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| MEETING   | WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE                                                                                                                                                                                                 |
| DATE      | 19 MARCH 2009                                                                                                                                                                                                                                  |
| PRESENT   | COUNCILLORS CRISP, GILLIES, LOOKER, REID, SUNDERLAND, MOORE (AS A SUBSTITUTE FOR CLLR SUE GALLOWAY), HOLVEY (AS A SUBSTITUTE FOR CLLR STEVE GALLOWAY), BOWGETT (AS A SUBSTITUTE FOR CLLR HORTON) AND WISEMAN (AS A SUBSTITUTE FOR CLLR GALVIN) |
| APOLOGIES | COUNCILLORS HORTON, SUE GALLOWAY, STEVE GALLOWAY AND GALVIN                                                                                                                                                                                    |

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## 59. INSPECTION OF SITES

The following sites were inspected before the meeting

| Site                                                           | Attended by                                                    | Reason for Visit                                                        |
|----------------------------------------------------------------|----------------------------------------------------------------|-------------------------------------------------------------------------|
| Jorvik Racing, 41 Bright Street                                | Councillors Crisp, Gillies, Looker, Reid and Wiseman.          | At the request of Councillor Bowgett.                                   |
| Yan's Express Cantonese Takeaway, 11 Acomb Court, Front Street | Councillors Crisp, Bowgett, Gillies, Looker, Reid and Wiseman. | At the request of Councillor Stephen Galloway.                          |
| 55 St Stephens Road                                            | Councillors Crisp, Bowgett, Gillies, Looker, Reid and Wiseman. | As an objection has been received and the recommendation is to approve. |
| Pavillion, Rowntree Park, Terry Avenue                         | Councillors Crisp, Bowgett, Gillies, Looker, Reid and Wiseman. | To familiarise Members with the site.                                   |
| All Saints Church, North Street                                | Councillors Crisp, Bowgett, Gillies, Looker, Reid and Wiseman. | As objections have been received and the recommendation is to approve   |
| 8 Peckitt Street                                               | Councillors Crisp, Gillies, Looker, Reid and Wiseman.          | As an objection has been received and the recommendation is to approve. |
| York Divan Centre, 10 Clifford Street                          | Councillors Crisp, Gillies, Looker, Reid and Wiseman.          | At the request of Councillor Brian Watson                               |

**60. ELECTION OF CHAIR**

Councillors Horton (Chair) and Sue Galloway (Vice Chair) had both given apologies for the meeting therefore the Committee was asked to elect a Chair for the meeting.

RESOLVED: That Councillor Reid act as Chair for the meeting.

**61. 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 Crisp declared a personal and prejudicial interest in Plans Items 4i and j (The Bonding Warehouse, Terry Avenue, FULM & LBC) as she lives close to the application site. She left the room and took no part in the discussion or vote on this item.

Councillor Bowgett declared a personal and prejudicial interest in Agenda Item 4h (Jorvik Racing, 41 Bright Street) under the provisions of the Planning Code of Good Practice. She spoke from the floor as Ward Member after which she left the room and took no part in the discussion or vote on this item.

Councillor Reid declared a personal non prejudicial interest in Plans items 4i and J (The Bonding Warehouse, Terry Avenue, FULM & LBC) as her father in law lives in the City Mills building as a tenant.

**62. MINUTES**

RESOLVED: That the minutes of the meeting held on 12 February 2009 be approved and signed by the Chair.

**63. 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.

**64. 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.

**64a Yan's Express Cantonese Takeaway 11 Acomb Court Front Street  
York YO24 3BJ (08/01989/FUL)**

Members considered a full application from Mr Y F Cheung for the erection of a two storey flat roof building comprising a shop unit located at ground floor level with two flats at first floor level.

Councillor Reid advised the Committee that she had received a telephone call from the applicant to ask for an update on the application, had taken advice from the Area Team Leader, Planning and Sustainable Development and had passed this information onto the applicant but had not voiced any views on the application.

