
MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	21 OCTOBER 2010
PRESENT	COUNCILLORS HORTON (CHAIR), REID (VICE-CHAIR), CRISP, STEVE GALLOWAY, GALVIN, GILLIES, SUNDERLAND, B WATSON AND MORLEY

23. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
OS Field 0011, to the NW of Askham Bryan Lane, Askham Bryan	Councillors Crisp, Gillies, Galvin, Horton, Reid and B Watson.	As objections had been received and the officer recommendation was for approval.
1 Peckett Street	Councillors Crisp, Gillies, Galvin, Horton, Reid and B Watson.	At the request of Councillor R Watson.
Cliffords Tower	Councillors Crisp, Gillies, Galvin, Horton, Reid and B Watson.	At the request of Councillor B Watson.
14 St Sampson's Square	Councillors Crisp, Galvin, Horton, Reid and B Watson.	As objections had been received and the officer recommendation was for approval

24. 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 A Reid declared a personal and prejudicial interest in plans item 5d (14 St Sampsons Square) as the applicant (who was speaking under Public Participation) and his family were known to her.

Councillors Steve Galloway, D Horton and B Watson declared personal, non prejudicial, interests in plans item 5d (14 St Sampson's Square) as the applicant was a former City of York Councillor.

Councillor Horton also declared a personal non prejudicial interest in plans item 5f (OS Field 0011, to the NW of Askham Bryan Lane, Askham Bryan) as his stepson is a mature student at Askham Bryan College.

25. 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 28 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.

26. MINUTES

RESOLVED: That the minutes of the meeting of the West and City Centre Area Planning Sub Committee held on 16 September 2010 be approved and signed as a correct record.

27. 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.

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 Stable Block, Chapter House Street, York (10/00621/FUL)

Members considered a full application by Mr John Edwards for the conversion of a coach house to provide a single dwellinghouse with external alterations including porch, new rooflights and solar panels and alterations to windows and doors. Members agreed to consider the application for Listed Building Consent (Minute 28b refers) alongside this application.

Officers circulated a letter (including photographs) from O'Neill Associates, on behalf of clients who live at 8 Chapter House Street, which raised no

objections to the revised external alterations but maintained their objection to the proposed extent of the car parking area which, they stated, has been created accommodating potentially 5 cars contrary to national and local sustainability policies. Officers also advised that they had received a letter from 2 Ogleforth Mews objecting to any vehicle access via Monkbar Court and stating that previous concerns they had raised were still valid.

Officers advised that draft conditions 2 and 7 should be revised, that draft condition 6 be deleted as it was not longer needed due to the surface treatment being shown on the submitted drawing and draft condition 10 deleted as it was covered more fully by condition 7 of the Listed Building Consent application.

Representations were received from O'Neill Associates on behalf of clients in objection to the application. The speaker advised that her clients did not object to the change of use of the building to a dwellinghouse but stated that the external treatments were not fit for context in the location it was. She expressed their concerns that too much space had been allocated for parking which in their opinion was not suitable in such a sensitive, historic location in York and along one of the best stretches of the City walls. She stated that 5 spaces could not be justified for one property and voiced concerns that these could be used for business purposes of Grays Court rather than domestic use.

Representations were received by the applicant in support of the application. He stated that he had worked with the conservation officer and planning officer who were happy with the revised design of the building. With regard to the proposals for parking and landscaping, he stressed that there were no alternative locations for parking on the site. He explained that the access to the garage was difficult which made manoeuvring in and out tortuous so not practical on a day to day basis therefore the intention was to use the garage for the storage of bikes etc instead. He stated that the space identified for parking was enough for two cars plus one space for visitors, not five as suggested. He advised that the parking area would be surfaced with reinforced grass which would have the appearance of a lawn and that a new planting bed would be introduced which would be planted with fruit trees which would be trained along the walls to soften the parking area and two further beds which would enhance the conservation area.

Members raised concerns that the parking area appeared to be too large for two to three cars and that the intended reinforced grass surface was not ideal and could become scruffy with use. They accepted the offer made by the applicant to extend landscaping beyond the parking area.

Officers advised that the only way to control the number of parking spaces would be to limit the size of the parking area. They noted that revised condition 7 required landscaping to be shown on the plan and therefore a further revised plan would be required if the size of the parking area were to be reduced by introducing additional landscaping.

Members agreed to give officers delegated authority to approve the application once they have received and agreed revised plans showing changes to parking/landscaping as agreed at the meeting.

