
MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	20 JANUARY 2010
PRESENT	COUNCILLORS HORTON (CHAIR), CRISP, STEVE GALLOWAY, GALVIN, REID, SUNDERLAND, B WATSON, MOORE (AS A SUBSTITUTE FOR CLLR SUE GALLOWAY) AND WISEMAN (AS A SUBSTITUTE FOR CLLR GILLIES)
APOLOGIES	COUNCILLORS SUE GALLOWAY AND GILLIES
IN ATTENDANCE	COUNCILLOR FRASER

41. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
Artful Dodger, 47-51 Micklegate	Councilors Crisp, Horton, Reid, Brian Watson and Wiseman.	At the request of Councillor Gunnell
14 Copmanthorpe Lane, Bishopthorpe	Councilors Crisp, Galvin, Horton, Reid, Brian Watson and Wiseman.	As objections had been received and the officer recommendation was for approval.

42. 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.

All Members of the Committee declared a personal non-prejudicial interest in plans item 5e (76 Huntington Road) as the applicant is a City of York Councillor.

Councillor R Moore declared a personal non-prejudicial interest in plans item 5f (Site to rear of 14 Copmanthorpe Lane, Bishopthorpe) as he knows the representative from Bishopthorpe Parish Council (who was speaking under public participation) through parish council work.

43. 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 6 (Enforcement Cases Update) (Minute 47 refers) 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.

44. MINUTES

RESOLVED: That the minutes of the meeting of the West and City Centre Area Planning Sub Committee held on 14 December 2009 be approved and signed by the Chair as a correct record.

45. 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.

46. 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.

46a Artful Dodger, 47-51 Micklegate, York, YO1 6LJ (09/02085/LBC)

Members considered an application for Listed Building Consent for the **retention of external lighting**.

Officers explained that normal policy on lighting in the historic core would be to consider only buildings of historical or cultural significance and that this building would not fall into such a category. They stated that, even if the lighting of the building was considered to be acceptable in principle, the lights themselves would need to be well designed to respect the character

and appearance of the building and poorly designed or located fittings would render a scheme unacceptable.

Representations were received from the Conservative Parliamentary Candidate for York Central. She spoke in support of all three applications for this site. She advised Members that the applicant had devoted a lot of time to resurrecting the building and bringing it back into use and stated that work had already been delayed a year and a half. She explained that the scheme would bring social, business and employment benefits to the people of York.

Representations were also received from the applicant, in support of his application to retain the lighting. He stated that the lights, which were positioned over each arch, made the business visible to passing trade and were also important to provide his doorstaff with adequate light in order to check customers' identification on entry. He stated that the floodlights were as slim as possible and of black plastic construction which did not stand out. He advised Members that the lights were low energy with individual units having a life expectancy of 5-6 years. He also confirmed that the additional wiring on the outside of the building did not belong to the Artful Dodger.

Representations were also received from Councillor Fraser in support of the all three applications on this site. He advised Members that the developments would bring previously used space into use and the building would not just benefit young people but in fact people of all ages. He advised Members that the Micklegate Ward Planning Panel had raised no objections to the application and had been generally accepting of proposals. He expressed the view that the lights did not detract from the building and urged the Committee to approve the application.

Officers reminded Members that in Listed Building Consent applications, the Planning Act requires the local authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Members questioned whether the applicant had made any attempt to fit appropriate lighting for a Grade 2 listed building and officers advised that the lighting had been erected without any consultation with the Planning Authority.

In response to a query from Members on the issue of floodlighting, Officers advised that planning policy allows for buildings "of cultural significance" to be floodlit, but confirmed that as a pub, this building would not be classed as such. They advised that signage could be lit and suggested that the doorway could be lit with a down lighter in the recess.

Councillor Galvin moved a motion to defer the application to allow more time to look into other lighting options and Councillor S F Galloway seconded this motion. On being put to the vote the motion to defer was lost.

Members voiced their concerns over the lack of discussion which had taken place between the applicant and the Planning Authority on suitable means of lighting.

RESOVLED: That the application be refused.

REASON: The floodlighting fittings affixed to the principal street elevation of the property are visually harmful to the historic character and integrity of the Listed Building by virtue of their number, size, design, location and associated wiring. Lighting of the main street elevation is furthermore felt to be inappropriate in principle with the development running contrary to Policies HE4 and GP 18 of the York Development Control Local Plan and Central Government guidance on Listed Building Control outlined in PPG15 Paragraphs 3.12 and 3.13.