Officers advised that they had received the Structures and Drainage internal consultee response which made three points. Firstly, they would require existing and proposed surface water details. Secondly, all levels on drawing number RSL/007 topographical survey should relate to ordnance datum (to AOD). Acomb currently lies between 21.00m –27.00m OAD but survey levels between 8.00m – 10.00m AOD. In order that they could compare actual and predicted flood levels with their proposals they would need the level information relating to AOD. Lastly, the applicant has shown permeable surfacing to prove reduction in surface water run-off therefore details of permeable surfacing should be provided.

As a result of the Structures and Drainage consultee response, Officers asked the Committee to consider adding 2 further conditions if the application was approved to prevent the development from commencing until details of existing and proposed surface water drainage and details of the permeable surfacing to the side and rear yards had been submitted and approved by the Local Planning Authority.

RESOLVED: That the application be approved subject to the conditions listed in the report and the additional conditions listed below.<sup>1</sup>

**Additional Condition 8**

Development shall not begin until details of the existing and proposed surface water drainage 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 for the proper drainage of the site.

**Additional Condition 9**

Development shall not begin until details of the permeable surfacing to the side and rear yards have been submitted to and approved in writing by the Local Planning Authority. The development should be carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the surface water run-off from the site.

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 the visual amenity of the proposed building on the locality, highway safety, amenity of the occupants of the proposed building, and vitality and viability of the Acomb district centre. As such, the proposal complies with Policies GP1, L1c, GP10, GP16, H4a, E4 and S3a of the City of York Council Development Control Local Plan (2005).

Action Required

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

**64b 55 St Stephens Road York YO24 3EH (09/00198/FUL)**

Members considered a full application from Mrs Donley for a two storey side and rear extension (resubmission).

Officers advised Members that a previous application on this site had been refused because it was thought to be too large but this application was for a smaller extension. They advised that they had received an objection from a neighbour whose property was located behind the application site on the basis of loss of privacy but it was noted that the property in question was 40 metres away so was not considered to be affected.

Members agreed that the proposed extension was now of an acceptable size and design and did not have any issues to raise.

RESOLVED: That the application be approved subject to the conditions listed in the report. <sup>1</sup>

REASON: The proposal, subject to the conditions listed in the report would not cause undue harm to interests of acknowledged importance, with particular reference 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".

Action Required

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

**64c 8 Peckitt Street York YO1 9SF (09/00102/FUL)**

Members considered a full application by the City of York Council for the raising of the retaining wall and railings, and temporary flood barriers in connection with a flood defence scheme at 8 Peckitt Street, 1-3 Friars Terrace and 4 South Esplanade.

Members noted the objection raised by the Guildhall Planning Panel with regard to the proposal to use brickwork rather than matching stone and suggested that a condition be added to specify that the bricks used are sympathetic to the area. Officers advised that condition 6 on the application for listed building consent (Minute 64d refers) already covered this issue.

RESOLVED: That the application be approved subject to the conditions listed in the report.<sup>1</sup>

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 historic character and appearance of the conservation area. As such the proposal complies with Policies GP1, HE2 and HE3 of the City of York Draft Local Plan.

Action Required

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

**64d 8 Peckitt Street York YO1 9SF (09/00106/LBC)**

Members considered an application by the City of York Council for Listed Building Consent for the raising of retaining wall and railings, and temporary flood defence scheme at 8 Peckitt Street, 1-3 Friars Terrace and 4 South Esplanade.

RESOLVED: That the application be approved subject to the conditions listed in the report.<sup>1</sup>

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 historic character and special interest of the listed buildings. As such the proposal complies with Policies HE2 and HE4 of the City of York Draft Local Plan and national planning guidance contained in Planning Policy Guidance Note PPG15: Planning and the Historic Environment.

Action Required

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

**64e All Saints Church North Street York (05/00097/CAC)**

Members considered an application by the Parochial Church Council for Conservation Area Consent for the demolition of a church hall in the conservation area.

RESOLVED: That the application be approved subject to the conditions listed in the report.<sup>1</sup>

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 impact upon the character and appearance of the Historic Core Conservation Area and the setting of All Saints North Street and All Saints Cottages Listed Buildings. As such the proposal complies with Policies HE2 and HE3 of the City of York Local Plan Deposit Draft and the policies and advice contained within PPG15 "Planning and the Historic Environment."

