
MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	14 DECEMBER 2009
PRESENT	COUNCILLORS HORTON (CHAIR), SUE GALLOWAY (VICE-CHAIR), CRISP, STEVE GALLOWAY, GILLIES, SUNDERLAND, B WATSON, MOORE (SUBSTITUTE) AND WISEMAN (SUBSTITUTE)
APOLOGIES	COUNCILLORS REID AND GALVIN

35. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
1 Gray's Court, Chapter House Street	Councillors, Gillies, Brian Watson and Horton.	At the request of Councillor B Watson
30 Top Lane, Copmanthorpe	Councillors, Gillies, B Watson, S Galloway, and Sunderland	As an objection had been received and the officer recommendation was for approval.
12 Dee Close	Councillors, Gillies, B Watson, Horton, S Galloway and Sunderland.	As objections had been received and the officer recommendation was for approval.
Garages rear of 11 to 21 Holly Bank Grove	Councillors, Gillies, B Watson, Horton, S Galloway and Sunderland.	As objections had been received and the officer recommendation was for approval.

36. 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 Horton declared a personal and prejudicial interest in plans item 4d 30 Top Lane, Copmanthorpe as he lives on Top Lane opposite the development. He left the room for this item and took no part in the debate or voting on the application.

Councillor Sunderland declared a personal interest in plans item 4c 12 Dee Close as she had received a letter from the applicant.

37. MINUTES

RESOLVED: That the minutes of the meeting of the West and City Centre Area Planning Sub Committee held on 19 November 2009 be approved and signed by the Chair as a correct record.

38. PUBLIC PARTICIPATION

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

39. 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.

39a 1 Gray's Court, York, YO1 7JH (09/01099/FUL)

Members considered a full application, received from Mr John Edwards for an electricity sub-station within the grounds of No1 Gray's Court, a Grade 1 Listed Building within the Central Historic Core Conservation Area.

Officers gave an update and stated that in paragraph 3.9 of the report the employer should read English Heritage and not The National Trust.

Representations were received from Janet O'Neil on behalf of the local residents in objection to the application. She stated that residents were in objection as:

- the sub station would be located next to the stone City Wall but would be built in brick.
- it would cut into the garden area.
- it would be seen by visitors walking on a section of the Wall.
- it would damage the historic cobbles in Gray's Court.

After a detailed discussion Cllr Moore moved and Cllr Crisp seconded that the application be refused. On being put to the vote it was a unanimous decision to refuse the application.

RESOLVED: That the application be refused subject to the conditions set out in the report.¹

REASON: The proposed sub-station due to its close proximity to the City Walls, its obtrusive and prominent impact in the open character of this part on the conservation area, its alien design in an historic setting would harm the visual amenity of and from the adjacent scheduled monument, have an adverse impact on the visual amenity of important landscape and iconic views, and harm the setting of the surrounding listed buildings contrary to Policies HE2, HE4, HE10, HE11, and GP1 of the City of York

Development Control Local Plan (2005) and national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development ," Planning Policy Guidance Notes Nos. 15 " Planning and the Historic Environment " and No. 16 " Planning and Archaeology.

Action Required

Issue the decision notice and include on the weekly planning MM decision list within the agreed timescales.

39b 3 Acomb Road, York, YO24 4EN (09/01851/FUL)

Members considered a full application, received from Mr M Altin for planning permission to allow takeaway sales from 3 Acomb Road, which would include a delivery service.

Officers updated Members and stated that the Environment Protection Unit had no objections to the proposal.

Representations were received from the applicant's agent in support of the application. He confirmed that the traffic issues should not be of concern as parking in the adjacent streets would be inconvenient to customers as these were one way streets. Customers would also not be able to park directly outside the premises and would have to park eighty metres away. He stated that the delivery vehicle would be parking in the Fox Public House car park as the applicant had an ongoing agreement with them. He asked Members to consider approving the application on a trial basis.

Members questioned the agreement with the Fox Public House and officers confirmed that they had not received any confirmation from the. Members questioned if the premises was open after 11:00pm as Mr Altin does not hold a licence to stay open after this time.

Representations were received from the Ward Councillor, Councillor Bowgett in objection to the application. She was speaking on behalf of the local residents and stated that some of their concerns were:

- Planning permission had only just been granted for the business to extend hours for restaurant use only but before this was granted it was advertising services as a takeaway.
- A delivery vehicle had already been purchased and was parking in Falconer Street.
- The business advertises free alcohol with takeaways over a certain amount, despite not having an alcohol licence.
- Parking issues in adjacent streets.
- The landlord of the Fox Pub had said that no permission had been granted for the delivery vehicle to park in the car park and no permission would be granted
- Noise levels, litter and anti-social behaviour from any extension of takeaway provision.

