
MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	22 APRIL 2010
PRESENT	COUNCILLORS HORTON (CHAIR), SUE GALLOWAY (VICE-CHAIR), CRISP, GILLIES, REID, SUNDERLAND, B WATSON, MOORE (SUBSTITUTE) AND HEALEY (SUBSTITUTE)
APOLOGIES	COUNCILLORS STEVE GALLOWAY AND GALVIN

60. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
1 Jorvik Close	Councillors Crisp, Healey, Gillies, Horton, Reid and Watson.	At the request of Councillor D Horton
75 York Road, Acomb	Councillors Crisp, Healey, Gillies, Horton, Reid and Watson.	At the request of Councillor A Waller
Student Union and Phoenix Buildings, York St John University	Councillors Crisp, Healey, Gillies, Horton, Reid and Watson.	As objections had been received and the officer recommendation was for approval.
Stores/Warehouse, Galmanhoe Lane	Councillors Crisp, Healey, Gillies, Horton, Reid and Watson.	As objections had been received and the officer recommendation was for approval.

61. 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 interest in Plans Item 4a (1 Jorvik Close) as he knew the applicant.

Councillor Reid reported that she had been contacted by a member of the public regarding a land matter in respect of Plans item 4e (Stores/Warehouse, Galmanhoe Lane) and that she had put the lady in contact with the relevant officer and had not discussed the application with her. Councillors Gillies and B Watson advised that that they had also been contacted regarding this application but had not discussed the issue.

Councillors Gillies and Crisp declared a personal interest in Plans Item 4e (Stores/Warehouse, Galmanhoe Lane) as Director and Board Member respectively of Visit York who had submitted written representations in respect of this application.

62. 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 (Enforcement Cases Update) (Minute 65 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.

63. 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.

64. 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.

64a 1 Jorvik Close, York, YO26 5HB (10/00159/FUL)

Members considered a full application from Mr Alan Potter for the erection of three 2-storey terraced dwellings (resubmission).

Officers advised the Committee that no response had been received from Structures and Drainage and that a condition be added to limit the height of the development to a maximum of 7.8m above ground level.

Members requested that the informative regarding hours of construction, loading or unloading on the site be made into a condition.

RESOLVED:

That the application be approved subject to the conditions listed in the report and the additional conditions listed below:-

Additional Condition

Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 7.8 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

Additional Condition

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.

REASON:

The proposal, subject to the conditions listed in the report and the additional conditions above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact of the proposal upon the visual amenity of the street scene, impact of the proposal upon the residential amenity of neighbouring properties; impact upon the safety and convenience of highway users; impact upon the local pattern of surface water drainage; construction of the development according to sustainable principles and provision of off-site open space. As such the proposal complies with Policies H4a); GP1 ,GP10, L1c) , GP10 and GP 4a) of the City of York Development Control Local Plan.

64b 75 York Road, Acomb, York (10/00247/FUL)

Members considered a full application from Securities Ltd for the subdivision of a retail unit (use class A1) and use as one hot food takeaway (use class A5) and one retail unit (resubmission).

Members queried paragraph 4.12 of the report which stated that this application for change of use would exceed the 35% threshold for criterion (c) of policy S3a (percentage of frontage of non A1 use). Officers acknowledged that this application would contribute to this threshold being exceeded and would result in a reduced shopping frontage but advised that it would not reduce the overall number of retail units in the area.

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 the residential amenity of the neighbours, and the vitality and viability of the Acomb District Centre. As such, the proposal complies with Policies GP1, GP16, S3a, S6, and S7 of the City of York Council Development Control Local Plan (2005); national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development".

64c Student Union York St John University, Lord Mayors Walk, York (10/00209/FUL)

Members considered a full application from Mr Richard Hirst of the Student Union, York St John University, for alterations to the façade of the students union building and new beer store, alterations to windows and doors of the Phoenix Building and a new canopy and landscaping seating area.

Representations were received from an architect in support of the application. He advised Members that this application was part of a wider initiative to enhance the overall environment of York St John University and explained for Members' benefit how the different aspects of the application would achieve this goal. In response to queries raised, he confirmed that the Phoenix Building would be used for business purposes, therefore its use would be limited to normal business hours and occasional evenings. He stated that the courtyard would be used as a breakout space for up to 10 people and that this area included a 3m area of landscaping to act as a buffer and prevent any sound from disturbing residents in neighbouring properties.

Members noted the objections raised by residents of St John's Street due to concerns about noise disturbance from the courtyard and recommended that use of the courtyard be limited to 8pm in the evening. Members agreed that the proposed developments would improve the campus which had seen many piecemeal changes in the past.

RESOLVED:

That the application be approved subject to the conditions listed in the report and the amended condition below:

Amended Condition

The use of the Phoenix Court garden shall be confined to the hours of 08.00 to 20.00 Mondays to Saturdays and shall not be used on Sundays.

Reason: To protect the amenities of adjacent residents.

