
MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	22 OCTOBER 2009
PRESENT	COUNCILLORS HORTON (CHAIR), SUE GALLOWAY (VICE-CHAIR), STEVE GALLOWAY, GALVIN, GILLIES, REID, MOORE (AS A SUBSTITUTE FOR CLLR SUNDERLAND) AND BOWGETT (AS A SUBSTITUTE FOR CLLR CRISP)
APOLOGIES	COUNCILLORS CRISP AND SUNDERLAND

24. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
10 Melander Close	Councillors Galvin, Gillies, Horton, Reid and Brian Watson.	As objections had been received and the officer recommendation is to approve.
The Artful Dodger, 47-51 Micklegate	Councillors Galvin, Gillies, Horton and Brian Watson.	In order to assist Members in determining the application
9-11 Low Ousegate	Councillors Galvin, Gillies, Horton and Brian Watson.	As objections had been received and the officer recommendation is to approve.
Mooring C, South Esplanade	Councillors Galvin, Gillies, Horton and Brian Watson.	As objections had been received and the officer recommendation is to approve

25. 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.

Councillors Galvin, Horton and Brian Watson declared a personal and prejudicial interest in agenda item 4c (Racecourse, Racecourse Road, Knavesmire) as they all receive complimentary season tickets for race meetings. They all left the room for this item and took no part in the debate or vote on this application.

Councillor Gillies declared a personal interest in agenda item 4c (Racecourse, Racecourse Road, Knavesmire) as he has received a complimentary season tickets for race meetings in the past but does not presently.

26. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That Members of the Press and Public be excluded from the meeting during consideration of Annex A to agenda item 5 on the grounds that it contains information that if disclosed to the public, would reveal that the Authority proposes to give, under any enactment or notice by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment. This information is classed as exempt under Paragraphs 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.

27. PUBLIC PARTICIPATION

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

28. 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.

28a Land To The North Of 10 Melander Close York (09/01349/FUL)

Members considered a full application from TAGA Homes Ltd for the erection of 2 two-storey detached dwellings with carports (resubmission)

Officers advised Members of a correction to the report and stated that seven neighbour objections had been received instead of the six as noted in the report.

They stated that a further objection had been received from Councillor Tracey Simpson-Laing, Ward Member for Acomb. Her grounds for objection were as follows:

- "The massing and proximity of the proposed houses in relation to adjacent bungalows resulting in a domineering development with a

loss of light and privacy to neighbours. Allowing a separation below 21m sets an unhealthy precedent.

- Damage to the hedge. The comments of the Tree Officer should take precedence, should the development go ahead the car port should be removed to allow 6m distance between any construction and the hedge with a consequent change to the wording of condition 6.
- Drainage – the application should not have been referred to sub-committee without drainage details”

A letter detailing her concerns in full had been circulated to all Members of the Committee in advance of the meeting, as she was unable to attend the meeting to speak herself.

Objections had also been received from a neighbour in Carnoustie Close on the following grounds.

- Past land use – land is contaminated – an independent survey and process for remedial action is required
- Drainage – soakaways have not been shown to be feasible, connection to the surface water sewer should be made if capacity exists.
- An as-built survey should be undertaken to verify finished road height.

In respect of drainage, Officers advised that surface water would drain to the surface water sewer instead of soakaways.

Officers advised that condition 2 should be amended to “Proposed site layout – Revised H Date stamped 19/10/2009” and that Condition 5 should be amended to add class E (garden buildings and structures) and refer to tree and hedgerow protection in the reason for the condition. Furthermore, an additional condition was advised to cover construction and demolition or refurbishment works and ancillary operations including deliveries to the site and despatch from the site.

Representations were received from a gentleman who spoke on behalf of his mother, a close neighbour and residents of Carnoustie Close and Lochrin Place. He drew Members attention to the following concerns

- the height level of the site in relation to surrounding properties
- the scale of the proposed development and overbearing effect on neighbours’ properties
- loss of amenity for residents

Representations were also received from the agent in support of the application. He raised the following issues.