- Planning notices had been turned round outside the business to ensure residents were not kept informed of the planning application.

After being put to the vote it was a unanimous result to refuse the application.

RESOLVED: That the application be refused subject to the conditions set out in the report.¹

REASON: The proposal would cause harm to the levels of amenity presently enjoyed by the residents in Falconer Street and Park Lane. Customers visiting by car and the delivery vehicle(s) used by the premises are likely to park on the nearby residential streets, in particular Falconer Street and Park Lane due to convenience and the lack of parking available on Acomb Road. The noise that would occur as a consequence of such practice in the evenings: the manoeuvring of vehicles, engines running, amplified music, and raised voices would occur at random times, and may involve short sharp increases in noise level. On such occasions there would be significant harm to the levels of amenity presently enjoyed, and reasonably expected by residents. As such the proposal is contrary to policies GP1, S6 and S7 of the York Local Plan.

Action Required

Issue the decision notice and include on the weekly planning MM decision list within the agreed timescales

39c 12 Dee Close, York, YO24 2XP (09/02004/FUL)

Members considered a full application, received from Mr Jason Weaver for a pitched roof porch to the front elevation and single storey rear extension.

Officers confirmed they had no updates.

Representations were received from a neighbours solicitor in objection to the application. He stated that his client objected as the extension would only be 31/2 ft from her property and would create a dark narrow tunnel between the two homes. His client was most concerned about the loss of light into her kitchen and the loss of her outlook.

Written representations were received on behalf of local residents in objection to the application. Residents were concerned at the impact the development would have on neighbouring properties particularly in respect of sunlight and privacy and asked that this application be refused on the grounds of lack of amenity.

Representations were received from the applicant in support of the application. He stated that the extension was the size of a conservatory and it would help improve the family home by providing a bigger family

space at the back of the house. He felt that the light comes from the south and should have no affect on the neighbouring properties.

After a detailed debate Councillor Moore moved and Cllr Horton seconded that the application be approved. Some councillors did show concerns with the application as they felt the extension was too close to the neighbouring property but after being put to the vote the application was approved by 5 votes for 3 against and 1 abstention.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, 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 Council Development Control Local Plan (2005); and supplementary design guidance contained in the City of York Council's "A guide to extensions and alterations to private dwelling houses".

Action Required

Issue the decision notice and include on the weekly planning MM decision list within the agreed timescales

39d 30 Top Lane, Copmanthorpe, York (09/01702/FUL)

Councillor Horton had declared an interest in this application and he left the room and took no part in the debate or vote. Councillor S Galloway acted as Chair for this item.

Members considered a full application, received from Mr Nigel Travis for planning permission for a large scale extension, to include extensions to the side, front and rear, raising the ridge height and constructing two dormer windows to the rear extensions.

Officers updated Members and stated that the owners of 28 Top Lane had no objection to the proposal.

Representations were received from the applicant in support of the application and he stated that the extension would refurbish the small sixties detached house to provide a large family home. He stated that he had complied with the council's policies by reducing the ridge height by two metres and that his neighbours supported the application. He felt the extension would improve the appearance of the house and area.

Members felt the application was well thought out and on being put to the vote the application was approved by a unanimous vote.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character of the area or residential amenity. As such the proposal complies with Policies GP1 and H7 of the City of York Development Control Local Plan the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance and the Copmanthorpe Village Design Statement.

Action Required

Issue the decision notice and include on the weekly planning MM decision list within the agreed timescales

39e Garages To The Rear Of 11 To 21 Holly Bank Grove York (09/01910/FUL)

Members considered a full application, received from Mr Peter Mortimer for the erection of 8no two storey dwellings (including accommodation in the roof - resubmission).

Officers circulated an update, which is attached to these minutes.

Representations were received from a neighbour in objection to the application. He felt that this application would raise the level of traffic in an area that was already struggling with a high volume of traffic. He showed concerns with the parking in the area and felt the road leading to the properties would be too narrow, which could effect the Emergency Services as they would find it difficult to enter the site. He also stated that he had concerns with the removal of the kerbs, the rubbish collections and he felt the noise from the trains would have a large affect on the owners of the new houses especially at night when the engines were left running.

