

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	22 MAY 2007
PRESENT	COUNCILLORS SUE GALLOWAY, HORTON, REID, SIMPSON-LAING, SUNDERLAND AND B WATSON

89. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
BPM (McMillans, 1 Rougier Street, York)	Councillors B Watson, Horton, Reid, Sunderland, Sue Galloway	As the application is recommended for approval and objections have been received.
46 Bishopfields Drive, York	Councillors Horton, Reid, Sunderland, Sue Galloway	As the application is recommended for refusal.
3 Cherry Grove, Upper Poppleton	Councillors Horton, Reid, Sunderland, Sue Galloway	As the application is recommended for approval and objections have been received.
Oakwood Farm, Upper Poppleton	Councillors Horton, Reid, Sunderland, Sue Galloway	As the applications are retrospective and recommended for approval.
9 Fellbrook Avenue, York	Councillors Horton, Reid, Sunderland, Sue Galloway	As the application is recommended for approval and objections have been received.
65 Green Lane, Acomb	Councillors Horton, Reid, Sunderland, Sue Galloway	As the application is recommended for approval and objections have been received.
Cherry Tree House, Askham Bryan	Councillors Horton, Reid, Sunderland, Sue Galloway	As the application is recommended for approval and objections have been received.
St Andrew's Hall, Bishopthorpe	Councillors Horton, Reid, Sunderland, Sue Galloway	As the application is recommended for refusal.

Builder's Yard, 2-24 Trafalgar Street	Councillors Horton, Reid, Sunderland, Sue Galloway	As the application is recommended for approval and objections have been received.
4 Ogleforth	Councillors Horton, Reid, Sunderland, Sue Galloway	As the applications have been recommended for approval and objections have been received.

90. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

Councillor Sue Galloway declared a personal and prejudicial Interest in Agenda Item 4e, as she knew the representor. She left the room and took no part in the debate.

91. MINUTES

RESOLVED: That the minutes from the meeting held on 19 April 2007 be approved and signed by the Chair as a correct record.

92. 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.

93. 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.

93a McMillans, 1 Rougier Street, York (07/00690/FUL)

Members considered a full application submitted by McMillans (York) Ltd for the erection of a covered shelter to create an external smoking area on the existing rear flat roof.

Officers updated that a revised drawing had been submitted; this now included an internal lobby with a double door arrangement. It also specified the use of Rockwool R45 sound deadening material within the stud partitioning walls. These measures are intended to address the possibility of noise breakout from the shelter. Officers also drew Members attention to

Condition 3 in the report requiring the submission of a detailed noise management scheme, as recommended by the City of York Environmental Protection Unit.

Representations were received from the Applicant who stated that once the smoking ban came into force on July 1st 2007 there would be the problem of where smokers could go. The applicant said that having an external smoking area as part of the premises was the best way of controlling smokers.

Members asked the applicant whether he would be happy not to have tables and chairs in the area. He responded that there would have to be places to put ashtrays. The applicant was also asked how he would address any noise issues that may arise and he clarified that if there were any complaints regarding the premises then the licence could be reviewed and it was therefore in his interests to keep all areas of his premises under control.

Members asked the Environmental Protection Unit if they were satisfied that the noise from this area could be controlled and they said that the proposed construction was of good quality but numbers in the area should be limited.

Members felt that it was better that patrons used an external area within the premises to smoke rather than going onto the street as it meant that the applicant would be responsible for matters such as clearing litter and keeping noise levels to a minimum.

Members said that they would like to see the use of door staff or CCTV in the area, as well as the use of 'poser' tables and a limit on the number of people in the area at any one time.

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

- Notwithstanding the submitted details, no tables or chairs shall be provided within the smoking shelter hereby permitted. Details of any furniture which is to be provided within the shelter shall be first submitted and agreed in writing by the Local Planning Authority.

Reason: So as not to encourage the use of the shelter as an outside drinking area/beer garden.

INFORMATIVE: The "bus shelter" type seats around the perimeter of the shelter are considered to be acceptable. The provision of "poser tables" is also likely to be acceptable, however, details should first be submitted in accordance with the terms of this condition.

- Prior to the development hereby permitted being brought into use, a CCTV camera shall be installed in order to monitor activity within the smoking shelter. Details of the location of the camera, and any associated monitoring points, shall be submitted to and agreed in writing by the Local Planning Authority. Once installed, the camera and monitoring points shall be maintained in perpetuity and shall be operational at all times that the smoking shelter is available for use by the general public, unless any variations are first agreed in writing by the Local Planning Authority.

