
MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	20 AUGUST 2009
PRESENT	COUNCILLORS HORTON (CHAIR), SUE GALLOWAY (VICE-CHAIR), STEVE GALLOWAY, GALVIN, GILLIES, SUNDERLAND, B WATSON, MOORE (AS A SUBSTITUTE FOR CLLR REID) AND SIMPSON- LAING (AS A SUBSTITUTE FOR CLLR CRISP)
APOLOGIES	COUNCILLORS CRISP AND REID

13. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
4 Trenchard Road, York	Councillors Galvin, Gillies, Horton, Moore and Brian Watson	As objections had been received and the recommendation was to approve.
Moor Farm, Moor Lane, Bishopthorpe, York	Councillors Galvin, Gillies, Horton, Moore and Brian Watson	As objections had been received and the recommendation was to approve.
Knavesmire Primary School, Trafalgar Street, York	Councillors Galvin, Gillies, Horton, Moore and Brian Watson	As objections had been received and the recommendation was to approve.
Odeon Cinema, Blossom Street, York	Councillors Galvin, Gillies, Horton, Moore and Brian Watson	At the request of Councillor B Watson

14. DECLARATIONS OF INTEREST

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

No interests were declared.

15. MINUTES

RESOLVED: That the Minutes of the West and City Centre Planning Area Sub-Committee held on the 16 July 2009 be approved and signed by the Chair as a correct record, subject to the first bullet point of Minute 10 (Public

Participation) detailing Councillor Merrett's comments being changed to refer to "train sheds" rather than "rail sheds".

16. PUBLIC PARTICIPATION

There were no registrations to speak under the Council's Public Participation Scheme.

17. 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.

17a Odeon Cinema Blossom Street York (09/00615/ADV)

Members considered an Advert application from Mr K C Suri for the display of three non-illuminated signs on the canopy and one internally halo illuminated high level sign.

Members discussed the application and agreed that it was good to bring an old building back into use.

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

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance for the following reasons: In accordance with PPG:19 Advertisements and policies GP21, HE3, HE4 and HE8 of the City of York Local Plan the proposed signage, due to its location, scale, design, materials and the proposed means of illumination, respects the design of the listed building and would not detract from the character and appearance of the conservation area. There would not be an adverse impact on safety, due to the location of the signs and type of illumination proposed.

Action Required

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

17b Odeon Cinema Blossom Street York (09/00616/LBC)

Members considered an application for Listed Building Consent from Mr K C Suri for the display of three signs to the canopy and one halo illuminated high-level sign.

In line with comments received from the conservation Officer, Planning Officers advised that two further conditions be added requiring a sample of the finish of the lettering and details of the intensity of the illumination of the lettering of the high level sign to be submitted to and approved in writing 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:-¹

Additional Condition 4

Before the commencement of any work on site a sample of the finish of the lettering shall be submitted to and approved in writing by the local planning authority.

Reason: In order to protect the special architectural interest of the listed building in accordance with policy HE4 of the Development Control Local Plan.

Additional Condition 5

Before the commencement of any work on site details of the intensity of the illumination of the lettering of the high level sign shall be submitted to and approved in writing by the local planning authority.

Reason: In order to protect the special architectural interest of the listed building in accordance with policy HE4 of the Development Control Local Plan.

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 for the following reasons: In accordance with PPG:15 Planning and the Historic Environment and policy HE4 of the City of York Local Plan the proposed signage, due to its location, scale, design, materials and the proposed means of illumination, respects the design of the listed building and would not detract from its special historic or architectural interest.

Action Required

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

17c 4 Trenchard Road York YO26 6BG (09/01073/FUL)

Members considered an application from Mr and Mrs A Gioiello for the subdivision of a dwelling to form two semi detached dwellings with two storey side and two storey/single storey rear extensions, new access drive and garage.

Representations were received from a neighbour (and member of the residents' group) in objection to the application. He raised concerns about the impact of the proposals on the amenity of neighbouring properties and stated that, if approved, the proposal would set a precedent for other similar proposals.

Representations were also received from the applicant in support of the application. She advised Members that the plot was a considerable size with enough space for 2 semi detached houses and indicated that in the neighbouring street, semi detached houses occupied similar sized plots. She stated that the streetscape has already been changed by previous developments and voiced the opinion that it was important to provide further residential properties in existing residential areas.

