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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	17 SEPTEMBER 2009
PRESENT	COUNCILLORS HORTON (CHAIR), SUE GALLOWAY (VICE-CHAIR), CRISP, STEVE GALLOWAY, GALVIN, GILLIES, REID, SUNDERLAND AND B WATSON
IN ATTENDANCE	COUNCILLOR AYRE

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## 18. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
Library, Museum Street	Councillors Crisp, Sue Galloway, Horton and B Watson.	In order to assist Members in determining the application.
Millthorpe School, Nunthorpe Avenue	Councillors Crisp, Sue Galloway, Horton and B Watson.	At the request of Councillor Merrett, to assess the impact of the application.
3 Acomb Road	Councillors Crisp, Sue Galloway, Horton and B Watson.	As objections had been received and the officer recommendation is to approve.
12 St Aubyn's Place	Councillors Crisp, Sue Galloway, Horton and B Watson.	As objections had been received and the officer recommendation is to approve.

## 19. 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.

Councillor Sunderland declared a personal and prejudicial interest in Plans item 4a (12 St Aubyn's Place) as she knew the objector very well. She left the room for this item and took no part in the debate or voting on this application.

## **20. MINUTES**

RESOLVED: That the Minutes of the West and City Centre Area Planning Sub Committee meeting on 20 August 2009 be approved and signed by the Chair as a correct record.

## **21. PUBLIC PARTICIPATION**

There were no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

## **22. 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

### **22a 12 St Aubyn's Place York YO24 1EQ (09/01328/FUL)**

Members considered a full application from Mr and Mrs Reuben Barratt for a single storey rear extension, with a covered patio area.

Sketches of the proposed extension were circulated to Members of the Committee.

Representations were received from a neighbour in objection to the application. Her son addressed the meeting on her behalf. He explained that his mother had lived at the property for 25 years but that it was currently rented out on a short term lease. He explained that the fence already created a tunnel effect and that the close proximity and height of the proposed extension would cause further loss of light and increase the existing tunnel effect.

Representations were also received from the applicant in support of the application. He advised Members that the house currently had an uneven split between available space on the ground and first floors due to integral garage and he would like to extend the property to provide a utility room and playroom to meet the needs of his growing family. He stated that the line of roof of the proposed extension would be in line with existing fence so only a small amount of the extension would be seen above the fence from the neighbouring property.

Members remarked that the proposed extension was an exciting and innovative design which, given the topography of land, would make good use of varying height levels of plot. They agreed that the use of glazing was practical in allowing light in. They acknowledged that there could be a small element of light reduction to the neighbour's plot but did not believe

this would have a particularly detrimental impact as the extension was only just above the line of the fence.

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 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 and City of York Supplementary Planning Guidance to Householders (Approved March 2001).

Action Required

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

**22b 35 Wentworth Road York YO24 1DG (09/01491/FUL)**

Members considered a full application from Mr Tony Dennis for a single storey rear extension.

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 appearance of the dwelling and residential amenity. As such the proposal complies with Policies GP1 and H7 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

Action Required

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

**22c Library, Museum Street - General Regulations (Reg3) ( 9/00841/GRG3)**

Members considered a General Regulations (Reg3) application from Ms Fiona Williams, City of York Council, for part change of use to include a café.

RESOLVED: That the application be approved following a decision by the Secretary of State 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, impact upon the historic character and integrity of the Listed Building and impact upon the viability of other cafes and food outlets in the vicinity. As such the proposal complies with Policies HE3, HE4 and S6 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.

**22d Library Museum Street York YO1 7DS (09/00842/LBC)**

Members considered an application for Listed Building Consent (LBC) by Ms Fiona Williams, City of York Council for internal alterations and refurbishment.

Officers advised the Committee that they had been contacted by the Chairman of the Conservation Area Advisory Panel (CAAP) requesting that consideration of this application be deferred on the basis that the Panel were due to discuss the application at their meeting in October.

