
MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	17 APRIL 2008
PRESENT	COUNCILLORS B WATSON (CHAIR), SUE GALLOWAY (VICE-CHAIR), GALVIN, GILLIES, GUNNELL, REID, WALLER AND BOWGETT (SUBSTITUTE)
APOLOGIES	COUNCILLORS HORTON AND SUNDERLAND
IN ATTENDANCE	COUNCILLOR SIMPSON-LAING

97. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Former Waterworks Engine House, Museum Street	Cllrs Galvin, Gillies, Reid, Waller and B Watson	As objections have been received and the recommendation is to approve.
Land to rear of 1-9 Beckfield Lane	Cllrs Galvin, Gillies, Reid and B Watson	To familiarise Members with the site.
2 Friars Terrace, South Esplanade	Cllrs Galvin, Gillies, Reid and B Watson	As objections have been received and the recommendation is to approve.

98. 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.

There were no declarations of interest.

99. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the Press and Public be excluded from the meeting during consideration of the annexes to agenda item 5 (Enforcement Cases Update) on the grounds that they contain information classed as exempt under paragraph 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. 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 that the Authority proposes to make an order or directive under any enactment.

100. 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.

101. 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.

101a Former Waterworks Engine House, Museum Street, York (08/00115/FUL)

Members considered a full application submitted by Mr Ian McAndrew for the change of use of the Engine House to form a restaurant (Class A3), a two bed apartment with associated leisure suite, the erection of an extension to form a restaurant dining room, a new outdoor terrace new railings, gates and steps.

The case officer updated that an additional condition had been added regarding the approval of the design and type of outside furniture to be used around the terrace.

Members requested that additional conditions be added in relation to limiting the access through the bar walls to trading hours and limiting the use of the leisure suite to the occupants of the apartment only.

Representations were received in support of the application from a representative of the Inland Waterways Association but raising concerns about the provision of adequate facilities for boaters and the distance of the facilities from some moorings. He stressed the need for good signage and lighting and a commitment to maintain the facilities provided.

Further representations in support of the application were received from the Architect highlighting the positive relationship that the new building would have within the Museum Gardens and the sustainable features which it would incorporate.

Members discussed issues relating to the glazing of the restaurant, boating facilities, riverside railings and deliveries.

RESOLVED: That the application be approved subject to the conditions outlined in the report and the additional conditions listed below:¹

- (1) Prior to the development hereby permitted commencing, dimensions and materials of the proposed external tables, chairs, barriers and any other associated furniture shall be approved by the Local Planning Authority. Furniture shall be stored inside the premises outside hours of operation.

Reason: In the interests of the appearance of the area.

- (2) The proposed access through the city walls shall only be open during hours of the restaurant being in operation.

Reason: In the interests of the appearance of the area and security.

- (3) The leisure suite shall only be used by residents of the flat hereby approved and occupants of Lendal Hill House.

Reason: In the interests of amenity and security.

REASON: That the proposal, subject to the conditions listed in the report and additional conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the conservation area, the setting of the Museum Gardens and nearby listed buildings, the provision of facilities for boaters and flood risk. As such the proposal complies with Policies GP1, HE2, HE3, HE4, HE9, HE12 and C3 of the City of York Local Plan Deposit Draft.

Action Required

1. To issue the decision notice and include on the weekly planning decision list within agreed timescales. JB

101b Former Waterworks Engine House, Museum Street, York (08/00114/LBC)

Members considered an application for Listed Building Consent submitted by Mr Ian McAndrew for internal and external alterations and a new extension in connections with the proposed use as a restaurant, apartment and leisure suite, new outdoor terrace, gates and railings (resubmission).

Representations were received in objection to the application for Listed Building Consent. The objector raised concerns that the raised level of the restaurant and steps leading to it would have a fundamental impact on the Museum Gardens and that the dining terrace, which has been extended to wrap around three sides of the building, would signal food and retail too strongly. He suggested that the glass used in the construction should be

tinted to soften the appearance of the building. He also felt that the existing railings should be retained.

RESOLVED: That the application be approved subject to the conditions outlined in the report.¹

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 impact on the special architectural and historic character of the listed building. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policy HE4 of the City of York Local Plan Deposit Draft.

