
MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	18 NOVEMBER 2010
PRESENT	COUNCILLORS HORTON (CHAIR), REID (VICE-CHAIR), CRISP, STEVE GALLOWAY, GALVIN, GILLIES, B WATSON AND MOORE (AS A SUBSTITUTE FOR CLLR SUNDERLAND)
APOLOGIES	COUNCILLORS SUNDERLAND AND MORLEY

30. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
9 Lynwood View, Copmanthorpe	Councillors Galvin and Gillies	As objections had been received and the officer recommendation was for approval.
Cedar Court Grand Hotel, Station Rise	Councillors Crisp, Gillies, Galvin and Horton.	To familiarise Members with the site.
31 Fossgate	Councillors Crisp, Gillies, Galvin and Horton.	As objections had been received and the officer recommendation was for approval.
Café Nero, 2B Kings Square	Councillors Crisp, Gillies, Galvin and Horton.	As objections had been received and the officer recommendation was for approval.

31. 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 Moore declared a personal non prejudicial interest in Plans Item 4F (31 Fossgate, York) as a member of York Youth Council had attended a meeting of the Parish Council on which he is a member and the Parish Council had agreed to pledge a sum of money to a (non specific) youth related project.

Councillor Horton declared a personal and prejudicial interest in Plans Item 4a (9 Lynwood View, Copmanthorpe) as the applicant's architect is a neighbour of his (and was speaking at the meeting) and he plays golf with the main objector to the application. He stood down from the chair and left

the room for this item and took no part in the debate or vote on this application.

Councillors Crisp and Gillies declared a personal non prejudicial interest in Plans Item 4h (Cedar Court Grand Hotel, Station Rise) as they are both members of the Visit York Board and letters of support had been received from Welcome to Yorkshire.

32. MINUTES

RESOLVED: That the minutes of the meeting of the West and City Centre Planning Sub Committee held on 21 October 2010 be approved and signed as a correct record subject to Minute 29 (Enforcement Cases Update) being amended to include the following "Some Members raised concern at the high level of enforcement cases".

33. 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.

34. 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.

34a 9 Lynwood View, Copmanthorpe, York, YO23 3SW (10/01921/FUL)

Members considered a full application by Mr Paul Horsman for one and two storey extensions to the front and side of the property.

Officers provided a verbal update on this application. They advised that a further letter of objection had been received from the occupant at number 3 Lynwood Close stating that the plot was too small, the extension would be an eyesore and it would impact on parking in the cul-de-sac.

They advised that paragraph 4.3 of the report which refers to the City of York Council's Supplementary Planning Guidance does not refer directly to building lines and quoted from paragraph 1.13 of the guidance which states that extending forward of the building line should be avoided: Only in exceptional circumstances will this be appropriate for example, where the building line is not well defined. They noted that a revised plan had been received which showed the proposed front bay window on plan and

revised the fence detail with the neighbour, and condition 3 (approved plans) would be suitably amended .

Representations were received from a neighbour at 8 Lynwood Close in objection to the application due to concerns over massing. He stated that the extension would extend the whole width and height of the house and bring the front forward by over 2 metres (stating that it would be a 100 cubic metre increase to the frontage of house) thereby dominating his own property. Furthermore he stated that the design and scale was not appropriate to the original building. He advised that the light assessment which had been carried out indicated that it would affect the amount of light to his own property during the afternoon and stated that the proposals would cause significant harm to the amenity of neighbours.

Representations were also received from the applicant's architect in support of the application. He stated that the design for the extension had been put together with the Village Design Statement in mind and that the proposals would not dramatically change the nature of the area, would not impose on other properties detrimentally and would have a minimal effect of overshadowing. He confirmed that the stepping of the building line would be maintained and obscured glazing would be used where required to prevent overlooking. In response to a question regarding the potential reduction in a car parking space, he confirmed that there would be one garage space and one driveway parking space.

Members acknowledged neighbours concerns regarding overlooking but were of the opinion that this issue had been resolved through the design and a high fence. They discussed the issue of overshadowing and whether there would be a loss of light to some properties and noted that this would be minimal and only affect the front of some properties noting that the neighbours all have reasonable sized plots. They also raised concerns about the loss of an off road parking space but acknowledged that condition 5 required the garage to be retained for parking vehicles and bicycles.

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 appearance of the dwelling, streetscene and 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.

34b Thorntons Plc, 15 Parliament Street, York, YO1 8SG (10/01927/FUL)

Members considered a full application by Miss Julie Bell-Barker for a replacement shop front at Thorntons Plc, 15 Parliament Street, York.

Members agreed that the proposed changes would benefit the street.