Reason: In the interests of reducing and controlling incidents of crime, disorder and anti-social behaviour that may occur within the smoking shelter.

- The number of persons within the shelter at any one time shall not exceed thirty (30).

Reason: In the interests of minimising the likelihood of noise nuisance, in order to protect residential amenity.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- Impact on character and appearance of the conservation area
- Impact on occupiers of neighbouring properties

As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies HE2 and GP1 of the City of York Local Plan Deposit Draft.

93b Builders Yard Rear of 2 to 24 Trafalgar Street, York (07/00351/FUL)

Members considered a full application submitted by G H Developments for the proposed development of 4 one bedroomed flats and one detached dwelling after demolition of a workshop.

Representations were received from a neighbour of the site and he spoke on behalf of himself and other local residents. He said that he had no objection to the development in principle but he was concerned about access to the site, the potential noise increase as there would be more vehicles accessing the area and the potential for over dominance of the proposed dwellings. He said that the proposed access was not wide enough for service vehicles and additional parking constraints would be needed. There would also be consequences relating to the drainage system.

Members raised concerns regarding the size of the units and felt that they were very small. They felt that the problems regarding access could be overcome and clarified with Officers that the access road would be reinstated following completion of the development as it was an adopted highway. Members asked that the setts on the existing road surface be retained and re-used where possible.

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

INFORMATIVE

With regards to the road surface, the existing setts should be retained and re-used where possible.

93c 4 Ogleforth, York (06/02042/FULM)

Members considered a major full application submitted by House and Son Ltd for the conversion, part demolition and extension of vacant warehousing and offices to form 12 apartments with associated parking.

Officers updated that a revised parking layout had been submitted which had addressed their concerns.

Representations were made by a local resident in objection to the demolition part of the application. He said that the building was an opportunity and not an obstacle and was the best example of its kind in the area.

Members raised concerns that the ground floor apartment would overlook an activity area used by children and Officers clarified that they had received a letter of objection from St. William's College sharing a similar concern and it was now proposed that the bedrooms would overlook the yard as the yard was used most during the day.

Members expressed concern about the demolition part of the application and requested that consideration be given to the retention and conversion of the building as part of the scheme. Alternatively, a full justification for the demolition of the building should be provided.

RESOLVED: That the application be deferred

REASON: To enable consideration to be given to the retention and conversion of the existing building on the Ogleforth frontage.

93d 4 Ogleforth, York (06/02052/LBC)

Members considered an application for listed building consent submitted by House and Son Ltd for conversion, part demolition and extension of vacant warehousing and offices to form 12 apartments.

RESOLVED: That the application be deferred.

REASON: To enable consideration to be given to the retention and conversion of the existing building on the Ogleforth frontage.

93e 46 Bishopfields Drive, York (07/00682/FUL)

Members considered a full application submitted by Mr Ian Anderson for the conversion of an existing three storey house to three apartments along with external alterations and use of the rear garden as three parking spaces.

Officers updated that they had received four representations since writing the committee report concerning the following planning issues:

1. The proposed rear car park would overly burden the existing access route through the archway, and massively increase vehicle movements over the public footpath endangering the safety of residents.
2. The proposed rear car parking would have an adverse impact on the visual amenity of the open space at the rear of the property that is used as a recreational area and would especially compromise the safety of children who use that area.
3. The alterations to the front of the building would particularly destroy the architectural and visual integrity of the main residential building in this development.

Representations were received from a local resident who said that the visual integrity of the building should be maintained. He also claimed that there would be an adverse impact and loss of environmental quality and safety for children using the amenity land to the rear.

Members raised concerns surrounding the loss of parking and family housing and stated that there had already been complaints regarding parking in this area. It was also noted by members that there did not appear to be any facilities for cycle parking or recycling and the development was therefore unsustainable.

Members agreed that the proposed changes would unbalance the area and the physical changes to the building would create disharmony in the area. It was important that some of the larger family houses were retained.

RESOLVED: That the application be refused.