Action Required

1. To issue the decision notice and include on the weekly planning decision list within agreed timescales. JB

101c Site Lying to the Rear of 1 to 9 Beckfield Lane, York (08/00159/FULM)

Members considered a full application submitted by Hogg Builders (York) Ltd for the proposed erection of 12 two-storey semi-detached and terraced houses and 4 garages.

The case officer updated that:

- drainage details had now been received and the Council's Drainage Engineer had withdrawn his objections. It was therefore suggested that the reason for refusal in relation to drainage be removed. Should Members be minded to approve the application, then a condition regarding the provision of final drainage calculations should be added.
- the applicants had confirmed that, should the application be approved, they are prepared to provide funding for Kassel kerbing on the outbound bus stop opposite 9 Beckfield Lane and a BLISS (bus real time display) on the inbound bus stop opposite 19 Beckfield Lane.
- the applicants had confirmed that they would be prepared to pay a commuted sum to the Council. It was therefore suggested that the reason for refusal in relation to open spaces be removed. Should Members be minded to approve the application, then a condition regarding the provision for public open space facilities or alternative arrangements should be added.
- additional correspondence had been received from a local resident refuting claims that there were newts, bats and sparrow hawks on the site and expressing the problems that he and his neighbours have in maintaining their gardens due to size and soil conditions.

- that comments had been received from Councillor Horton who fully supported the officer recommendation of refusal.

Representations, in objection, to the proposed development were received from:

- a local resident who raised concerns over the proximity of the proposed development to existing properties, the possible effect on elderly residents, the siting of the proposed access road, the impact of the hard landscaping, the detrimental effect on the existing character of the area including loss of open space and mature trees.
- Another local resident who raised issues of overshadowing due to the height of the proposed buildings and existing land levels. He also raised concerns about the proposed boundary fence and drainage.
- the Acomb Planning Panel whose view was that the proposed two storey development was not compatible with and would overlook the current bungalows and that the traffic flow did not take account of the existing congestion near local retail premises.
- Councillor Simpson-Laing as Ward Councillor on behalf of some local residents. She stated that the drawings submitted were incorrect in places as they did not show extensions to properties, the effect of this being that the development was closer to existing properties than shown, exaggerating the issue of overshadowing/overmassing. She also raised concerns regarding traffic flows in the vicinity of the retail premises, loss of the open space as an amenity, loss of trees and the effect on wildlife and the potential increased risk of flooding due to replacement of gardens with tarmac.

A written representation, in support of the application, was received from a local resident and circulated at the meeting which raised the following points:

- Gardens are private gardens and not a communal amenity – there is no evidence of historic tree planning on the plot and no public access.
- Some Beckfield Lane residents have difficulties in maintaining their long gardens. The proposed scheme makes sensible use of land which is increasingly difficult to maintain in its present state.
- There are security issues in relation to long gardens.
- The character of the area prior to the building of houses on Runswick Avenue.
- The development would provide good quality family housing in a convenient and desirable location.

Representations in support of the proposed development were received from the Planning Consultant who addressed the reasons given for the recommended refusal of the application. He stated that the development was in a sustainable location and the character of the area was mixed with

no predominant building form. Furthermore he didn't feel the proposed buildings would be overbearing and would only generate a low level of traffic.

Members discussed the proximity of the proposed development to the existing bungalows, the density and heights of the proposed housing, traffic issues and the loss of trees and scrubland.

RESOLVED: That the application be refused.¹

REASON: (1) The density of the development is too high in relation to the existing character and form of the area. The character and form of Runswick Avenue is semi-detached bungalows. The 2-storey houses proposed would look out of character with the area when seen in this context. In addition the scheme, if approved, would require the removal of a number of mature trees and the almost all of the area open space. Both of these greatly add to the character and greenness of the area. Their complete loss would have a significant impact upon the immediate area. As a consequence the proposed scheme fails to satisfy draft local plan policy GP10, parts (a), (b), (c), (d), (e), (g) and part (l) of policy GP1 and also PPS1 and PPS3. Furthermore the scheme fails to satisfy the requirements of policy GP9 which requires suitable landscaping schemes to be submitted as part of an application.