RESOLVED: That delegated authority be given to officers to approve the application subject to:

- (i) the conditions listed in the report;
- (ii) draft conditions 6 and 10, as listed in the report, being deleted;
- (iii) the revised conditions 2 and 7 as detailed below;
- (iv) a revised drawing being received and agreed showing changes to the landscaping and car parking areas agreed at the meeting (the drawing numbers referred to in conditions 2 and 7 will change as a result of this)
- (v) there being no further objections raising new issues as a result of the re-consultation exercise which was being carried out following receipt of revised plans. (The consultation period expires on 27 October 2010).

Revised Condition 2

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

Drawing No. GC1/02/03 Revision D, Received 11 October 2010

Drawing no. GC1/02/03 Revision F dated 19.10.10.

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

Revised Condition 7

The landscaping and car parking areas shall be implemented and retained in accordance with layout shown on drawing GC1/02/03 Revision F.

Furthermore no development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This 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: To ensure that external car parking does not compromise the amenity of the limited openness of the site and its tight relationship with Scheduled Monument of the City Walls and the wider conservation area.

REASON: The proposal, subject to the conditions listed in the report and the amended and deleted conditions details above, would not cause undue harm to interests of

acknowledged importance, with particular reference to the special historic interest of the adjacent listed buildings, the character and appearance of the conservation area, visual and residential amenity. As such the proposal complies with Policies GP1, HE2, HE3, HE4, H3, HE9, HE10, HE11, GP15a, H4 and L1c of the City of York Development Control Local Plan- Incorporating the Proposed 4th Set of Changes and related national guidance contained in Planning Policy Guidance Notes No 3 " Housing " and No. 15 "Planning and the Historic Environment" and Planning Policy Statement No. 1 "

28b Stable Block, Chapter House Street, York (10/00622/LBC)

Members considered an application by Mr John Edwards for Listed Building Consent for the conversion of a coach house to provide a single dwellinghouse. The Committee had agreed to consider issues surrounding this application for listed building consent alongside the full application (Minute 28a refers)

RESOLVED: That delegated authority be given to officers to approve the application, subject to the conditions listed in the report once they have received and agreed revised plans showing changes to parking/landscaping as agreed at the meeting, if there are no further objections which raise new issues as a result of the re-consultation exercise which is being carried out following receipt of revised plans. The consultation period expires on 27 October 2010.

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 special historic interests of the listed buildings. As such the proposal complies with Policies HE4 and HE11 of the City of York Development Control Local Plan- Incorporating the Proposed 4th Set of Changes and related national guidance contained in Planning Policy Guidance Note No. 15 "Planning and the Historic Environment."

28c Clifford's Tower, Tower Street, York, YO1 9SA (10/01535/ADV)

Members considered an advert application by Mr Iain Roberts for the display of an English Heritage logo flag.

Representations were received from the English Heritage's Head of Visitor Operations (Yorkshire, South & Central). She showed Members the size and design of the proposed flag. She stated that the tower attracts 100,000 visitors per year and is a flagship site for sites all over Yorkshire, with many

events based at Cliffords Tower and it being used for taster events. She explained that until you actually reach the base of the Clifford's Tower, there is no indication that it is an English Heritage site and it would be beneficial to visitors to the city, especially those who are members of English Heritage, to be able to identify it as an English Heritage site. She circulated photographs showing the tower flying a flag in three separate locations and responded to Members queries regarding the reasons for the positioning of the flag. Members questioned English Heritage's reasons for wanting to display their own corporate symbol in preference to the Union Flag, St George's Cross or city flag. The speaker stressed the need for the site to be identifiable to English Heritage members and also to encourage new members but stated that they would be happy to display the city flag or other flags on special occasions.

Some members were of the opinion that the flying of any flag would be detrimental to this particular structure. Others raised no objection to the flying of a flag displaying the Union Flag or St Georges Cross but did not agree with a corporate logo being displayed for commercial purposes. Some Members pointed out that from a historical perspective, flags have always been flown from castles and stated that they had not objection to the English Heritage logo being displayed noting that it was an organisation recognised nationally by its logo.

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 impact upon the visual amenity of the street scene and of the wider Conservation Area and impact upon the safety of nearby highway users. As such the proposal complies with Policies GP21 and HE8 of the City of York Development Control Local Plan.

28d 14 St Sampsons Square, York, YO1 8RR (10/01836/FUL)

Members considered a full application care of the agent for the change of use from retail (use Class A1) to mixed use retail and hot food takeaway.

