They advised that additional conditions had been requested by Design, Conservation & Sustainable Development to cover the following issues.

- Brick samples for the new arches and the boundary walls shall be provided on site and approved by the Local Planning Authority prior to works commencing. New external walls shall match the brickwork of the existing building as closely as possible and have a brick on edge coping. They shall not be “toothed in” to the existing facade.
- Existing historic doors shall be reinstated in original positions, and the design of new doors, used in a primary position, shall match these
- Large scale details of the new external doors & new architraves to internal openings to be approved.

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

Amended Condition 3

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) Ground floor french doors and their surrounds.
- b) New architraves to internal openings and any new doors. Existing historic doors shall be reinstated in original positions, and the design of new doors, used in a primary position, shall be to match.

- b) Alterations to stairwell and stairhead to include new balustrade and 2nd floor landing area.
- c) Alterations to chimney breasts and fireplaces.

Reason: To protect the appearance of the listed building.

Additional Condition

A sample panel of the new brickwork 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. New external walls shall match the brickwork of the existing building as closely as possible and have a brick on edge coping. They shall not be toothed in to the existing facade.

Reason: In the interest of the appearance of the listed building.

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 special historic and architectural interest of the listed building. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan.

**40c Brackenhill, Askham Bryan Lane, Askham Bryan, York, YO23 3QY (11/02881/FUL)**

Members considered a full application from Mr Peter Shipley for a two storey dwelling following demolition of the existing bungalow.

Representations were received from the applicant in support of the application. He explained that since losing his father, his mother had been living in the bungalow alone which he was concerned about as the property was quite isolated at the end of a dead-end lane, where a few years ago there had been reported problems with drugs. He also expressed concerns regarding the overnight security of his business, a vehicle repair business, which was on the site. Furthermore the existing bungalow required a lot of updating. He explained that the proposed property would be large enough to accommodate his family, including two children, as well as his mother, who required a ground floor bedroom as she suffered from osteoarthritis. This would enable him to care for and provide company for his mother as well as ensure that his business was kept secure.

Members drew the applicant's attention to the parish council's consultation response which raised concerns that due to the ground levels, the

proposed rendered finish would make the house more prominent in the green belt and suggested that a red brick finish would be more appropriate than render. The applicant confirmed that, if required, he would agree to a red brick finish.

Councillor Paul Healey advised the committee that he had registered to speak at the request of the applicant but that as the applicant had put a good case forward he no longer felt it necessary to speak.

Officers advised Members that their view was that it was inappropriate development in the greenbelt and that if Members were minded to approve the application they would have to show “very special circumstances” and be assured that the proposed scheme was the only way to address the applicant’s needs.

Some Members raised concerns over the design and size of the proposed property stating it was too large an increase in size and the increase in massing was also too big. They believed that it would be possible to achieve a house large enough for the family without such massing. They also raised concerns that the back of the site was very exposed and open to fields and the property would be seen from a great distance. Members suggested the application should be deferred to allow the applicant further time to come back with a more suitable proposal

Other Members acknowledged the importance of the CYC Green Belt policy which follows national guidance but recognised the fact that people have the right to live and work in the green belt. They acknowledged that the proposed property was much bigger than the current bungalow but understood the reasons for this. They noted that the site was well screened by trees and there were no immediate neighbours. They expressed the opinion that the protection of the on-site family business and the need to care of the applicant’s elderly and infirm mother could be considered “very special circumstances” and the proposal could therefore be deemed an appropriate development on the site.

Members considered the request from the parish council for the building to be red brick rather than render and agreed that this would fit in better with the background and that this should be added as a condition if approved.

**RESOLVED:** That the application be approved and delegation be given to officers to agree the necessary conditions.

**REASON:** The proposal is deemed to be inappropriate development in the green belt. However in the opinion of the Local Planning Authority the applicants have demonstrated very special circumstances which outweigh the harm to the green belt. The special circumstances in this case being to allow the family to live and care for the applicant’s mother who currently resides at the property and for improved site security for the business presently in operation on the land to

the rear of the house, which is operated by the applicant.