REASON:

The proposal, subject to the conditions listed in the report and the amended condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the setting of the adjacent listed buildings and the wider Central Historic Core Conservation Area. As such the proposal complies with Policies HE2 and HE3 of the City of York Development Control Local Plan.

64d Phoenix York St John University, Lord Mayors Walk, York (10/00210/LBC)

Members considered an application for Listed Building Consent from Mr Richard Hirst for internal and external alterations to the Phoenix Building.

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 character and appearance of the listed building. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan.

64e Stores/Warehouse, Galmanhoe Lane, York, YO30 7DZ (10/00066/FUL)

Members considered a full application from HHB Investments Ltd for four 3-storey dwellings following the demolition of existing buildings.

Officers informed Members comments had been received from 7 neighbours not 6 as stated in the report. Furthermore they advised that three letters had been received in response to the revised drawings raising concerns that the lane was too narrow and congested to allow vehicles to turn and park, that there was no facility for turning within the site and that the development would result in the loss of car parking spaces for the Coach House Hotel.

They also advised that a letter had been received from the Chief Executive of Visit York stating that if the Coach House was unable to offer parking to its generally elderly and disabled guests, the potential loss of business could result in some staff losing their jobs and suggesting that should the developers build 2-3 houses this would ensure that the parking remains adequate for the Coach House Hotel.

Officers recommended that Condition 15 be amended to state that the approved bollards and railings must be installed prior to the first occupation of the dwellings on site and retained as approved, and that an additional condition be added to require that an archaeological brief be carried out.

Representations were received from a representative of York Conservation Trust and HPH Accountants who stated that she supported the principle of development but expressed serious concerns regarding traffic on the lane, including increased use of the lane by people visiting the properties and the danger created by the need for vehicles to reverse out of the lane onto Marygate due to the lack of turning spaces on the lane.

Representations were also received from the owner of the Coach House Hotel in objection to the application. She explained that if the application was approved, she would lose three parking spaces which had been used by the hotel for over twenty years and a large proportion of her guests are elderly who require on site parking.

Representations were also received from the applicant's agent. He stated that they had met with individuals and responded to concerns raised during the planning process. He made a commitment to maintain communication with neighbours during the development, to reduce the impact on them during construction and maintain access. In response to queries raised regarding turning in the lane, he advised the Committee that parking had been reduced to two of the buildings with garages and a turning area therefore there would be no need for vehicles to reverse out of the lane.

Members expressed concerns about the egress of traffic from the lane and use of lane by casual traffic such as delivery vehicles and Officers responded to specific queries in relation to these issues. In order to facilitate maneuvering of vehicles from the hotel car park it was suggested that the new boundary wall be set back and the cycle hoop and landscaping within the area that currently forms the chamfered corner of the stores building be removed.

RESOLVED:

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

Amended Condition

Full details of bollards or railings to enclose the paved area to the front of plots 3 and 4 in order to prevent parking shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved bollards or railings shall be installed prior to the first occupation of any of the dwellings on the site and shall be retained as approved.

Reason: To prevent the parking of vehicles which would be likely to result in reversing manoeuvres onto Marygate which would be harmful to road safety.

Additional Condition

No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

Additional Condition

Prior to the commencement of the development an amended drawing shall be submitted to the local planning authority for written approval showing the new facing brick wall adjacent to the hotel car park at 18-22 Marygate cut back so that it is no further forward than the position of the existing flank wall of the stores building (shown as a dashed line on the submitted drawing no. 1623-201) and deleting the landscaping and cycle hoop within the area that currently forms the chamfered corner of the stores building. The development shall be carried out in accordance with the approved amended drawing and thereafter nothing shall be erected, planted or placed on that area of the site such that it obstructs the manoeuvring of vehicles from the hotel car park.

Reason: The erection of the wall and the placing or erection of structures on that area of the site would be likely to reduce the capacity of the adjacent car park and result in vehicles within the adjacent car park being unable to exit Galmanhoe Lane in a forward gear thereby resulting in conditions likely to harm vehicle and pedestrian safety at its junction with Marygate.

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 to the principle of residential development, the residential amenity of the neighbours, the visual amenity of the conservation area, protected species, the provision of off-site open space and highway safety. As such, the proposal complies with policies H3c, HE2, HE3, HE5, GP1, GP9, GP10, T4, H4a and L1c of the City of York Local Plan Deposit Draft; and National Planning Guidance PPS1, PPS3 and PPS5.

65. 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.

As the Planning Enforcement Officers had not been able to attend the meeting, the Area Team Leader, Planning and Sustainable Development

responded to Members queries where possible and agreed to report back on cases where further information was required. ¹

RESOLVED: That the report be noted.

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

Action Required

1. Officers to update Members on specific queries raised in relation to ongoing enforcement cases. GA

Councillor D Horton, Chair

[The meeting started at 3.00 pm and finished at 4.40 pm].