- Liaison had taken place with planning officers to resolve previously identified issues and a sensible compromise had been reached
- The application site is a Brownfield site which takes precedence for development over Greenfield sites
- Site is of adequate size and density of development is suitable
- Trees do not overhang the site and the hedge will remain in position
- Car port is of light construction and will not impact on hedge or trees
- Careful consideration has been given to the design of houses

- There is no issue of overlooking

Representations were also heard from the Chairman of the Acomb Planning Panel in objection to the application. He advised Members that the Panel would like to see this piece of land developed but raised the following concerns about the proposed development:

- the proposed houses do not fit in with the character of existing neighbouring properties
- Houses would overlook bungalows in Carnoustie Place and gardens in Melander Close
- Loss of sunlight to neighbouring properties
- Possibility that carports may be converted into garages in future
- Query whether previous use of builders yard shed for pine stripping had been taken into consideration.

Members asked for further information on light issues and considered a copy of the light assessment which had been produced which indicated that shadow that would be cast was from existing trees not buildings.

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

Amended Condition 2

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

- (i) Proposed plans and elevations - T/17/03/ST09 Revision G received 26/08/2009
- (ii) Proposed site layout - T/17/02/ST09 Revision H received 19/10/2009

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 5

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C or E of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents and tree and hedgerow protection the Local Planning Authority considers that it should

exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

Additional Condition 21

All construction and demolition or refurbishment works and ancillary operations, including deliveries to the site and despatch from the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and Bank Holidays.

Reason: To safeguard the amenities of local residents

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 the residential amenity of the neighbours, the visual amenity of the locality, highway safety. As such, the proposal complies with policies GP1, GP10, GP15a, H3c, H4a, H5a, L1c and T4 of the City of York Local Plan Deposit Draft and the Council's Interim Planning Statement: Sustainable Design and Construction; national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development " and Planning Policy Statement 3 " Housing.

Action Required

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

28b Artful Dodger 47-51 Micklegate York YO1 6LJ (09/01655/LBC)

Members considered an application for Listed Building Consent from Mr Mark Allinson for internal alterations including a new staircase, toilets and replacement windows.

Representations were received from an agent acting on behalf of the owner of 45 Micklegate in objection to the application. He advised that his client wished to raise the issue of works previously undertaken at the property and voice the opinion that the applicant should reinstate the original layout before any further work began. He advised that his client was in possession of floor plans and plans from the Land Registry detailing the original layout and, based on these documents, was of the view that he owned a small part of the application site. He asked that the applicant be challenged on the validity of the certificate, included with the original application form, which stated that he was the owner of the full site.

Members asked for clarification on the piece of land in question and the agent advised that it was a cupboard which had previously been a void. In response to a query from Members, officers confirmed that the application could be determined without needing to know the ownership of the land and that the purpose of the certificate was in order that any other landowners could be informed of any development and in this case the neighbour was fully aware of the application.

Representations were also received from the applicant in support of his application. He stated that the intention of the development was to bring into use a derelict part of the building. He advised that all period features would be restored including fireplaces and cornicing, that the staircase would use an existing opening and that all changes could be reversed in future if necessary.

In respect of work which had already been carried out in the property, the applicant advised that he had been visited when he had originally bought the property and had understood that a lot of work would not require consent but that the replacement windows would need planning permission. In response to queries from Members, the applicant provided further information regarding the staircase, false ceiling, windows and intended use of room.

Officers voiced their concerns that the applicant had removed much of the historic fabric and changed the historic floor plan of the existing building when alternatives had been available. The Conservation Officer advised that when dealing with a listed building it was important to consider restoration of the whole internal character of the building. Members discussed the issues which had been raised.