Members were of the opinion that the site was large enough to support 2 units but raised concerns about the potential loss of amenity space for neighbours and the loss of trees and asked that a condition be attached to retain the trees at the front of the site.

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

Additional Condition 9

The two semi-mature trees within the Trenchard Road frontage of the site shall be retained and measures shall be taken during development to secure their protection comprising :-

- (i) Erection of a chestnut pale or similar fence not less than 1.2 metres high shall be erected at a distance from the trunks to be agreed in writing by the Local Planning Authority prior to commencement of work on site;
- (ii) Any development within or directly adjacent to the crown spread of the trees shall be the subject of a detailed written method statement incorporating foundation details to be submitted to and approved in writing by the Local Planning Authority before work on site commences;
- (iii) No materials (including fuel or spoil) shall be stored within the crown spread of the trees;
- (iv) No burning of materials shall take place within three metres of the crown spread of any tree;

(v) No services shall be routed under the crown spread of any tree without the express written permission of the Local Planning Authority.

Reason: In order to safeguard the existing landscape features of the site and to secure compliance with Policies GP1 and H7 of the York Development Control Local Plan.

REASON: The proposal, subject to the conditions listed in the report and the additional condition listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the visual amenity of the wider street scene, impact upon the residential amenity of neighbouring properties, impact of the proposal on the level of traffic and on-street parking generated, impact of the proposal on the local drainage pattern and impact of the proposal on the level of amenity space for the units generated. As such the proposal complies with Policies H7, GP1, GP10 and L1c) of the City of York Development Control Local Plan.

Action Required

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

**17d Knavesmire Primary School Trafalgar Street York YO23 1HY
(09/01200/GRG3)**

Members considered a General Regulations (Reg3) application from Mrs Sam Judd, Learning, Culture and Children's Services, for external alterations and single storey extensions to provide new children's changing room facilities and a new Children's Centre.

Officers circulated a list of updates to Members as follows:

Councillor Merrett had submitted comments in support of the provision of the new children's centre, subject to necessary cycle parking, of which there was none on this side of the school at the moment. Councillor Merrett had advised that this was important for the potential volume of out of school hours activities (given access to the other side of the school is locked off out of hours) and in order to maximise cycling rather than vehicle traffic to the school.

In respect of neighbour objections, officers reported that a letter from an existing objector also commented that it would be irresponsible to grant permission when child safety would be compromised by locating the children's centre at the school when the existing road conditions (including traffic levels, parking on pavements and zig-zag lines, heavy lorries) were dangerous.

A further objection had also been received from an existing objector requesting that the application be deferred, stating that the applicant had given a false statement and the Development Control Officer had ignored many points of objection and made unsubstantiated claims. The objector asked that a tree survey and bat survey be submitted before the application was accepted for consideration.

Officers reported that a further comment had been received from Highways stating "It is appreciated that whilst any increase in vehicular traffic will compound any traffic problems that may be currently experienced it is considered that a refusal on highway safety grounds could not be substantiated based on an expected maximum of only six additional cars."

They also advised Members that the following comments had been submitted in respect of protected species and trees.

Bats

- No evidence to say there is a roost present within the building.
- Proposed single storey extensions do not affect any areas of the building that are most likely to house bats – as such no survey required and only basic precautions are necessary at the time of construction.
- Most likely species present is Pipistrelle.
- Unlikely that Noctules are roosting in the area. Tend to roost in trees rather than buildings and none of the trees on site are suitable as bat roosts, only for foraging.

Lighting and Bats

- Lighting can be significant, esp. for Noctules, although Pipistrelle actively hunt around street lights as they attract moths and other prey.
- Noctules are discouraged by lighting but are unlikely to be present, as for foraging this could have an effect but is usually compensated for by using low level lighting, which is what is proposed.

Owls

- With regard to Owls, the presence of Tawny Owl is possible although I do not consider that the Sycamore is a good roosting tree for Owl being too open and unprotected and is certainly unsuitable for nesting. It may be occasionally be used to roost or in passing through.
- Tawny owls are not protected and only the nest sites have any measure of protection, but this is not the case here.
- Likelihood of barn owls is very slim. They require open farmland with extensive areas of rough, tall grassland and hedges. None of this is present in the Knavesmire, even on the race course.
- No owl pellets found under the tree.