Action Required

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

**64f All Saints Church North Street York (05/00048/FUL)**

Members considered a full application by the Parochial Church Council for the erection of three dwellings to replace the existing church hall, the erection of an extension to the vestry and the installation of lockable gates at two locations in All Saints Lane.

Officers circulated comments from Councillor Merrett in support of the application. He stated that it would remove an eyesore which is affected by graffiti. He also stated that the lane was a problem in terms of drug paraphernalia, urination and vomit and gating this lane would solve this problem. However he raised concerns that the proposed opening hours for the alley were too restrictive for residents and visitors and suggested that times more in line with the bar walls hours would be more appropriate.

Members asked how the gates would be opened and closed. Officers confirmed that residents who required access would have a key but that the gates would be opened and closed at specific times and would be controlled by the Church Authority.

Representations were received from the Church Warden of All Saints Church in support of the application. He advised Members that the design for the gates had been drawn up by a former Council conservation officer

and matched other gates and the third gate was to prevent access. In response to queries from Members he advised that

- The Gates would be opened by the person responsible for opening up church
- When the church is closed for public safety/public order reasons, the gates would not be open.
- Gates may be open late in the evening if there is an event on in the church
- Access to lane is in gift of church

One Member raised the question of whether a Construction Management Scheme had been considered due to the location as they were concerns that problems might arise due to construction traffic to the site and deliveries and buses taking guests to Park Inn Hotel. Officers advised that any problems could be dealt with by highways officers.

Members welcomed the scheme and the opportunity to create a safe environment around the church through the use of lockable gates.

RESOLVED: That the application be approved subject to the conditions listed in the report.<sup>1</sup>

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 impact upon the residential amenity of No 33 North Street, impact upon the character and appearance of the Historic Core Conservation Area, impact upon the setting of All Saints Church North Street and All Saints Cottages Listed Buildings, impact upon the level of flood risk affecting prospective residents and others living in the area, impact upon buried archaeology at the site and impact upon the level of crime and anti-social behaviour within the locality. As such the proposal complies with Policies GP1, GP3, GP4a, GP15a) HE2, HE3 and HE10 of the City of York Local Plan Deposit Draft.

Action Required

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

**64g Pavilion Rowntree Park Terry Avenue York (09/00072/FUL)**

Members considered a full application by the Friends of Rowntree Park for a single storey pitched roof amphibious community and sports pavilion after demolition of existing single storey pavilion.

Officers provided Members will the following update on the question of sustainability: "the City of York Council Interim Planning Statement (IPS)

on Sustainable Design and Construction states that commercial buildings under 500m<sup>2</sup>, as in this case, do not require a BREEAM assessment yet should fulfil the criteria set out in Policy GP4a and expanded in the IPS. The structure would be lightweight with high levels of insulation, minimising energy required for heating. The sustainability information submitted states that it minimises the volume needed for a raft substructure which in turn minimises the ground works required. However if this had been a “standard building” it is considered that the ground works would have been of a similar scale, the proposed building would require substantial ground works for the tank beneath the building. The report also states that the overall form of the building minimises the surface area while allowing for appropriately shaded glazing to the main space to reduce the need for artificial lighting and to give passive gains during winter months. The agent states that external finishes such as the cladding and the sedum roof would be durable and “zero maintenance”. The agent stated that renewable energy options are being considered, the IPS states that at least 5% of the energy used should be from renewables and this could be conditioned.”

Officers asked Members to consider additional conditions to cover landscaping, protection of trees and renewable energy. In respect of a Construction Method Statement which the case officer has recommended as an additional condition, the Area Team Leader advised Members that as the park was in the ownership of the City Council this could be left to Officers within Leisure Services and therefore wouldn't be required as a condition.

Officers circulated comments from Councillor Merrett, Mickelgate Ward Councillor in support of the scheme which he described as “exciting and innovative”. He reported that the Friends of Rowntree Park had worked hard on the pavilion scheme. He stated that the current building was unsatisfactory and flooded regularly which put it out of commission for substantial periods and made it unappealing inside even after the best attempts to clean it.