RESOLVED: That the application be refused. ¹

REASON: (i) The removal of the internal walls and doors from the first floor, the sealing of the existing ceiling within the rear first floor room and the insertion of a staircase between the ground floor bar area and the first floor, together with the proposed insertion of double glazed units within the existing first floor windows within the Micklegate street elevation harm the special character and visual appearance of the Listed Building contrary to the terms of Policy HE4 of the York Development Control Local Plan together with Central Government advice on Listed Building Control outlined in PPG15 Paragraphs 3.12 and 3.13 and Paragraph 3 to the associated Annex C "Guidance on Alterations to Listed Buildings".

(ii) The internal works proposed and previously undertaken to create a first floor conference/function room have not been adequately justified as being desirable or necessary in terms of their impact upon the special character and appearance of the Listed Building in accordance with the requirements of

Central Government advice on Listed Building Control outlined in PPG 15 "Planning and the Historic Environment" paragraph 3.4.

Action Required

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

**28c Racecourse Racecourse Road Knavesmire York YO23 1EJ
(09/01635/FUL)**

Members considered a full application from York Knavesmire LLP for alterations to the Melrose Stand including an extension to the screened area, the provision of a lift and external housing and a low level balcony.

Councillor Sue Galloway took the Chair for this item.

Officers reported that Micklegate Planning Panel had no objections to the application.

Members discussed the need for more cycle storage at the racecourse and noted that that this would enhance the stand for conference and functions and not just at race meetings.

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 the impact on the function and amenity of the Green Belt, visual amenity, and the effect on the character and appearance on Conservation Area No.10. As such the proposal complies with policies GP1, GB1, GB10, HE3 and SP2 of the City of York Draft Local Plan-Incorporating the Proposed 4th Set of Changes; and national planning guidance contained in Planning Policy Guidance Note No. 2 " Green Belts ".

Action Required

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

28d Mooring C South Esplanade York (09/01691/FUL)

Members considered a full application from Mr Brian Clarke for the siting of a replacement floating pontoon/jetty on the east bank of the River Ouse between Ouse bridge and Skeldergate Bridge, at South Esplanade.

Officers updated Members on further responses which had been received. They advised that the Environment Agency had raised no objections providing the new pontoon was of a similar scale to the previous moorings and would therefore not impede the flow within the river and that the applicant must ensure that the boat and pontoon are securely fixed to the bank side to ensure they do not become a hazard in times of flooding. Officers also noted that the Engineering Consultancy (Drainage) had raised no objections and that the Guildhall Planning Panel did not object but commented that that the sites needed clearing and tidying up and repairs needed to be carried out.

Officers reported that three further letters had have been received from residents of Friars Terrace and South Esplanade raising the following additional points:

- The claim in the Design and Access statement that the floating pontoon was of a similar size and appearance to the previous one is untrue. It is twice the width and longer. Gates and ramps are duplicated. It could be made less obtrusive by removing one of the entrances and its associated ramp and handrails and painting the steelwork black.
- The pontoon is attracting youths who sit on it in the early hours causing litter, noise and disturbance. It is also dangerous for people to sit there.

Members asked for clarification on the effect of flooding on the pontoons and officers advised that they rise with the flood water to a certain point then become submerged. Officers also advised that the increased length of the mooring was not apparent from the esplanade and Members noted that this increased length allowed 2 entrances and ramps for wheelchair access.

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 the character and appearance of the Central Historic Core Conservation Area and residential amenity. As such the proposal complies with Policies GP1, HE2, HE3, L4 and V1 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. MM

28e Old Orleans 9-11 Low Ousegate York YO1 9QX (09/01697/FUL)

Members considered an application from Tesco Stores Ltd for a replacement shopfront, air condensing unit and replacement air conditioning unit.

A copy of a letter from the Development and Planning Partnership (DPP) in support of the application had been circulated to Members at the start of the meeting.

In respect of further consultation responses, Officers reported that the Planning Panel supported the application. They also advised Members that the Environmental Protection Unit were satisfied that the air-conditioning units would, based on the information provided, not cause noise disturbance but asked that the hours of opening and times of deliveries be restricted to protect the amenity of surrounding residents.