Officers advised they had received a letter dated 13 October 2010 from the applicant which stated that the potential for retail at the host premises was restricted by its limited size (and potential for stock/capacity). It indicated that the proposed business was a mix of delicatessen and food takeaway and was essentially a retail outlet and it was forecast there would be a 60/40 split (cold to hot food ratio) between sales. It suggested that the applicants would accept a condition restricting opening times, so the premises would be required to close by either 02:00 or 03:00 should members see fit.

Representations were received from the applicant in support of the application. He advised Members that he wished to be in a position to take

full advantage of the retail opportunities which exist in that location. He explained that he had applied for late opening times in line with the late night refreshment licence which had already been granted. He confirmed that there would be no preparation of food on site therefore no issues regarding ventilation etc. He stated that if approved this would be a flagship unit for York.

Members queried the draft condition relating to the operation of the roller shutters which exist at the premises. Officers confirmed that the condition was needed to ensure that the windows were not shuttered during the day thereby preserving the shopping frontage. Members requested that condition 4 be amended to bring the time when shutters should not be drawn shut forward from 10am to 9am.

In respect of any restrictions on opening times, Members agreed that they would prefer to see an earlier closing time to 5am but acknowledged that as another nearby food outlet was allowed to remain open until 5am, it would be unfair to differentiate between the two premises.

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

Amended Condition 4

The retained roller shutter shall not be drawn shut between the hours of 09.00 and 17.00 each day of the week.

Reason: To maintain the vitality and viability of the street.

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 character and appearance of the listed building and the conservation area, the retail character of the area and amenity. As such the proposal complies with Policies S3a, S6, HE3, HE4 and GP1 of the City of York Development Control Local Plan.

**28e Decorative Plaster, 136 Boroughbridge Road, York, YO26 6AL
(10/01822/FUL)**

Members were advised that this application had been withdrawn by the applicant, Mr Michael Beaufoy, prior to the meeting. The application was for the conversion of a first floor flat and roof space to create two flats with a first floor rear extension, new pitched roof to existing side extension, rear dormer and conservatory and external alterations including new shop front and rear windows (resubmission) (retrospective).

28f Os Field 0011, to the NW of Askham Bryan Lane Askham Bryan York (10/01663/FUL)

Members considered a full application by AP and JE Sykes for the erection of a farm shop and tea room with associated parking and landscaping (resubmission).

Officers advised the Committee that they were in receipt of revised plans (Drawings 002E 003E and 004C) which showed a relocated staff cycle store in the delivery yard area, the change in surfacing around car parking area (areas of grass and re-enforced grass specified), resin bonded gravel surfaced walkways to the building and that the visibility splay had been amended. They also advised that the italic text in condition 3 be deleted from the condition and recommended an additional condition requiring the tea room to be confined to the area shown in drawing 09004 002E and that standard condition HT1, with a height restriction of 4.3 metres, be added.

A letter from the owners of “Food From the Farm” in objection to the application was circulated to Members, as they were not able to attend the meeting to speak. This indicated concern over issues of competition but also questioned whether the applicants would be able to adhere to the condition requiring that 85 percent of the annual turnover should come from sales of produce grown/reared at the agricultural holding and Askham Bryan College. In response to issues raised in this letter, officers advised that competition was not a planning consideration and confirmed that the 85 percent of annual turnover was covered by draft condition 3.

Representations were received from the agent in support of the application. She advised Members that this was a genuine family business and diversification scheme and that sustainability was embodied in the proposals. She stated that flexibility was required as it was impossible to deliver everything immediately but time was needed to put systems in place and in particular establish a cereal crop. She suggested that Members may like to impose an additional condition which would require them to carry out an audit at the end of 2 years to ensure that they were producing the correct range of produce as detailed in their supporting statement. She advised the Committee that they would offer Askham Bryan College students the opportunity to gain management experience at the farm shop. She stated that they had received 29 letters of support and a petition in favour of the proposals which had been signed by existing pick-your-own customers. She answered specific queries from Members regarding the range of produce which would be sold.

Members noted the contents of the correspondence submitted by a neighbouring farm shop but agreed the main issue raised in this was regarding competition which was not a planning consideration. They stated that the location for the Farm Shop was good and acknowledged that there was a sound business plan in place but that the owners would not be able to achieved the 85 percent until after two years, in part due to the need to produce a cereal crop.

RESOLVED: (i) That the application be approved subject to the conditions listed in the report and the amended

condition below and the additional condition referred to in (ii).

