
MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	15 JULY 2010
PRESENT	COUNCILLORS HORTON (CHAIR), REID (VICE-CHAIR), CRISP, GALVIN, SUNDERLAND, B WATSON, MORLEY AND WISEMAN (SUBSTITUTE)
APOLOGIES	COUNCILLORS STEVE GALLOWAY AND GILLIES

6. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
Forge House, The Ridings, Wetherby Road, Rufforth	Councillors Crisp, Horton, Reid, Brian Watson and Wiseman.	At the request of Cllr Healy.
Garages to the Rear of 68 Bootham	Councillors Crisp, Horton, Reid, Brian Watson and Wiseman.	As objections had been received and the officer recommendation was for approval.
De Grey Rooms, St Leonards Place	Councillors Crisp, Horton, Reid, Brian Watson and Wiseman.	At the request of Councillor Brian Watson.
Luxury Ice Cream Company, 20 Back Swinegate	Councillors Crisp, Horton, Reid, Brian Watson and Wiseman.	As objections had been received and the officer recommendation was for approval.

7. 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 Reid and Crisp declared a personal and prejudicial interest in agenda items 5a and b (De Grey Grooms, St Leonards Place) as they are both trustees of York Theatre Royal who are intended future users of the building.

8. MINUTES

RESOLVED: That the minutes of the meeting of the West and City Centre Area Planning Sub Committee held on 17 June 2010 be approved and signed as a correct record.

9. 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 12 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

10. 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.

11. 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.

11a De Grey Rooms, St Leonards Place, York, YO1 7HB (10/01089/FUL)

Members considered a full application from Mr Ian Daniels for use of the building as a theatre workshop and ancillary theatre uses including rehearsal space, costume making, costume hire and storage.

The Chair advised the Committee that Members had not been able to gain access to the building at the planned site visit and suggested that the determination of this application be deferred in order that a site visit could take place first.

RESOLVED: That the application be deferred to a future meeting.

REASON: In order that Members have the opportunity to undertake a site visit before determining the application.

11b De Grey Rooms, St Leonards Place, York, YO1 7HB (10/01090/LBC)

Members considered an application for Listed Building Consent from Mr Ian Daniels for internal alterations including disabled access, additional sanitary facilities, insertion of mezzanine floor in the Oak Room, and removal of bar, stage and suspended laylight in the Ballroom.

The Chair advised the Committee that Members had not been able to gain access to the building at the planned site visit and suggested that the determination of this application be deferred in order that a site visit could take place first.

RESOLVED: That the application be deferred to a future meeting.

REASON: In order that Members have the opportunity to undertake a site visit before determining the application.

11c 5 County House Mews, Monkgate Cloisters, York, YO31 7NR (10/00726/FUL)

Members considered a full application from Mr Stuart Blackmore for the installation of an air source heat pump to the rear elevation.

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 character and appearance of the conservation area and residential amenity. As such the proposal complies with Policies GP1, GP18 and HE3 of the City of York Development Control Local Plan.

11d Luxury Ice Cream Company, 20 Back Swinegate, York YO1 8AD (10/00788/FUL)

Members considered a full application from Mrs Dawn Argyle for the change of use of the highway to form a seating area to the front of the property in connection with the existing business.

Officers recommended an amendment to the reason to draft condition 1 to delete the reference to the conservation area and the circumstances of the land changing in future.

Representations were received from the agent in support of the application. He advised the Committee that the outside seating area would

be fully staffed and no smoking would be permitted in this area. He raised concerns that the proposed consent was only for a period of 2 years at which point the owner would need to reapply for permission to extend this term at a cost to her. He pointed out that she would have to buy the tables and chairs but would have no guarantee that at the end of the two years the permission would be renewed.

Officers advised that the proposed 2 year trial period had been proposed due to concerns raised by the police traffic management officer that introducing outside seating would increase congestion and could compromise the evacuation of people from the street in an emergency situation and hinder access by emergency vehicles.