Officers also advised that comments received from the occupant of 15 King's Staith made the following points.

- Plant location keeps it out of sight and it would not pose a noise nuisance.
- Can the boarded up window on King Street be re-installed?
- Would not want waste to be stored on King Street.
- Deliveries will block the highway. Also could lead to vehicles reversing out from King St. onto Nessgate/Clifford St. which would affect highway safety.
- Flats on King St. would suffer noise disturbance from deliveries.

Officers reported that they would expect waste to be kept inside the building, not outside, except when for collection and advised that Highway Network Management have agreed with Tesco that servicing would be from Low Ousegate side between 05:00 & 06:00.

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, due to the design of the shopfront and materials proposed and the location and specification of the plant, 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 and amenity.

As such the proposal complies with Policies GP1, GP16, GP18, HE2, HE3, and HE4 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. MM

28f Old Orleans 9-11 Low Ousegate York YO1 9QX (09/01700/LBC)

Members considered an application for Listed Building Consent from Tesco Stores Ltd for internal and external alterations to form a retail store, including an external condenser, replacement air conditioning units and an internal lift.

Officers provided an update to Members. They advised that paragraphs 4.4 and 4.7 which refer to the shopfront, internal partitions and a raised floor incorrectly state that these date from the C19 whereas in fact these are 20th Century additions.

They advised that Condition 4, as detailed in the report, asks for a full structural survey. They informed Members that the applicants have asked that information only be supplied/required regarding the works proposed in the application, i.e. the works to the façade, strengthening of floors and works to supporting beams. Officers advised that they were agreeable to this, however if further structural work was required, as is alluded to in the applicants structural surveys carried out to date, then it is likely these works would require a fresh application for listed building consent. They therefore advised that Condition 4 should be amended accordingly.

Officers also suggested a separate condition to cover repair works (items c and d of condition 4 as detailed in the report).

In respect of further consultation responses, Officers reported that the Planning Panel supported the application. They also advised Members that the Environmental Protection Unit were satisfied that the air-conditioning units would, based on the information provided, not cause noise disturbance but asked that the hours of opening and times of deliveries be restricted to protect the amenity of surrounding residents.

Officers also advised that comments received from occupant of 15 King's Staith made the following points.

- Plant location keeps it out of sight and it would not pose a noise nuisance.
- Can the boarded up window on King Street be re-installed?
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- Flats on King St. would suffer noise disturbance from deliveries.#

Officers reported that they would expect waste to be kept inside the building, not outside, except when for collection and advised that Highway Network Management have agreed with Tesco that servicing would be from Low Ousegate side between 05:00 & 06:00.

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

Amended Condition 4

Prior to any such development commencing a methodology (including justification for the proposed approach) and schedule of works of the following works shall be submitted to and approved in writing by the Local Planning Authority:

- a) Strengthening and tying in works to Low Ousegate facade.
- b) Strengthening works to floors.
- c) Works to supporting beams.

Reason: To protect the special historic interest of the listed building.

New Condition 5

Prior to such development commencing the repair works listed below shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

- a) Schedule of window repairs; no windows shall be replaced except where agreed.
- b) Specification and extent of works for repairs to lime plaster, including replacement of laths, to be agreed in writing prior to commencement.

Reason: To protect the special historic interest of the listed building.

Additional Condition 6

No internal timbers shall be replaced unless justification and proposals are supplied to and agreed in writing by the Local Planning Authority prior to works commencing.

Reason: To protect the special historic interest of the listed building.

REASON: The proposal, due to the design and materials of the proposed shopfront, location of the plant and nature of the internal works, subject to the 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. As such the proposal complies

with Policy HE4 of the City of York
Development Control Local Plan.

Action Required

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

29. 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 report be noted.

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

Councillor D Horton, Chair

[The meeting started at 3.00 pm and finished at 5.25 pm].