REASON: The proposed removal of the garage door and introduction of a window to the main elevation of the townhouse would be at odds with the overall design of the terrace and harm its visually unified appearance and visual quality contrary to policy GP 1b) of the City of York Development Control Plan – Incorporating the Proposed 4th Set of Changes (2005) and Planning Policy Statement 1 that seeks to ensure good design

in developments that is appropriate to the character of the area. In addition, the creation of a car parking area for 3 cars from the rear garden would result in the loss of private amenity space that contributes to the quality of the environment and ensures that the private garden at the rear of No. 45 retains its privacy and level of enjoyment as a rear garden. It is anticipated that living conditions of the occupiers at this dwelling would be unreasonably affected by the increased activity and noise associated with its use as a car park, contrary to Sections c) and i) of the aforementioned Policy GP1 of the Local Plan.

93f 65 Green Lane, Acomb, York (07/00700/FUL)

Members considered a full application submitted by Penntons Developments Ltd for the demolition of 65 Green Lane and the erection of a replacement three storey dwelling; two storey extension to the detached building at 67 Green Lane to form a new house and the erection of two detached dwellings and 2 semi-detached dwellings and a private drive to the rear of 65, 67 and 69 Green Lane.

Representations were received from the Applicants who said that the parking issues surrounding this application had now been alleviated.

Members discussed the fact that Green Lane was comprised of a wide mix of architectural styles but expressed some concerns as to the design of the front of the proposed building and the number of properties involved.

RESOLVED: That the application be approved.

REASON: That the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to sustainability, highway safety and visual/residential amenity. As such the proposal complies with Policies GP1, GP10, H4A, L1C and GP4a of the City of York Development Control Draft Local Plan.

93g 9 Fellbrook Avenue, York (07/00452/FUL)

Members considered a full application submitted by Mrs T J Hegarty for a two storey side extension and one and two storey rear extension.

Representations were received from a local resident who said that she had lived nearby for 21 years. She said that the proposed extensions would cause a loss of amenity due to overshadowing and make certain rooms in her property dull and depressing. She also raised concerns regarding access to and general appearance of the proposed development.

Members asked Officers whether the proposed development would require the demolition of the present garage and they confirmed that it would. They

also enquired as to whether there were similar extensions to other properties in the area and the Officers said there were.

Members expressed their concern that there would be no rear access to the property other than through the house itself.

Councillor Watson proposed and Councillor Simpson - Laing seconded the proposal to refuse the application; on being put to the vote this motion was lost.

RESOLVED: That the application be approved.

REASON: That 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 residential amenity of the neighbours, and the visual amenity of the dwelling and the locality. As such, the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan (2005); national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development" and supplementary design guidance contained in the City of York's "A guide to extensions and alterations to private dwelling houses".

93h St Andrews Hall, 40 Main Street, Bishopthorpe, York (07/00620/FUL)

Members considered a full application submitted by Bishopthorpe Parish Council for a two storey flat roof extension to the front of St Andrew's Hall to accommodate a new lift and stairs.

Representations were received in support of the application from the Chair of the Parish Council. He said that the Parish Council had all their meetings in the hall and access needed to be improved. He told the Sub-Committee that they needed to maintain the large hall for theatre productions and badminton and due to restrictions on the land they had decided on a small extension to the front of the building. He said that it was very important that there was suitable access for pushchairs and the disabled. It was also proposed to store the local history archive in the building.

Members expressed their support for the application and said that it was, in fact, a very modest extension that needed to be built to make the hall viable. Members said that they would much rather see the hall used by the local people than left empty.

RESOLVED: That the application be approved with the following conditions.

1. The development shall be begun not later than the expiration of the 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 only in accordance with the following plans:-

Drawing number 06:81:02 Rev A received on 13 March 2007

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

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

3. The materials to be used externally shall match those of the existing buildings in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

REASON:

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- community benefits arising from the proposal
- character and appearance of the conservation area
- impact upon residential amenity
- parking and highway safety

As such the proposal complies with Policies E4 and R9 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP11, HE2, HE3 and C1 of the City of York Local Plan Deposit Draft.

93i 3 Cherry Grove, Upper Poppleton, York (07/00782/FUL)

Members considered a full application submitted by Mr McKay for a conservatory to the rear of 3 Cherry Grove, Upper Poppleton.

Officers updated that the Building Control Officer had given his opinion that the proposed conservatory would not have any additional impact on the existing flooding and waterlogging problems at neighbouring properties, as

their land is generally higher than that at the application site. It is proposed that the rainwater from the conservatory would be directed into one of the two existing soakaways within the garden of 3 Cherry Grove.

Officers updated that the wrong Parish Council comments had been on the Council's website. These were removed as soon as it had been noticed and it was noted that Upper Poppleton Parish Council had raised no objections to this application.