(ii) That a further condition be added, the wording to be agreed in conjunction with the Chair, to stipulate that after two years an audit to be carried out to identify whether the business has achieved the required 85 percent of the annual turnover from sales of produce that has been grown/reared at the agricultural holding or Askham Bryan College.

Amended Condition

The tea room shall be confined to the area shown on drawing 09004 002E.
Reason: To ensure the tea room facility remains ancillary to the principle use of the building, in accordance with national policies PPS2: Green Belts and PPS4: Planning For Sustainable Economic Growth.

Standard condition HT1: height restriction of building – not to exceed 4.3 metres

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 principle of the proposed development, the openness of the green belt and highway safety. As such the proposal complies with Policies SP1 General principles, SP2 The York Green Belt, GB1 Development within the Green Belt, GB12 Shopping development outside settlement limits and SP6 Location strategy, of the City of York Development Control Local Plan and national policies PPG2: Green Belts, PPS4: Planning For Sustainable Economic Growth, PPS7: Sustainable Development in Rural Areas.

**28g Bailey And Gildeners Solicitors 1 Peckitt Street York YO1 9SF
(10/01688/ADV)**

Members considered an advert application by Mr Gordon Gildener for the display of a lettering sign.

Officers circulated a colour photograph of the corner of Tower Street/Peckitt Street showing how the proposed lettering would appear on the side of the building.

Representations were received from the applicant in support of his application. He advised Members that the majority of the buildings in Tower Street and Peckitt Street were professional offices not residential properties as stated by the planning officer. He advised Members that their solicitor's practice was expanding, that they had taken on new staff in recent years and intended to take on four further staff in the new year. As part of this expansion, there was a need to increase the profile of the

practice within the city centre and the existing brass plaque was not an adequate means of directing customers to their offices. He stated that the proposed signage was in keeping with signage used by other solicitors in the city with similar corner locations, as well as city centre hotels.

In response to the speaker's comments, officers stated that the report refers to the fact that the properties had been erected as residential properties and that the building retained a residential character.

Members noted that shop frontages had been introduced on Tower Street which already removed some of the residential character of the buildings and the ring road sign in front of the building also detracted from the building.

Councillor Galvin moved and Councillor Steve Galloway seconded a motion to approve the application subject to the conditions listed in the report. On being put to the vote, the motion fell.

For clarification, officers explained that their recommendation of refusal was because 1 Peckitt Street was a listed building with a residential character and they believed that the commercial nature of the sign detracted from the residential character of the building. They stated that whereas signage could be justified in the case of shops which rely on footfall, commercial offices do not usually rely on footfall in the same way. They also advised that advert application regulations did not require the local authority to take into account other signage when determining an application.

Members noted that the photograph showed the residential character of the building and agreed that the lettering would detract from the residential character of this listed building.

RESOLVED: That the application be refused.

REASON: Taking the location and historic character of the buildings into consideration it is felt that the proposed high-level signage would be intrusive in views, particularly of the Clifford's Tower and the associated monument. The scale and location of the signage will detract from the domestic, residential character of the listed buildings which will change the character of the area and detract from the historic quality of the setting of designated assets of the highest significance, contrary to Policies HE4, HE8 and GP21 of the City of York Development Control Local Plan and national planning guidance contained in Planning Policy Statement 5 " Planning for the Historic Environment " and Planning Policy Guidance Note No.19 " Outdoor Advertisement Control. "

**28h Bailey And Gildeners Solicitors 1 Peckitt Street York YO1 9SF
(10/01689/LBC)**

Members considered an application for listed building consent by Mr Gordon Gildener for the display of one lettering sign. The Committee had agreed to consider issues surrounding this application for listed building consent alongside the advert application (Minute 28g refers)

RESOLVED: That the application be refused.

REASON: The scale and location of the signage will detract from the domestic, residential character of the listed buildings which will change the character of the area and detract from the historic quality of the setting of designated assets of the highest significance, contrary to Policies HE4, HE8 and GP21 of the City of York Development Control Local Plan and national planning guidance contained in Planning Policy Statement 5 "Planning for the Historic Environment" and Planning Policy Guidance Note No.19 "Outdoor Advertisement Control."

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. *Some Members raised concern at the high level of enforcement cases.**

RESOLVED: That the report be noted.

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

** [Amended at meeting on 18 November 2010]*

Councillor D Horton, Chair

[The meeting started at 3.00 pm and finished at 5.15 pm].