As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GB1 and GB5 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

**40d Brackenhill, Askham Bryan Lane, Askham Bryan, York, YO23 3QY (11/03035/FUL)**

Members considered a full application for the temporary siting of three residential caravans on the site to provide temporary living accommodation during the rebuilding of the main dwelling (please refer to planning application 11/02881/FUL)

RESOLVED: That the application be approved and delegation be given to officers to agree the necessary conditions.

REASON: The proposal, subject to the conditions agreed by officers, would not cause undue harm to interests of acknowledged importance, with particular reference to the openness of the green belt. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GB1 and GP23 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

**40e Catering Support Centre, St Maurices Road, York, YO31 7JA (11/01659/FULM)**

Members considered a major full application (13 weeks) from Mr Saleem Akhtar for a part two, part three storey 12 bedroom hotel with restaurant at ground floor following part demolition of the existing building with cafe use in retained existing building (amended scheme).

Officers advised that English Heritage had submitted an objection to the application on the grounds that it would have severe negative impact on the significance and setting of the city walls and an un-quantified impact on archaeology. They also noted that the development was of excessive scale.

Officers also advised that in response to the consultation, Highways had commented that it would be preferable for the parking to be perpendicular to the road for ease of use and cycle parking spaces should benefit from natural surveillance. They objected to servicing arrangements showing vehicles entering the site from Cloisters Walk.

Two further objections had been received raising concerns regarding the loss of views of and from the city walls pointing out that the walls are of international significance with upmost protection (grade 1 listed and scheduled ancient monument). The objector stated that the scheme would be unacceptable in that it would be detrimental to the setting of the walls and the “Matchbox” type design was unacceptable.

Representations were received from the architect in support of the application. He advised that he had been appointed in December 2010 to put in a revised scheme for the site after the previous scheme had been considered unsatisfactory and withdrawn. He asked that the Committee consider taking the application out of the 13 week timeframe to give him time to deal with the issues which have been raised and to have the opportunity to have structured meetings with English Heritage. He stated the time pressures were too restrictive and asked that Members agree to defer the application in order that a proper field assessment could be carried out and full discussions could take place.

Officers advised the Committee that deferral was an option and confirmed that meetings had taken place but with the previous architects. In addition pre application advice had been provided in April 2011. However they noted that the reasons for recommending refusal were fundamental issues and therefore were not convinced they could be overcome by deferring the application to a future meeting. They advised that during consideration of the previous scheme, which was withdrawn in September 2010, the applicant had been told a field evaluation would be required and the advice given in April 2011 was that any future re-development will need to have comparable massing to the existing buildings onsite. They advised Members to consider, whether, if deferred, the scheme that would come back to us would be commensurate to what is before members and if not then it would be difficult to justify a deferral. Officers felt any amended scheme would very likely be very different to the scheme here.

Members agreed that this was one of the most difficult sites in the city for development and stressed the importance of deciding whether to accept the principle of development on this site.

Councillor Gilles proposed and Councillor Galvin seconded a motion to defer the application to a future meeting. On being put to the vote, the motion fell.

Councillor Reid then proposed and Councillor Watson seconded a motion to refuse the application. The motion was carried.

Members agreed that the design and scale of the proposed development was inappropriate in the location.

RESOLVED: That the application be refused.

REASON: 1. The proposed development due to its location and height would appear over-dominant over the City Walls and there would be a loss of views of and from the City Walls. The scheme would have an undue

adverse impact on the setting of the Grade 1 Listed City Walls. As such the scheme is contrary to national policy established in PPS5, The Central Historic Core Conservation Area Appraisal and Local Plan policies HE2, HE4 and SP3.