46b Artful Dodger, 47 - 51 Micklegate, York, YO1 6LJ (09/02174/LBC)

Members considered an application for Listed Building Consent for a **lowered ceiling to the first floor rear bar area** (retrospective)

Officers reported that the owner of the adjacent property, no 45 Micklegate, had written to request that his earlier objections to the lowered ceiling in the rear first floor room were taken into consideration, on the grounds of unnecessarily radical nature of the proposal, the impact upon residential amenity of the adjacent property and the undertaking of building work on land outside of the applicant's ownership.

Officers advised Members that Central Government advice on Planning Policy Guidance 15 (PPG15) required any work to be carried out on a listed building to be fully justified. They confirmed that the installation of a lowered ceiling was not a building control requirement, (there was no requirement to provide sound insulation to the flat above, which was the justification given, as this flat was intended for occupation by the bar manager) and furthermore that there was no evidence that the original ceiling had been badly damaged. They stated that they believed that the introduction of a suspended ceiling harmed the character of the listed building and should not be carried out if other alternatives are available.

The Conservative Parliamentary Candidate for York Central, who had spoken under Public Participation on Plans Item 45a questioned why such harsh and strict conditions were being placed on this application when other developments on the same road had been allowed.

The applicant advised Members that he had no intention of damaging the building and drew Members' attention to a letter received from a Craftsman which confirmed that the cornice was beyond repair and to a photograph which showed existing water damage. He stressed that Planning Policy Guidance 15 was designed to be open to interpretation. He stated that the lowered ceiling would allow cables and pipes to be hidden and a new

cornice would be installed which would match the original damaged cornice, in order to retain the character of the room.

Members questioned whether the ceiling was beyond repair or whether it could be repaired at a cost and officers advised that repair was an option. They confirmed that they had not been consulted by the owner prior to any of the works being carried out.

Members expressed the view that the installation of the lowered ceiling was not likely to have caused any damage to the original features and in fact provided protection to the original coving and some sound insulation. However they stressed it was important to remember that this was a listed building and acknowledged that it did change the character of the room. They also agreed that the applicant had not been able to justify that the lowered ceiling was the only option in the circumstances to provide sound insulation to the flat above.

RESOLVED: That the application be refused.

REASON: The insertion of a suspended ceiling into the rear first floor room harms the character and appearance of the listed building and has not been adequately justified as being desirable or necessary in terms of its impact upon the Listed Building in accordance with the requirements of Central Government advice on Listed Building Control outlined in paragraph 3.4 of Planning Policy Guidance 15 "Planning and the Historic Environment ". The proposal is therefore contrary to policy HE4 of the Local Plan and paragraphs 3.12 to 3.14, C58 and C60 of PPG 15.

46c Artful Dodger, 47- 51 Micklegate, York, YO1 6LJ (09/02175/LBC)

Members considered an application for Listed Building Consent for the **installation of a staircase between rear ground and first floor rooms** (retrospective).

Officers advised that the owner of the adjacent property, no 45 Micklegate, had written to request that his earlier objections to the additional staircase be taken into consideration, on the grounds of unnecessarily radical nature of the proposal, the impact upon residential amenity of the adjacent property and the undertaking of building work on land outside of the applicant's ownership.

Officers expressed their concerns that, in respect of this application, the staircase had not been justified in terms of Planning Policy Guidance 15.

The Conservative Parliamentary Candidate for York Central, who had spoken under Public Participation on Plans Item 45a and b stated that the applicant aimed to reduce noise disturbance in the building and preserve its features.

The applicant explained that the staircase was an essential part of the development and alternative solutions, including creating a doorway through to the existing staircase, were unacceptable in terms of security (concerns over pub customers gaining access to the first floor flat) and noise disturbance (the existing staircase is only separated from the residential property next door at no 45 by a thin wall). He responded to Members queries in relation to use of the original staircase as a first escape route and circulated photos of the lintel for them to view.

Members discussed the issues which had been raised and acknowledged that they had a duty to protect listed buildings.

RESOLVED: That the application be refused.

REASON: The insertion of a staircase between the ground floor bar area and the first floor causes significant and unjustifiable harm to the special character and visual appearance of the Listed Building contrary to Policy HE4 of the York Development Control Local Plan taken 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".

Note: Following consideration of this item, Councillors Wiseman and Sunderland left the meeting.

46d 2 Summerfield Road, York, YO24 2RU (09/02241/FUL)

Members considered a full application from Mr Warren Mapplebeck for a pitched roof single storey side and rear extension.

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

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 Development Control Local Plan and City of York Supplementary Planning Guidance to Householders (Approved March 2001)

46e 76 Huntington Road, York, YO31 8RN (09/02138/FUL)

Members considered a full application from Mr and Mrs Pierce for a single storey side extension.

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

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 outlook and privacy of 74 Huntington Road and the character and appearance of the conservation area. As such the proposal complies with Policies GP1, H7 and HE3 of the City of York Development Control Local Plan.