Photographs of how the building would look in the park, which had been provided by the architects, were circulated to Members.

RESOLVED: That the application be approved subject to the conditions listed in the report and the additional conditions listed below.<sup>1</sup>

#### **Additional Condition 10**

No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme 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

**Additional Condition 11**

Before the commencement of development, including demolition, building operations, excavations, or the importing of materials, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include a survey, schedule and plan of all trees on and immediately adjacent to the development site in accordance with BS5837 'Trees in Relations to Construction', including any recommendations for any necessary tree surgery. It will identify those trees to be retained and those to be felled. The corresponding plan shall show the accurate location of the trunk (with reference number) and canopy spread of each tree in a north, east, south, and west direction. The statement shall include details and locations of protective fencing to be shown on a plan; phasing of works; site access during demolition/construction; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; location of site cabin. The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles. Within the exclusion zones there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new service runs, et al.

Reason: To ensure protection of existing trees before, during and after development which make a significant contribution to the amenity of the area and/or development.

**Additional Condition 12**

Prior to the commencement of development, full details of a renewable energy strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include (i) the building's proposed renewable energy generation, which shall be at least 5 % of total energy generation unless otherwise agreed in writing with the Local Planning Authority (ii) measures to reduce energy demand. The development shall then be carried out in accordance with the approved assessment.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

REASON: The proposal, subject to the conditions listed in the report and the additional conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the historic interests and visual amenity of Rowntree Park; impact on the greenbelt; impact on the setting of the adjacent conservation area. As such, the proposal complies with Policies GP1, SP2, SP3, GP15a, HE2, HE3, HE12, GB1, GB13, NE7 and C1 of the

City of York Development Control Local Plan (2005); national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development", Planning Policy Guidance 2 "Green belts", Planning Policy Guidance 15 "Planning and the Historic Environment".

Action Required

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

**64h Jorvik Racing 41 Bright Street York YO26 4XS (09/00118/FUL)**

Members considered a full application by Mr G Taylor for the change of use from a betting shop to two houses, with two-storey pitched roof rear extension and external alterations.

Representations were received from Councillor Denise Bowgett. She spoke in objection to the application as Ward Member on behalf of the residents of the Leeman Road area and raised the following issues.

- Area is overdeveloped, properties are generally small and cramped, concern in 5-10 years time majority of terraced houses will be split into 2 and sold as buy to let
- Area already densely populated – parking is a problem
- Flooding – Property is located in floodzone 3 therefore risk of flooding is high
- Use of 106 money – hope if application is approved Members would earmark this money for local projects
- Very little space in yard for bins
- Understand need for affordable housing but also need for family housing. This is the potential loss of family home which it is most suited to.

Officers stated that they believed that the building had been built as a shop with living accommodation above and therefore the policy that restricts loss of family homes would not apply in this instance. On the issue of flooding they confirmed that the current design allows 2 floors to each house in the event of a flood.

Some Members raised concerns that there was not sufficient space for two houses and that rooms would be unacceptably small and cramped. It was moved by Councillor Looker and seconded by Councillor Crisp that the application be refused on these grounds. On being put to the vote, the motion for refusal was not carried.

Officers responded to Members queries on the issue of the size of the dwellings and advised Members that they needed to make a decision on the merits of the proposal in front of them.

Members raised the following points:

- there was a need for starter homes

- each property has an upper floor which is a benefit in the event of a flood
- the area traditionally comprises small terraced properties and therefore this fits in with the norm.
- the building was formerly a shop and has never been a family home.
- The design of the houses has been restricted by the need to include a disabled access downstairs toilet in all new houses.