2 Due to the design approach, the proposed massing, materials and lack of soft landscaping, the proposed development would fail to respect its context and the proposed building would not be of the adequate architectural quality required to allow the development to preserve the character and appearance of the Central Historic Core Conservation Area. As such the scheme is contrary to national policy established in PPS1 and PPS5, The Central Historic Core Conservation Area Appraisal and Local Plan policies GP1, HE2, HE3, HE4 and SP3.

3 The site is within the City Centre Area of Archaeological Importance. No archaeological field evaluation of the site to support the proposals has been submitted and as such it has not been demonstrated that the scheme would not have an unacceptable impact on archaeological assets of national importance. The scheme is contrary to PPS5, in particular HE6, and Local Plan policy HE10.

4 Due to the proposed servicing arrangements and configuration of the servicing/car parking area, the manoeuvring service vehicles would need to perform would have an undue adverse impact on highway safety. As such the proposals are contrary to Local Plan policy T5.

5 The proposals do not demonstrate that surface water run-off will be attenuated to 70% of the existing rate, and that there would not be an increased level of flood risk elsewhere as a consequence of the proposed development. As such the scheme is contrary to the requirements of the York 2011 Strategic Flood Risk Assessment, policy GP15a of the Local Plan and Planning Policy Statement 25 "Development and Flood Risk".

**40f Poppleton Garden Centre, Northfield Lane, Upper Poppleton, York, YO26 6QF (11/02637/FULM)**

Members considered a major full application (13 weeks) for the erection of an extension to the building and bedding canopy with associated landscaping following demolition of existing buildings.

Officers advised that the Integrated Strategy Unit had responded to the consultation confirming they had no objections to the scheme. However they advised:

- that very special circumstances should be submitted to overcome the presumption against development in the greenbelt.
- the development should comply with Policy S12 “Garden Centres”
- the supporting information does not provide a breakdown of the % floorspace of the type of goods sold. Request conditions that goods sold are garden related, and any ancillary goods and products should be limited to 15% of the floorspace.
- they do not raise an objection to the retail statement’s conclusion that there would not be a significant impact on trading performance of the city centre.

Officers therefore advised that condition 11 should be revised to include a statement that the goods specified in the condition under subheadings m, o, p, r and t shall collectively be limited to no more than 15% of the internal floorspace of the garden centre building. They also advised that Condition 9 should be amended to correct a typing error and that condition 4 should be revised to refer to a specific area of landscaping. Lastly they requested that an additional condition be added to stipulate that the land to the south of the garden centre (shown in drawing no T657-102) only be used for the growing of plant stock.

Representations were received from the agent in support of the application. He drew Members’ attention to paragraphs 4.8 and 4.9 of the officer’s report providing details of “very special circumstances” which could apply to this application. He explained that the proposals would include the removal of an extensive area of hard standing in the car park which would be replaced by landscaping which would have a positive visual impact. He advised that the vacant land to the south of the building would be restored to nursery use and the plants would be sold in the garden centre and that there would be public access to the plant nursery for training and apprenticeships. There would be an increase in jobs.

Members questioned whether there would be any external lighting as part of the scheme and the speaker advised there were no significant proposals. Members pointed out that it was a large site, situated on an A road at a junction and asked that a condition be included to cover this.

Members welcomed the proposals and the tidying up of the land, including increased landscaping, around the garden centre.

**RESOLVED:** That the application be approved, subject to the conditions listed in the report and the amended and additional conditions below, after referral to the Secretary of State.

#### Amended Condition 4

No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme *for the area of landscaping shown on Drawing Number T657-102 adjacent to the road junction of the A59 and Northfield Lane* 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.

#### Amended Condition 9

No raw materials, finished or unfinished products or parts, crates, materials, waste, refuse, or overnight/weekend storage of vehicles or any other item shall be stacked or stored outside of the 'goods in' area as specified in drawing number T657-120 without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of visual amenity in this prominent open countryside and Green Belt location.