Members noted that as the highways licence would be renewable annually, there was no need for a condition limiting permission to 2 years and agreed that this condition should be removed.

Officers advised that a condition be added requiring the development to commence within 3 years of the date of the permission.

RESOLVED: That the application be approved subject to the conditions listed in the report, the removal of condition 1 as listed in the report (temporary permission) and the addition of a new condition 1 (development to start within 3 years)

Condition 1

The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by Section 51 of the Compulsory Purchase Act 2004.

Reason: The proposal, subject to the conditions listed in the report and the additional condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the conservation area and highway safety. As such the proposal complies with Policy GP1, HE3 and S6 of the City of York Development Control Local Plan.

11e 68 Bootham, York, YO30 7DF (10/00016/OUT)

Members considered an outline application for the erection of two dwellings with access from St Mary's following the demolition of an existing garage block.

Officers stated that the applicant had provided them with further information regarding the usage of the parking area and garage as follows.

Of the eight garages, one is rented to a part-time member of staff for two days a week, another is periodically used by the school GP and the remainder are vacant. In terms of parking spaces one is used on an occasional basis by a former house master of Penn House who will shortly move out, one is rented to an external tenant who has been given notice to quit and one is rented by a Sixth Form student who is shortly to leave the school.

Officers advised that Condition 6 be substituted with an amended condition relating to surface water drainage works and that additional conditions be proposed relating to the height of the proposed development and the level of the land.

Officers circulated e-mail correspondence from a local resident, who also spoke at the meeting, which drew to the Committee's attention to issues including the type of application put forward, the development land, parking for future use of Penn House, the height of proposed buildings, the materials which have been proposed and drainage issues. *(A copy of this correspondence has been attached to the online agenda published for this meeting)*

Representations were heard from a local resident in objection to the application. He made the following points:

- the application land had formed part of curtilage of Penn House for centuries – the land was part of house and gardens so should be dealt with as such.
- Penn House (whether its future use is hotel, offices or dwellings) would have to function without parking, which would impact on residents parking in the area.
- The application is premature until Bootham School come forward with full proposals for Penn House.
- A comprehensive full application is needed rather than an outline application
- The proposed development would harm the conservation area.

Representations were also received from a representative of St Mary's Conservation Group in objection to the application. He raised the following issues:

- Proposed design creates overdevelopment and harms openness of area – green artery is lost
- Inadequate parking for each dwelling
- Loss of 7 car parking spaces and 8 garages
- Lack of sustainability features proposed
- Future use of Penn House is unknown – 15 car parking spaces will be lost if application approved therefore no parking for future users of Penn House.
- Scheme does not enhance or preserve existing conservation area.

Representations were also received from the agent in support of the application. He put forward the following points.

- Original proposals for a terrace of three town houses had been reduced in size to the current proposals and design amended.

- York Conservation Area Advisory Panel raised no objections to the proposal nor did the Guildhall Planning Panel.
- Application site is separate from Penn House and it has always been separated by an access lane therefore the issue of parking for Penn House is not relevant.

The agent responded to Members queries regarding the current use of the garages.

Members acknowledged that whatever Penn House is used for in future, it is likely to require planning permission and that if this application was approved, Penn House would be left with no parking and that would be considered at the time of any future application. However they raised no objections to this application and agreed it was a good use of space and a design suitable for the location. They acknowledged that access was narrow but not impossible and stressed the need to ensure that correct materials are used for the construction.

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

Amended Condition 6

Surface water drainage works shall be carried out in strict accordance with the Site Drainage Strategy by Alan Woods and Partners dated 12/07/2010 and to Block Plan Drawing Ref:-BSPH-133-P3 by McNeil Beechy O'Neil dated 12/07/2010.

Reason:- To secure the safe and efficient drainage of the site and to ensure compliance with Policy GP15a) of the York Development Control Local Plan.