Officers advised that the Authority's Conservation Officer had requested two additional conditions, the first requiring samples of the construction materials to be used in the access ramp and staircase handrails to the ground floor foyer to be submitted and approved and the second, for a detailed photographic record of the library interior be submitted and approved before any work commences.

They also reported that the wording of Condition 3 had been amended slightly.

Members noted that the intention was for the redundant library shelving to be placed in storage and requested that the Authority investigate options for reusing the shelving within the Council as an alternative to putting it into storage.

RESOLVED: That the application be approved following a decision by the Secretary of State subject to the conditions listed in the report and the amended and additional conditions and informative listed below.<sup>1</sup>

Amended Condition 3

Notwithstanding the application details hereby approved, full details including height, location, decoration and structural members of the glazed screen to separate the cafe area from the children's

library shall be submitted to and approved in writing by the Local Planning Authority before work on site commences. Work shall thenceforth be undertaken in strict accordance with the details hereby approved.

Reason: To secure the historic character and integrity of the Listed Building and to secure compliance with Policy HE4 of the York Development Control Local Plan

Additional Condition 9

Samples of the construction materials to be used in the access ramp and staircase handrails to the ground floor foyer shall be submitted to and approved in writing by the Local Planning Authority before work on site commences. Work shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason: To safeguard the historic character and integrity of the Listed Building and to secure compliance with Policy HE4 of the York Development Control Local Plan.

Additional Condition 10

A detailed photographic record of the library interior in accordance with a written specification to be submitted to and approved in writing by the Local Planning Authority shall be undertaken prior to work commencing on site. A copy of the resulting report shall thenceforth be submitted to the Local Planning Authority.

Reason: To safeguard the historic character and integrity of the Listed Building and to secure compliance with Policy HE4 of the York Development Control Local Plan.

Informative:

The shelving and bookcases which are surplus to requirements and are to be removed from the library, should, if at all possible, be reused by the Learning Culture & Children's Services Directorate either at the Museum Street library, another Council library or given to another Directorate to use if required.

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 details of the proposed suspended ceiling panels, removal of fixed timber shelving, provision of handrails to the entrance ramp and staircase accessing the first

floor, glazed entrance screen and exposure of original flooring. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan and Central Government advice on Listed Building Control outlined in PPG 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

**22e Millthorpe School Nunthorpe Avenue York YO23 1PF  
(08/02056/GRG3)**

Members considered a General Regulations (Reg3) application from Millthorpe School for the erection of 2.9m high weld meshed material fencing to the tennis court (retrospective).

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

REASON: The revised proposal, subject to the condition listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to visual impact and the impact upon residential amenity . As such the proposal complies with Policy GP1 of the City of York Development Control Local Plan and PPS 1 'Delivering Sustainable Development'.

Action Required

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

**22f Park Farm Foss Field Lane Acaster Malbis York YO23 2XA  
(09/01353/FUL)**

Members considered a full application from Mr Richard Blacker for a first story pitched roof side extension.

Officers advised Members that the applicant had built a ground floor extension under permitted development rights after his original application for a two storey side extension had been refused and a subsequent appeal against the decision dismissed by the Planning Inspectorate.

Representations were received from the applicant in support of the application. He advised Members that his daughter and son-in-law were due to return to England after having lived abroad and would be living with them therefore they required an additional bathroom. He confirmed that it would not add to the footprint of the existing dwelling. He reminded Members that the dwelling was a farmhouse used to retain land in

agriculture and was well screened and a distance away from neighbours and roads.

Some Members were minded to approve the application as this was a working farm, which was helping to keep the countryside and green belt alive, and the development would not impact on neighbours but would ensure that he could continue as a dairy farmer.

However Members were also mindful that the site was within the green belt and they noted the Inspector's reasons for refusing the appeal, taking into account that these included the size of the footprint which had now been build as a single storey element under permitted development rights.