(2) The scheme if approved would have a detrimental impact upon the amenity of adjacent neighbouring dwellings. In particular there would be significant detrimental impact upon 9 and 11 Runswick and 18- 36 (even numbers) due to vehicular movements of traffic entering and leaving the site and also vehicular movement within the site in such close proximity to residents primary rooms i.e. their bedrooms and living rooms, but also their gardens. In addition, due to the inappropriate height of the proposed scheme, overlooking of neighbours private rear gardens would occur and also intrusion into their principal living rooms. In particular no.'s 38, 40 and 42 would be particularly affected, due to the difference in land levels between the site and their dwellings. The scheme would also create intrusion towards existing adjacent neighbours due to being overbearing and un-neighbourly. As a consequence the proposal fails to satisfy policy part (i) of draft policy GP1 of City of York Local Plan and PPS1 and PPS3.

(3) No sustainability statement has been submitted, furthermore no details have been submitted regarding how the proposal satisfies points (a) to (i) of the policy GP4a. Policy GP4a requires the submission of a

sustainability statement with every planning application. Without this document the Council cannot judge the sustainability of the scheme against this policy or the requirements of policy GP1 (j) which requires applications to accord with sustainable design principles.

Action Required

1. To issue the decision notice and include on the weekly planning decision list within agreed timescales. JB

101d 2 Friars Terrace, South Esplanade, York (08/00445/FUL)

Members considered a full application submitted by Mr N Cooper for a single storey pitched roof rear extension.

Written representations had been received from a neighbour in objection to the application. He wrote that the proposed extension would result in a loss of light to his property due to the proposed party wall being higher than the existing boundary wall, which in an area already surrounded by tall buildings would be overbearing and increase the sense of enclosure. He also stated that the proposed extension would be out of keeping with the historic character of the early 19th Century terrace of housing and raised concerns over the future use of the property which has been put back on the market by the new owner and is currently used for short term lets for business and weekend holiday accommodation.

Members discussed the fact that the proposed extension would be overbearing and would alter the character of the buildings.

RESOLVED: That the application be refused ¹

REASON: (1) Because of its height, projection and proximity to the common boundary, the proposed extension would dominate and be overbearing on the outlook from the rear ground floor rooms and rear yard of no.1 Friars Terrace and also result in overshadowing thereby harming existing living conditions. This is contrary to policies GP1 and H7 of the Development Control Local Plan.

(2) The proposed rear extension would infill the gap between the original offshoot and the boundary wall which would be uncharacteristic of the terrace and the listed building. Furthermore the height, ridged roof and detailed design of the doors of the extension would be out of character with the simple and unaltered detailing of the rear elevation. This would harm the special interest of the building and the character and appearance of the conservation area contrary to policy HE2 and HE4 of the Development Control Local Plan and the guidance contained in PPG15 "Planning and the Historic Environment".

Action Required

1. To issue the decision notice and include on the weekly planning decision list within agreed timescales. JB

101e 2 Friars Terrace, South Esplanade, York (08/00449/LBC)

Members considered an application for Listed Building Consent submitted by Mr N Cooper for a single storey pitched roof rear extension.

RESOLVED: That the application be refused. ¹

REASON: The proposed rear extension would infill the gap between the original offshoot and the boundary wall which would be uncharacteristic of the listed building. Furthermore the height and ridged roof of the extension and detailed design of its doors would be out of character with the simple and unaltered detailing of the rear elevation. This would harm the character and appearance of the listed building contrary to policy HE4 of the Development Control Local Plan and the guidance contained in PPG15 "Planning and the Historic Environment".

Action Required

1. To issue the decision notice and include on the weekly planning decision list within agreed timescales. JB

101f 34 Grantham Drive, York (07/02808/FUL)

Members considered a full application submitted by Mr Nick Squire for the erection of a detached dwelling with a side dormer window (resubmission).

The case officer reported that the survey drawings were inaccurate and recommended that the item be deferred until accurate replacement drawings had been obtained from the applicant.

Representations were received in objection to the application from a local resident who raised concerns about the recommendation to defer the application.

Members raised concerns over timescales and suggested that a time limit be imposed for the receipt of accurate survey drawings to enable the application to be considered.

RESOLVED (1) That consideration of the application be deferred to the next full meeting of the Sub-Committee on Thursday 15 May 2008.

(2) That, if accurate survey drawings have not been received by the next full meeting of the Sub-

Committee, a legal officer be present at the meeting to provide advice to Members.¹

REASON: To allow time for accurate survey drawings to be submitted and considered.

Action Required

1. To request accurate survey drawings

JB

102. 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 reports be noted.

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

Councillor B Watson, Chair

[The meeting started at 3.05 pm and finished at 5.05 pm].