Trees

- Two limes are not protected by, or considered worthy of a TPO.
- The application form was incorrect, but the impact on trees and the value of the trees to be removed does not warrant a tree survey.

- The path should have a timber edge and not concrete foundation or kerb.
- The path should not to run in a straight line as shown on plans but should wind around the trees taking the best route.

Officers also circulated a photocopy of an annotated extract (Section 16 – Trees and Hedges) from the original planning application proforma for Members information which had been given to them at the site visit by a member of the public.

Officers advised Members that although the path, gate and store were shown on the drawing and are part of the proposals, in coming to a decision Members would have to consider the fall-back position allowed by local authority permitted development rights which would allow them to be implemented without planning permission. They also advised Members that an additional condition requiring a cycle shelter to be built should be added.

Officers provided information on the approximate numbers of people who were expected to visit the Children’s Centre. They explained that the centre would operate a combination of open access sessions and programmes targeted at specific groups. They confirmed that most groups would run between 9.30am and 11.30am and 1.00pm and 3.00pm (therefore outside normal school hours) and the highest number of people was likely to be about 15 adults and 15 children visiting at different times during an open access session along with 3 members of staff.

Representations were received from a local resident in objection to the application. He stated that he did not want to see Trafalgar Street entrance used as the main entrance as this would encourage users to park on the road and this was a quiet residential area but advised that the existing entrance on Count De Burgh Terrace should be the main entrance. He asked for restrictions to be placed on hours of construction and suggested these should be consistent with restrictions placed on previous applications such as when the Multi Use Games Area (MUGA) was built (8am-6pm). He asked for the same restrictions to be placed on the hours of use of the new buildings.

Members raised concerns over restricting hours of use of the building as this would reduce flexibility of use such as for a breakfast club as these normally operate from 7.30am.

Members recognised the importance of increasing the use of school buildings and noted that most schools were now used for extended periods of time outside normal school hours.

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

Additional Condition 8

The proposed cycle shelter and stands detailed on drawing number 0841 (CC) P05 shall be erected prior to first occupation of the children’s centre

and shall thereafter be retained as a cycle shelter for the use of staff and visitors to the children's centre.

Reason: In order to promote cycling in an area where on-street and off-street parking is limited with the overall aim of reducing pollution, noise and the physical impact of traffic, by restraining growth in the use of motor vehicles in accordance with policy T4 of the Development Control Local Plan.

REASON: The proposal, subject to the conditions listed in the report and the additional condition listed above and informative listed below, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the locality, highway safety, protected species or residential amenity. As such the proposal complies with Policies GP1, T4, ED1 and C1 of the City of York Development Control Local Plan.

METHOD OF CONSTRUCTION OF PATH

It is suggested that the path to the new access gate should not run in a straight line but should wind around the trees taking the best route to avoid removing or damaging trees. The path shall have a timber edge and should not have a concrete foundation or kerb.

Action Required

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

17e Moor Farm Moor Lane Bishopthorpe York YO23 2UF (09/01146/FUL)

Members considered a full application by Mrs Julia Medforth for the change of use of agricultural buildings to storage (use class B8) and the installation of roller shutter doors.

A Member questioned whether this was an appropriate application in the greenbelt and suggested that it would not be beneficial to the rural community and raised concerns that it could cause problems to adjacent properties

Members also raised concerns as they did not know what would be stored at the site and asked if it was possible to condition the type of storage in order to prevent loss of amenity for neighbours. Officers advised that it would not be practical to restrict the type of storage but that it would be possible to condition the hours of operation to exclude early mornings/late evenings to prevent disturbance to neighbours.

Councillor Galvin moved and Councillor Brian Watson seconded a motion to refuse the application on the grounds of inappropriate development in the greenbelt.

On being put to the vote, the motion to refuse the application was lost.

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

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 on the openness of the greenbelt, the impact on the residential amenity of the occupants of the neighbouring dwellings, habitat protection, and highway safety. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, Policies GP1, GP17, GB1, GB3, GB11, and NE6 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

Action Required

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

Councillor D Horton, Chair

[The meeting started at 3.00 pm and finished at 4.20 pm].