Representations were received from a local resident who said that there were significant problems with the soakaways and a lack of provision to deal with surface water on the property. She suggested that a relocation of the soakaways would be the best solution to the problem.

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

INFORMATIVE: Consideration could be given to the provision of a water butt in association with the proposal, in order to provide a sustainable method of surface water drainage and to assist in preventing the possibility of surface water run-off onto adjacent land.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the residential amenity of neighbours or the impact upon the streetscene. As such the proposal complies with Policies H7 and GP1 of the City of York Local Plan Deposit Draft.

93j Land and Buildings Lying to the North West of Moor Lane and Forming Part of Oakwood Farm, Northfield Lane, Upper Poppleton, York (07/00313/FUL)

Members considered a full application submitted by Mr D Lancaster for three polytunnels (retrospective).

Officers updated that paragraph 3.2.1 of the report should read Rufforth Parish Council and not Bishopthorpe Parish Council.

RESOLVED: That the application be approved subject to the conditions outlined in the report.

REASON: That the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the green belt. As such the proposal complies with policies SP2, SP6, GB1, GP24a and GP1 of the City of York Local Plan Deposit Draft and also PPG2.

**93k Oakwood Farm, Northfield Lane, Upper Poppleton, York
(07/00314/FUL)**

Members considered a full application submitted by Mr D Lancaster for the erection of a fence to the field boundary (retrospective).

Officers updated that paragraph 3.2.1 of the report should read Rufforth Parish Council and not Bishopthorpe Parish Council. Officers suggested temporary approval of the application for three years.

RESOLVED: That the application be approved subject to the conditions outlined in the report.

REASON: That the proposal, subject to the conditions in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the green belt. As such the proposal complies with the policies SP2, SP6, GB1 and GP1 of the City of York Local Plan Deposit Draft and also PPG2.

**93l Cherry Tree House, 68 Main Street, Askham Bryan, York
(07/00663/FUL)**

Members considered a full application submitted by Mr and Mrs R Urwin for the erection of a new detached dwelling after demolition of an existing dwelling.

Officers updated that the height in condition ten of the report should read 8.1 metres.

Representations were received from a local resident in objection to the application. They raised concerns about increased noise and disturbance during building works and said that demolition and deliveries of materials would be very disruptive to the village. He also raised concerns regarding access to the site as it was through a narrow lane.

Representations were received from the applicant who said that it would be a good family home with fantastic landscaped gardens. He claimed that the development was unlikely to have any adverse impact on the area and stated that he had worked with his neighbours to try and solve any problems and queries that they had.

Members asked Officers what the length of the garden was and they responded that it was 125metres including the tennis court.

Members expressed the view that the new building would be hidden from the main street. They accepted that there would be some noise and disruption during building but no more so than on other developments.

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

- The existing row of Sycamore trees adjacent the southern boundary between no. 68 and no.70 Main Street, Askham Bryan, shall not, except with the prior written approval of the Local Planning Authority be removed or reduced in height below 3.00 m measured from the ground level. Furthermore these trees shall not be wilfully damaged, up-rooted, pruned or destroyed without prior written consent of the Local Planning Authority. Should these trees fail to survive the demolition of the existing dwelling and the construction of it's replacement they should be replaced within (12 months) of their failure by the planting of such live specimens in such number as may be approved in writing by the Local Planning Authority.

Reason: In order to preserve the existing landscaping on the site and in the interests of neighbour amenity

REASON: That the proposal, subject to the conditions listed 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 locality, highway safety. As such, the proposal complies with policies GB2, GP1, HE3, HE5 and H4 of the City of York Development Control Draft Local Plan, Policy E8 of the North Yorkshire County Structure Plan, the Askham Bryan Village Design Statement national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development ", Planning Policy Statement 3 " Housing" and Planning Policy Guidance Note 2 "Green Belts".

93m Cherry Tree House, 68 Main Street, Askham Bryan, York (07/00669/CAC)

Members considered an application submitted by Mr and Mrs R Urwin for the demolition of an existing dwelling and garage/workshop in a Conservation Area.

RESOLVED: That the application be approved subject to the conditions in the report.

REASON: That the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to character and appearance of the conservation area.

As such the proposal complies with Policies HE3 and HE5 of the City of York Local Plan Deposit Draft.

COUNCILLOR D HORTON

CHAIR

The meeting started at 3.00 pm and finished at 5.30 pm.