RESOLVED: That the application be approved subject to the conditions listed in the report. <sup>1</sup>

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 design, amenity, highway safety and flood risk. The proposal complies with Policies GP1, GP4A, GP10, GP15, H4A, H5A, L1C and S9 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. SS

**64i The Bonding Warehouse Terry Avenue York YO1 6DH (09/00031/FULM)**

Members considered a full application by Mr W Legard for use as an office (B1 use) with two apartments in the roof space with a new mansard roof to the southern building, the erection of a stair and lift access tower in the courtyard and a bridge link to Skeldergate (revised scheme)

Officers updated Members on the application and recommended that amendments be made to the following conditions

- Condition 2 – inserts drawing number and letter reference – not listed in officer’s report
- Condition 10 - add “fire screens” and “any alterations to windows and doors including any alterations to taking in doors” to Large Scale details.
- Condition 23 should be replaced with the standard Highway Condition 18 with cycle parking details to be agreed.
- Condition 24 – amend wording of Travel Plan condition.
- Condition 28 – to read “the residential uses of the building shall not be occupied until the footbridge has been constructed and is operational. Members indicated that this would also require an amendment to Condition 18.

Officers also recommended that additional conditions be added in relation to the taking in doors and gantry and the entrance courtyard including ramp access to the building and, car parking and bin storage.

Members questioned why the bridge link to Skeldergate (to facilitate access in the event of a flood) was not deemed necessary for office use. Officers explained that office use could be more easily managed in the event of potential flooding as they are occupied during the daytime and have a manager and therefore workers could be evacuated before danger became imminent through an evacuation procedure (condition 27).

Representations were received from the agent on behalf of the applicant in support of this application (and the application for Listed Building Consent (Minute 64j refers)) He stated that the application was to enable a mix of uses with office and residential space. He confirmed that he was happy with the condition with the bridge link relating to residential use and that he understood that the Environment Agency would require an evacuation procedure to be drawn up for office use. He asked Members to approve the application to enable flexible use of the building in future.

Members agreed that the building was overdue for development and that it would provide useful office space on this side of the city.

RESOLVED: That the application be approved subject to the conditions listed in the report and the amended and new conditions listed below. <sup>1</sup>

### **Amended Condition 2**

The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

Drawing No's; BWL 103, 106 , 108, 201, 202, 204, 205, 206 C, 207, 210, 212, 213, 214, 215, 216, and Roof Plan Revision D received on 7th January 2009

Drawing No's; 2007 1029 02, 03, 04, 05 A, 06 A, 07, 08, 09 received on 7th January 2009

Letter dated 12/2/2009 to supplement February 2007 Flood Risk Assessment

Drawing No's; 2007 1029 / 501 B, 502 B, 503 B, 53 A, 54 A received on 9th March 2009.

Drawing No: BWL 107 A received on 9th March 2009

or any plans or details subsequently agreed in writing by the Local Planning Authority as an 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.

### **Amended Condition 10**

Large scale details (1:20 and 1:5 as appropriate) of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the development and the works shall be carried out in accordance with the approved details.

- i) Glazed entrance area including main door
- ii) Stairtower, retractable bridge and walkway to Skeldergate including alteration and gate to Skeldergate Bridge wall
- iii) Alterations to balconies
- iv) New dormer windows
- v) Rooflights (to be conservation type sub-divided by two glazing bars)
- vi) All new windows and doors (scale 1:5)
- vii) Full sectional details and plans of the new mansard roof in relation to the parapet walls, gutters and the walls of Block A
- viii) Layout and details of the roof covering
- ix) New platform and ramp
- x) Yard ramp and balustrade
- xi) Alterations to the yard wall, piers and gates
- xii) fire screens
- xiii) any alterations to windows and doors including alterations to taking in doors

Reason: Because of the special interest of the listed building and the character and appearance of the conservation area in accordance with policy HE2 and HE4 of the Local Plan.

### **Amended Condition 18**

Prior to the commencement of any part of the residential scheme hereby permitted, full details shall be submitted to and approved in writing by the Local Planning Authority of the design, construction and method of operation of the emergency footbridge serving the site.

The bridge shall be fully retracted except when required by a flooding event.

Reason: In the interests of highway safety and the character and appearance of the conservation area and nearby listed buildings.

Informative: The details shall in all respects comply with the City of York Council Document "Technical Approval Procedures for Developers Structures".

### **Amended Condition 23**

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.

**Amended Condition 24**

Prior to the occupation of the site, a heads of terms agreement to be included in a future company travel plan, shall be submitted and approved in writing by the LPA. The heads of terms agreement shall include those measures that will be carried out by the occupier to reduce dependence on the private car and encourage sustainable means of travel to and from the site.