RESOLVED: That the application be refused. <sup>1</sup>

REASON: The application site is within the Green Belt. Supporting text to policy GB4 of the City of York Draft Local Plan (incorporating 4th set of changes) approved April 2005, states that extensions within the Green Belt should not cause undue visual intrusion and should be small in scale compared to the original dwelling. The proposed extension by virtue of its volume and height, in conjunction with existing additions, the footprint of the original dwelling having already been extended in excess of 50%, would be a disproportionate addition that would harm the openness of the Green Belt and would be contrary to City of York Council Supplementary Planning Guidance to Householders (dated March 2001); policies GB1 and GB4 of the City of York Draft Local Plan and Central Government Guidance contained in Planning Policy Guidance 2 "Green Belts"

Action Required

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

**22g 3 Acomb Road York YO24 4EN (09/01382/FUL)**

Members considered a full application from Mr M Altin for the variation of condition 1 of permission 05/01917/FUL to extend the opening hours of the cafe from 07:00 - 16:00 hours Monday to Saturday, to 07:00 - 23:00 Sunday to Thursday and 07:00 - 24:00 on Friday and Saturday.

Officers drew members attention to the Police Architectural Liaison Officer's comments which had been included in the report.

Representations were received from the agent in support of the application. He advised members that the intention was to bring the operating regime in line with other premises. He stated that he had noted the comments of the Police Architectural Liaison Officer and agreed with the suggestion of the Environmental Protection Unit (EPU) for a 24 month

trial period but requested clarification on this issue as planning officers had suggested a 12 month trial period.

Officers confirmed that the EPU has suggested a two year temporary permission in order that the impact on residential amenity could be monitored but that Members could change this if they wished and that generally a one year period would be suggested.

Councillor Galvin moved and Councillor Gillies seconded a motion to approve the application for a temporary period of 2 years. On being put to the vote, this motion was lost.

**RESOLVED:** That the application be approved for a temporary period of 1 year subject to the conditions listed in the report.<sup>1</sup>

**REASON:** Temporary permission is granted for a trial period to assess the impact on amenity, the conditions listed above seek to prevent undue harm to interests of acknowledged importance, with particular reference to residential amenity and highway safety. As such the proposal complies with Policies S6 and GP1 of the City of York Development Control Local Plan.

Action Required

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

**22h 34 St Mary's York YO30 7DD (09/01535/FUL)**

Members considered a full application by Mr Daniel Rose for the erection of a garage (resubmission)

Officers updated the Committee on further objections and responses that had been received since the agenda had been published. They advised that Highways Network Management had raised no objections to the application.

They also advised that 5 further objections had been received including St Mary's Conservation Group and the owner of no 35, making the following points:-

- Garage building intrusive due to alien orientation, scale and volume, Does not respect the context and established openness between the houses and the railway line.
- The character of an area derives not only from its building but their layout and space around. This scheme is over development and detrimental to character of the conservation area (in particular its linear layout of houses and openness) This has already been affected by allowing the applicant and neighbour to have larger garages (in footprint) The garages referred to behind the houses fronting Bootham (in the applicant's statement do not

form part of the St Mary's corridor, the form part of the cartilages of the houses on Bootham.

- The garage would be too large and dominate the plot. Its prominence would be noticeable in particular when trees are not in leaf.
- Development of this site has failed to take into account sustainability or ecology and has led to a disappointing scheme.
- Harm to amenity and setting of no 35.
- The use of playroom is seen as dubious and there is concern the garage could become a separate dwelling. Could not the room be accommodated in the new house given its size.
- It should be enough that the occupants of this house have a garage, a facility that many residents in the street do not have the benefit of.

#### Objections from owner of no 35.

1. "Any increase to the height of the building already approved is not required for the original intention of domestic outbuildings. It is clear that the last application and this application are attempts to completely alter the intended use of the building.
2. The main house already projects further than the building line of our property affecting the outlook from our property's rear windows which are main living rooms for tenants.
3. The Inspector appointed to consider an appeal against a previous application to build flats on the site advised that any new building should be sympathetic to the site, which is in a conservation area, and the setting of the neighbouring listed building.
4. Any further increase to the size of this building is overdevelopment for the size and setting of this site.