#### Amended Condition 11

Sales from the garden centre shall be limited to the following goods, products and services:

- (a) goods and services related to gardens and gardening,
- (b) horticultural products, trees, plants, shrubs, house plants and flowers of any type including fresh and dried flowers,
- (c) garden and gardening equipment, tools and accessories,
- (d) machinery for garden use and servicing of it,
- (e) barbeques and their accessories,
- (f) conservatories,
- (g) outdoor and conservatory furniture, furnishings and accessories,
- (h) sheds, garden buildings, greenhouses, summerhouses, gazeboes, pergolas, garden offices,
- (i) ponds and materials and fittings for their servicing,

- (j) fencing, trellis and landscaping materials,
- (k) aquatics, water garden equipment and their accessories,
- (l) garden ornaments and statuary, baskets and other containers for the growing and display of indoor and outdoor plants and flowers,
- (m) books, magazines, periodicals, videos and CD and DVDs relating to gardening,
- (n) pets, pet accessories, pet care and advice,
- (o) indoor and outdoor hobbies, toys, games, crafts and garden play equipment,
- (p) baskets, wickerwork and country crafts,
- (q) Christmas trees (live and artificial) decorations, gifts,
- (r) china, glass, vases and pots,
- (s) soft furnishing associated with garden and conservatory furniture,
- (t) outdoor clothing and footwear, including wellington boots, garden aprons and smocks, gardening boots and clogs, gardening gloves, gardening hats, gardening rainproofs and gardening overalls,
- (u) restaurant/coffee shop

*The goods specified above as M, O, P, R, and T shall collectively be limited to no more than 15% of the internal total floorspace of the garden centre building.*

Reason: To define the nature of the approval hereby granted, to control the nature and extent of retail activities conducted from the site and to ensure the protection of the vitality and viability of the surrounding urban centres in accordance with the objectives of PPS4 "Planning for Sustainable Economic Growth".

#### Additional Condition

The land to the south of the garden centre shown in Drawing Number T657-102 to be used for the growing of plant stock shall be used for this purpose only.

Reason: To define the nature of the approval hereby granted, to control the nature and extent of retail activities conducted from the site and to ensure the protection of the vitality and viability of the surrounding urban centres in accordance with the objectives of PPS4 'Planning for Sustainable Economic Growth'. To comply with the applicant's statement of very special circumstances and to comply with PPG2 'Greenbelts' and Policy GB1 of the City of York Development Control Local Plan.

#### Additional Condition

Notwithstanding the submitted plans and prior to the commencement of the development full details of the method and design (including illumination levels) and siting of any external illumination shall be submitted to and approved in writing by the Local Planning Authority and shall be completed in accordance with the approved details. Any subsequent new or replacement illumination shall also be agreed in writing by the Local Planning Authority prior to its provision.

Reason: In order to protect the character and appearance of the area from excessive illumination. In the interests of the visual amenity of the greenbelt and the rural location and to protect the character of the area.

#### REASON:

The proposal, subject to the conditions listed in the report and the amended and additional conditions above, 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, and the openness and purposes of the green belt. As such, the proposal complies with Policies SP2, GP1, SP6, GP4a, GB1, T13a, Gp15a, and GP4a of the City of York Development Control Local Plan (2005); Policy CS1 of the emerging City of York Core Strategy; national planning guidance contained in Planning Policy Statement 1 'Delivering Sustainable Development', and Planning Policy Guidance 2 - 'Green Belts'.

## **41. 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 September 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 22 December 2011.

Officers drew Members attention to an error in the report, on p74 regarding an appeal by RWG Securities. They advised that the decision level is stated as DEL (delegated to officers) but this application was actually decided by the sub-committee.

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.

#### **42. 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.

Officers advised that they could, if desired, provide the information on enforcement cases on a ward by ward basis which would make it easier for Members to check on cases in their own ward. Members agreed this would be useful to them and that they were happy to receive the information in this format in future.

RESOLVED: (i) That the report be noted.  
(ii) That in future, the enforcement cases be listed by ward.

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 4.55 pm].