46f Site To The Rear Of 14 Copmanthorpe Lane Bishopthorpe York (09/00819/FUL)

Members considered a full application from Mr Mike Cross for a single storey dwelling with rooms in the roof, to the rear of 14 Copmanthorpe Lane.

Officers advised the Committee that they had received a response from the Parish Council to the revised plans (October 2009). This response raised the following concerns:-

- “Detached bungalow style does not match the neighbouring semi-detached dwellings. The surrounding dwellings are set back from the road with a front garden. The proposal does not reflect this style
- Dominate outlook from 12 Kirkwell
- Cause overshadowing of 12 Kirkwell
- Proposal would appear overdeveloped
- Proposals for waste storage could cause nuisance to 14 Copmanthorpe Lane
- Elevations and plans fail to show the existing gate from Kirkwell
- The hedge is described as 2.5 metres in height and would obscure the proposed dwelling by dense foliage. The hedge is in fact spare along its length and the property would be visible.”

They also reported that a further objection had been received on 19 January from the occupants of 10 Kirkwell which raised the following issues:-

- Siting of driveway opposite 12 Kirkwell
- The height and scale of the building will cause overshadowing
- Road congestion existing from school traffic
- Out of character with the area and would be overdevelopment
- Development would impact on outlook and privacy
- Create traffic movements that are dangerous
- Kirkwell was not intended to accommodate properties on both sides

They also stated that an objection had also been received on the same date from the occupant of 8 Kirkwell which asked that, should be application be approved, the following issues be taken into account:-

- Site traffic be restricted to the hours of 9am to 6pm Monday to Friday and include a break between 3pm and 4pm for school pickups.
- That site traffic is restricted to Monday to Friday, and excludes Saturday and Sunday and Bank Holidays
- That site vehicles, skips and site materials are securely stored off the highway and are restricted to the development plot itself.
- Would request frequent road cleaning to prevent the build up of dirt and debris from any building site.

Representations were received from a neighbour living in Kirkwell in objection to the application. She raised the following points:

- Road safety issues - Road designed for current layout of properties - Width of road and volume of parked cars causes difficulties in manoeuvring
- No space to manoeuvre vehicles on the site therefore vehicles would be reversing out of site blind into cul-de-sac due to hedge on either side of driveway.
- Concerns about site traffic entering/leaving site due to proximity of school & football club
- Impact on privacy of existing residents - gardens overlooked

Representations were received from a further neighbour in Kirkwell, also in objection. She stated that:-

- Development is appropriate and would have a harmful effect on residential amenity
- It is, in effect, a 2 story building which will harm the outlook for existing residents
- The building design is of poor quality – very basic with little architectural interest
- The site not large enough for proposed building and would create a sense of enclosure for the houses opposite

Representations were received from the applicant's agent, in support of the application and he expressed the following points:-

- Worked with officers on design and development has been reduced in size since previous application.
- Meets sustainability requirements,
- Scale and design are appropriate.
- New building will make no difference to existing traffic situation in road once built.
- No impact on light to adjacent property.

Representations were also received from a representative of Bishopthorpe Parish Council who stated:-

- He did not believe that the design enhances or respects local environment.
- Existing Kirkwell houses have gardens and space around them whereas this would appear crammed in with little space around it.

- He had concerns that more detailed plans were not available and asked Members to refuse application or defer until all plans were available.

Members asked for clarification on the width of the road in order to determine the distance between front of existing properties and proposed development. Officers advised that this was 14.1m from living room window to living room window. They confirmed that the only windows on proposed building which faced Kirkwell were at ground floor level and that a condition would require the hedge to remain in place for privacy reasons.

A Member raised concerns over the principle of development on site and the type of property on the site and argued that this constituted overdevelopment and overmassing on the site.

Members agreed that the new application took into account many of the problems which had been raised when the previous application was determined. They also agreed that they did not feel that issues over parking and manoeuvring into/from the site were grounds for refusal and were of the opinion that the site was large enough to support this development.

RESOLVED: That the application be approved (with delegated authority) subject to the conditions listed in the report and the amended and additional conditions below.

Amended condition 12

With the exception for the vehicle access specified on Drawing Number TD06-08 received 8 December 2009, the hedge adjacent to the boundary with Kirkwell shall not be removed. The hedge shall be retained at a minimum of 1.9 metres in height.

Reason: To protect the visual amenity of the streetscene.

Additional Condition 15

The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

Additional Condition 16

Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

REASON: The proposal, subject to the conditions listed in the report and the amended and additional conditions 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 dwelling and the locality, and highway safety. As such, the proposal complies with Policies GP10, H4a and GP1 of the City of York Council Development Control Local Plan (2005); and national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development".

47. 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 5.55 pm].