In summary, the new building is a considerable increase in height compared to the original plan and the approved amendment, which was widely known at the time to be a precursor increasing the footprint prior to the following two applications to increase the height.

Even if vehicle access to the garage is possible, it is clear that the proposed building is far larger than required to shelter a car and provide a reasonable small amount of extra storage. Instead, the application is an attempt to provide a reasonable small amount of extra storage. Instead the application is an attempt to provide residential accommodation even further beyond the existing building line. Therefore I request that the application is rejected and that the council take particular care to ensure that the letter of explanation is full and comprehensive. "

Representations were received from the applicant and his architect in support of the application.

The Applicant explained that he had bought no 34 St Mary's eighteen months previously with planning permission already granted and they had put great care and effort into ensuring that the design and materials used would enhance the street scene. Planning permission had already been granted for a garage and this application was to raise the height of the garage by just over 1 metre in order to provide a playspace. He confirmed they were not creating a granny flat and would be happy to accept a condition to cover this.

The Architect addressed the Committee and acknowledged that this was a contentious application due to the importance of the conservation area and the neighbouring listed building. He referred to the photographs which had been circulated to Members which showed several views of the property. With reference to the final photo, taken at 3 in the afternoon, he stated that it was the building itself which casts a shadow over the back of no 35 and the garage extension would not worsen this. He voiced concerns that paragraphs 4.14 and 4.15 of the report contradicted each other.

Members sought clarification on the increase in height of the garage and officers provided the requested information.

Members discussed the photographs which showed the existing garages nearby and the car park and discussed whether the increase in the height of the garage would improve or destroy the outlook. Officers advised Members that the Conservation Officer's view was that although it would not spoil the view from the street, it would have a harmful impact on the view from and openness of the surrounding gardens.

Councillor Gillies moved and Councillor Galvin seconded a motion to approve the application. On being put to the vote, the motion was lost.

RESOLVED: That the application be refused. <sup>1</sup>

REASON: The proposed garage due to its location, size and height, and considering the building line of the host dwelling, would significantly detract from the openness of the rear gardens/space behind the buildings on the northwest side of St Mary's. This open vista forms part of the historic character of the area and makes a positive contribution to both the character and appearance of the conservation area and the setting of no.35 St Mary's, which is a grade II listed building.

The proposal is therefore contrary to national planning policy contained in PPG15 which requires development proposals to at least maintain the character and appearance of conservation areas, and advises that the quality of such areas is dependent not only upon the quality of buildings, but also includes other considerations including, the historic layout of property boundaries and thoroughfares, character and materials, scaling and detailing of contemporary buildings, and vistas along streets and between buildings. The proposal also conflicts with policies GP1, HE2, HE3, HE4 and H7 of the City of York Local Plan.

The proposed garage building would have a detrimental impact on the living conditions of no.35 as it would be overbearing and over dominant, due to its location, size and height. As such the proposal is

contrary to policies GP1 and H7 of the City of York Local Plan.

Action Required

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

**23. APPEALS REPORT**

The Head of Development Control presented a report which informed Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 12-month and 3-month periods to 31<sup>st</sup> July 2009 and provided a summary of the salient points from appeals determined in the 3-month period.

He reported that since the end of July 2009 a further 7 appeals had been determined by the Planning Inspectorate. He advised Members that 6 of these had been dismissed and 1 part allowed.

He asked Members for suggestions on how the report could be improved. Members advised that it would be useful to include a breakdown of appeals performance to show which appeals were the result of officer decisions which were the result of Member decisions. They also requested information on where costs had been awarded.

- RESOLVED:
- (i) That the report be noted
  - (ii) That the format and content of the report be approved taking into account the above suggestions
  - (iii) That, in future, reports be received on a 6 monthly basis or 3 monthly if this is resolved by the Main Planning Committee.

REASON: So that Members can continue to be apprised of appeal decisions within the City of York Council area and be informed of the planning issues surrounding each case for future reference in determining planning applications.

Councillor D Horton, Chair  
[The meeting started at 3.00 pm and finished at 4.35 pm].