Representations were received from the applicant's agent in support of the application. He confirmed that his client had considered all the local residents objections and officers comments when resubmitting this application. He felt the development would provide good quality town houses in a sustainable area close to the city centre. He stated that the current access road had sustained a high volume of traffic since it had been built.

Members discussed the options available if the Fire Brigade were unable to access the site and in answer to Members questions the agent stated that his client would consider installing a sprinkler system.

Representations were received from the Ward Councillor, Councillor Alexander in objection to the application. He stated that local residents had concerns over this application, in particular:

- Parking – shortage of parking at present and this application would bring more vehicles into the area.
- Privacy – Intrusive on neighbouring properties
- Access – Emergency vehicles would struggle accessing the site
- Noise – Unfair on residents who may buy the properties as noise from the railway line can go on through the night
- Density – too high
- Public Right of Way – objecting to gating Jennifer Grove
- Adoption of the highway
- Drainage – not been addressed properly
- Street Lighting – no details in the application

Some Members were concerned that some internal and external departments had expressed issues with the development. Members discussed the noise from the trains, the traffic, the removal of the kerbs and the parking issues in the area and after much debate it was agreed that the kerbs should be retained and with this amendment to condition 23 the application was approved by 6 votes for, 2 against and 1 abstention.

RESOLVED: That the application be approved subject to the conditions set out in the report and the changes made to condition 23 to read:¹

- Notwithstanding the submitted plans the kerbs to the vehicles access should be retained in situ.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the 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 dwellings and the locality, and highway safety. As such, the proposal complies with Policies GP1, GP10, H4a, ED4 and L1c of the City of York Council Development Control Local Plan (2005); national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development" and Planning Policy Statement 3 "Housing".

Action Required

Issue the decision notice and include on the weekly planning MM decision list within the agreed timescales

40. APPEALS PERFORMANCE AND DECISION SUMMARIES.

Members considered a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3 month period up to 31 October 2009.

RESOLVED: That the report be noted.

REASON: To update Members on the number of appeals determined by the Planning Inspectorate within the Sub-Committee area.

Councillor D Horton, Chair

[The meeting started at 3.00 pm and finished at 4.43 pm].

Garages to the Rear of 11-21 Holly Bank Road**Committee Update – 14 December 2009****Revision to Condition 13**

Prior to development a suitable noise scheme shall be submitted and approved in writing by the local planning authority. This scheme must include sufficient mitigation measures and demonstrate that these mitigation measures shall be sufficient to ensure that noise from the rail traffic will have no adverse impact on residential amenity of occupiers of the development. Once approved this scheme shall be fully implemented prior to the first occupancy of the development.

Reason: To protect the amenity of proposed occupiers of the development

Addition Conditions

- HT1 Height

8.4m (terrace of 5 dwellings)

8.6m (terrace of 3 dwellings)

- Position of Waste and Recycling bins

Notwithstanding the submitted plans a drawing at a scale of 1:20 showing the siting of the waste and recycling bin collection point on the access road shall be submitted to and approved in writing by the Local Planning Authority. The collection point shall be permanently marked out on the access road. No bins shall be sited at the collection point except after 19.00 hours the day before collection and on the day of collection. The approved facilities shall be provided prior to the first use of the building and shall be maintained thereafter.

Reason: To prevent the obstruction of the access road and in the interests of the general amenities of the area.

Additional representations

- 5 additional names and addresses have been received and are added to the existing petition not in favour of the proposed development (total - 26 names in the petition)
- Clarification from the Fire Safety Officer. If the fire appliance cannot physically drive down the access road and turn around at the end, there are alternative solutions, for example fitting a fire main or installing a domestic type sprinkler system within the proposed dwellings. This would be determined during the Building Regulations submission.

Road Widths

- Access road to Chapelfields Road development 07/02966/FUL (9 dwellings)
Road 4.5 metres narrows to 3 metres
- Access road to Lidgett Grove development 07/01120/REMM (19 dwellings)
Shared surface narrow entrance and widens to 4.5 metres
- Access road to Dane Avenue development 07/02738/FUL(5 dwellings) Road 3.8 metres

Holly Bank Grove - 4 metres
Jennifer Grove - 4.3 metres
Clive Grove - 4.5 metres
Mildred Grove - 2.5 metres
Anderson Grove - 3 metres
Nigel Grove - 3 metres

(measurements are road width only, not including pavements)

Height of dwellings on Jennifer Grove and Holly Bank Grove vary between 8.2 metres and 8.4 metres