Additional Condition 13

Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 6 metres from ground level to the ridge, 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 14

The development hereby authorised shall not be raised above the level of the land adjacent.

Reason:- To ensure that run-off from the development site will not adversely affect adjoining properties and to secure compliance with Policy GP15a) of the York Development Control Local Plan

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 impact upon the character and appearance of the Historic Core Conservation Area; impact upon the setting of adjacent Listed Buildings; impact upon the residential amenity of neighbouring properties; impact upon mature trees and landscaping fringing the site; impact upon the safety and convenience of Highway users; impact upon the local pattern of surface water drainage. As such the proposal complies with Policies H4a), HE2, HE3, L1c); GP1; GP4a) GP15a) GP10 of the City of York Development Control Local Plan.

11f Forge House, The Ridings, Wetherby Road, Rufforth, York (10/00714/FUL)

Members considered a full application from Mr and Mrs Baker for the construction of a tennis court with a 2.75m high mesh fence.

At the applicant's request, officers drew the Committee's attention to a copy of an appeal decision in response to a decision made by Guildford Borough Council to refuse an application for the installation of a tennis courts with a 2.75 m chain link fence. The appeal was upheld. Officers also informed Members of a number of precedents which had determined that tennis courts were an unsuitable development in the green belt and provided brief details of these cases.

Additional information from the applicant was circulated to Members including e-mails from the owners of neighbouring properties confirming they have no objections to a tennis court being located in the paddock area, and further drawings showing proposed additional hedging to screen the fence.

Representations were received from the applicant in support of the application. She explained that the tennis court would be located in the field well away from neighbouring houses and would not be viewable from any other vantage point. She advised she was willing to add screening and reduce the height of the fence to 2m if required but stressed that the erection of fence was integral to its use. In respect of the objection from the parish council she stated that the village tennis courts are often fully occupied and at the other end of the village from their house. She explained that her intention was to enable her family and close neighbours

to enjoy playing tennis on the court. In response to a query from Members, she confirmed that she did not intend to introduce any lighting to the courts

Officers explained that their recommendation for refusal was because the proposed court was sited outside the domestic curtilage of the building in the green belt and that it would detract from the openness of the green belt. Members discussed the issue of whether the proposed tennis court constituted appropriate development within the greenbelt as it would provide leisure facilities.

Members noted that if the court had been sited closer to the house, within the domestic curtilage, it would impact on neighbouring properties to a much greater extent. Members acknowledged the greenbelt policy but were of the opinion that in this situation where the court would not be in public view, and would be well screened from neighbouring properties, it would not harm the openness of the countryside.

Members discussed the need to condition use of the court to prevent commercial and wider community use and in response to advice from officers agreed that it should be limited to personal use.

RESOLVED: That the application be approved subject to the following conditions:

1. The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2. The tennis court shall be used only in connection with the residential use of the adjoining Forge House and shall not be used for any commercial purposes.

Reason:-To secure the residential amenity of adjoining properties in accordance with policy GP1 of the Development Control Local Plan.

3. The development hereby permitted shall be carried out in accordance with the following plans:-
Application Plan ref:1693.1 Rev A and other details submitted on and dated 9th July 2010.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

4. No development shall take place until there has been submitted and approved in writing by the Local Planning Authority details of the number, species, height and position of trees and shrubs shown on drawing 1693.1 (A) dated 9 July 2010. The approved landscaping scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a

period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of maintaining the open appearance of the green belt.

5 The tennis court shall not be lit by either fixed or mobile lighting.

Reason: To protect the rural character and openness of the green belt and to protect the amenity of the occupants of the nearby dwellings from light disturbance in accordance with policy GP1 and GB1 of the Development Control Local Plan.

REASON:

The proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to appropriateness of the development within the Green Belt and the openness of the Green Belt. As such the proposal complies with policy GB1 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

12. 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 2.00 pm and finished at 3.45 pm].