\*Within 6 months of occupation of the site, a full company travel plan developed and implemented with national guidance and guidance currently published by the City of York Council shall be submitted and approved in writing by the LPA.

\*Within 12 months of occupation of the site, a first year staff travel survey shall be submitted and approved in writing by the LPA. Results of the yearly staff travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with advice contained in PPG 13-Transport, and in Policy T20 of the City of York deposit Draft Local Plan, and to ensure that adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site, together with provision of parking on site for these users.

**Amended Condition 28**

The residential uses in the building shall not be occupied until the footbridge has been constructed and is operational.

Reason; To ensure the users of the building remain "safe" for its entire occupation, in line with PPS25 and policy GP15a of the Local Plan.

**Additional Condition 29**

The taking in doors and gantry shall remain in situ unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interests of the special character of the listed building.

**Additional Condition 30**

Notwithstanding the submitted details and prior to the commencement of the development hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority of the entrance courtyard including ramp access to the building, car parking and bin storage. The building shall not be occupied until the approved refuse area has been provided and the approved area shall not be used for any purpose other than the storage of refuse as approved.

Reason: In the interests of residential amenity and environmental quality.

REASON: The proposal, subject to the conditions listed in the report and the amended and additional conditions listed above, would not cause undue harm to interests of acknowledged

importance, with particular reference to the special interest of the listed building, the character and appearance of the conservation area, the living conditions of nearby residents, flood risk, protected species, highway safety and the provision of leisure, open space and education facilities. As such the proposal complies with Policies GP1, GP15a, HE2, HE4, HE10, HE11, T4, H1, E7, ED4, L1c and NE6 of the City of York Local Plan Deposit Draft and the guidance contained in Planning Policy Guidance 15 (Planning and the Historic Environment) and Planning Policy Statement 25 (Development and Flood Risk).

#### Action Required

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

### **64j The Bonding Warehouse Terry Avenue York YO1 6DH (09/00150/LBC)**

Members considered an application by Mr W Legard for Listed Building Consent for use as an office (B1 use) with two apartments in the roof space with a new mansard roof to the southern building, the erection of a stair and lift access tower in the courtyard and a bridge link to Skeldergate (revised scheme)

Officers provided an update and recommended that Condition 7 be amended to require large scale details of fire screens and alterations to windows and doors including any alterations to taking in doors be submitted and approved by the Local Planning Authority.

RESOLVED: That the application be approved subject to the conditions listed in the report and the amended condition listed below.<sup>1</sup>

#### **Amended Condition 7**

Large scale details (1:20 and 1:5 as appropriate) of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the development and the works shall be carried out in accordance with the approved details.

- i) Glazed entrance area including main door
- ii) Stairtower, retractable bridge and walkway to Skeldergate including alteration and gate to Skeldergate Bridge wall
- iii) Alterations to balconies
- iv) New dormer windows
- v) Rooflights (to be conservation type sub-divided by two glazing bars)
- vi) All new windows and doors (scale 1:5)
- vii) Full sectional details and plans of the new mansard roof in relation to the parapet walls, gutters and the walls of Block A
- viii) Layout and details of the roof covering
- ix) New platform and ramp
- x) Yard ramp and balustrade

- xi) Alterations to the yard wall, piers and gates
- xii) Pressure equalization measures for lower windows
- xiii) New partitions and/or linings
- xiv) Fires screens
- xv) Any alterations to windows and doors including alterations to taking in doors.
- xvi) new staircases including any alteration to the surrounding fabric
- xvii) any alterations to doors

Reason: Because of the special interest of the listed building and the character and appearance of the conservation area in accordance with policy HE2 and HE4 of the Local Plan.

REASON: The proposal, subject to the conditions listed in the report and the amended condition listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the special interest of the listed building. As such the proposal complies with Policy HE4 of the City of York Local Plan Deposit Draft and the guidance contained in PPG15 "Planning and the Historic Environment".

Action Required

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

**64k York Divan Centre 10 Clifford Street York YO1 9RD (09/00224/FUL)**

Members considered a full application by Mr Michael Grey for the change of use from retail to restaurant with extract louvers at roof level.

Officers provided the committee with an update on further consultation responses that had been received. They reported that the Highway Network Management Officer had raised concerns in respect of highway safety due to a secondary door which opens outwards onto Cumberland Street. Officers suggested that a condition could be added to restrict use of this door as an emergency exit only although noted that this issue would also be dealt with through the application for listed building consent (LBC) which had now been received. They reported that City Development and the Planning Panel had raised no objections and that comments had been received from a neighbour who welcomed the building being brought back into use and was happy for it to be opened as a restaurant but would have concerns if it was to become a drinking establishment. The Conservation Officer had also responded that he didn't have any problems bringing the old building back into use and that the issue of the doorways would be dealt with through the LBC application.

Representations were received from a local resident. He reported that he had no problems with the building being used as a restaurant as he would expect the clientele to be well behaved but he had concern with granting A4 use due to worries over noise and disorder. He circulated a map showing the cumulative impact area for violent crime occurring between



September 2005 and August 2006 and pointed out that the building is located in one of the hotspots for violent crime and for this reason asked Members to reject A4 use. He also circulated an extract from guidance issued under Section 182 of the Licensing Act 2003 (revised 2007) and referred to the reference to "Need" for licensed premises in 13.23. He also asked for waste bins to be kept inside rather than on the pavement if the application was granted.

Members raised the issue of the doorway onto Cumberland Street and Officers confirmed that this door would only be needed as an emergency exit and for emptying bins once a day.

Members welcomed the development of the building which is located on a prominent corner and were of the opinion that a restaurant fitted the area and adds to a successful mix of premises in the area. In respect of the registered speaker's concerns about rowdiness, they did not think this would be an issue if the building was used as a restaurant and closed at midnight.

**RESOLVED:** That the application be approved subject to the conditions listed in the report and the additional conditions listed below:<sup>1</sup>

**Additional Condition 8**

The Cumberland Street entrance door shall be used as an emergency exit and for waste collection only. The door shall remain closed at all other times.

Reason: In the interests of highway safety.

**Additional Condition 9**

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.

Cumberland Street entrance door and its surrounds.

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

**REASON:** The proposal, subject to the conditions listed in the report and the additional conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the special historic interest of the listed building, the character and appearance of the conservation area, amenity, the vitality and viability of the city centre, highway safety and flood risk. As such the proposal complies with Policies HE3, HE4, SP7, S5, S6, S7 and GP15 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. SS

**64I Oakview Farm, Low Moor Lane, Hessay (09/00069/FUL)**

Members considered a full application from Mr M A Lord for the retention of the existing equestrian dwelling, garden and garage as a permanent residence (resubmission).

Officers stated that the Environment Agency had not raised any objections to the application and as a consequence there was no requirement for Condition 3 which required a flood risk assessment to be carried out therefore they recommended that this condition be removed. However Officers advised Members that it was considered appropriate to add an extra condition restricting the occupancy of the dwelling to either the applicant, another person mainly employed with the associated business or an agricultural worker or forestry worker.

Members were of the opinion that the horse training business had proved to be a viable agricultural business and should be encouraged.

RESOLVED: That the application be approved subject to the conditions listed in the report, the removal of Condition 3 (shown in the report) and the addition of a new condition 3 listed below.<sup>1</sup>

**Additional Condition 3**

The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed with the associated horse training business on the site, or thereafter to a person solely or mainly employed or last employed in the locality in agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990, or in forestry, including any dependants of such a person residing with him, or a widower of such a person.

Reason: The development hereby approved would be unacceptable unless justified by the needs of the horse training business at the site or agriculture.

REASON: The proposal, subject to the conditions listed in the report and the new condition 3 listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to York's Green Belt. As such this proposal complies with PPS1, PPG2, policies Y1, YH8, YH9, and E1 of The Regional Spatial strategy for Yorkshire and the Humber, and policies SP2, GP1, GP4a, GP14, GP15, GB1 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. SS

Councillor A Reid, Chair

[The meeting started at 3.00 pm and finished at 4.45 pm].