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

Reason: In the interests of the visual amenity of the Central Historic Core Conservation Area and the listed building.

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 interests, character, and appearance of the listed building. As such the proposal complies with Policies HE4 and HE6 of the City of York Council Development Control Local Plan.

34c Thorntons Plc, 15 Parliament Street, York, YO1 8SG (10/01939/LBC)

Members considered an application for listed building consent by Miss Julie Bell-Barker for a replacement shopfront, fascia sign and hanging sign at Thorntons plc, 15 Parliament Street, York.

Officer advised of some errors in paragraph 3.6 of the report and stated this should read that the individual cut lettering on the fascia sign is 5mm deep and would protrude from the fascia by 75mm. They advised that the protruding lettering on the fascia sign had been reassessed and it was considered that the lettering protrudes rather too far and may appear awkward and not fit in with the proportions of the shop front, therefore advised an additional condition in respect of this.

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

Additional Condition

The lettering to the fascia sign shall be mounted directly onto the fascia and not on locators. The letters shall have a maximum thickness of 5mm.

Reason: In the interests of the visual amenity of the Central Historic Core Conservation Area and the listed building.

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 special interests, character, and appearance of the listed building. As such the proposal complies with Policies HE4 and HE6 of the City of York Council Development Control Local

34d Thorntons Plc, 15 Parliament Street, York, YO1 8SG (10/01928/ADV)

Members considered an advert application by Miss Julie Bell-Barker for the display of a numbered fascia sign and numbered hanging sign at Thorntons plc, 15 Parliament Street, York.

Officer advised of some errors in paragraph 1.2 and 3.7 of the report and confirmed this should state that the individual cut lettering on the fascia sign is 5mm deep and would protrude from the fascia by 75mm. They advised the Committee that the protruding lettering on the fascia sign had been reassessed and it was considered that the lettering protruded rather too far and may appear awkward and not fit in with the proportions of the shop front, therefore advised an additional condition in respect of this.

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

Additional Condition

The lettering to the fascia sign shall be mounted directly onto the fascia and not on locators. The letters shall have a maximum thickness of 5mm.

Reason: In the interests of the visual amenity of the Central Historic Core Conservation Area and the listed building.

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 visual amenity of the host/listed building, the streetscene, and conservation area. As such the proposal complies with Policies GP21 and HE8 of the City of York Development Control Local Plan.

34e 2B Kings Square, York, YO1 8BH (10/02045/FUL)

Members considered a full retrospective application by Nero Holdings for a change of use from a shop (use Class 1) to a coffee shop (mixed use A1/A3) at 2B Kings Square, York.

Members discussed the proportion of retail and non retail premises in Kings Square and were advised that, for the purposes of assessing the

amount of non-retail premises in the primary shopping street, the Local Plan advised that Kings Square be calculated alongside Colliergate.

Officers explained that the application was for mixed use due to a high proportion of sales of takeaway drinks which meant it fell between café use and retail use and because it was non retail use it was subject to policy S3a of the Local Plan.

Some Members raised concern that if this application was approved it would alter the relationship between retail and non retail in this area and specifically would lead to the loss of retail premises on Kings Square. Other Members acknowledged that Kings Square already contained a mixture of uses and stated that it would not make a great difference to 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 to the retail function of the area, amenity, highway safety and the character and appearance of the conservation area. As such the proposal complies with Policies S3, S6, GP1 and HE3 of the City of York Development Control Local Plan.

34f 31 Fossgate, York, YO1 9TA (10/01303/FUL)

Members considered a full application by Mr Paul Herring, the City of York Council's Head of Young People's Services, for the change of use from an estate agents (use class A2) to a youth cafe at ground floor and associated meeting and training space at first floor level.

Representations were received from the applicant in support of the application. He expressed surprise at the requirement for the premises to close at 8.00pm which he stated he was not aware of. He advised Members that the previous week he had submitted a letter addressing some of the concerns raised by objectors and traders but which, due to an administrative error, had not been circulated to Members of the Committee at the meeting.

He advised the Committee that the proposals had received a lot of support and would provide a much needed meeting place for young people aged 13 to 18 in the city centre. In response to concerns raised about potential for anti social behaviour, he assured Members that any cases of such would be dealt with quickly and robustly. In respect of the recommendation that the premises should close at 8pm, he stated that this would appear to be treating the young people like children, not young adults, and could encourage them to hang around outside the facility after it closed. He advised he was happy with the proposal for a three year temporary permission with the opportunity to carry on after this period.

Members raised concerns about the impact it may have on Space 109, another facility on Walmgate but the applicant assured them that the two facilities had different target groups and focuses. Members also expressed caution over people congregating in front of the building and those arriving on mopeds and pointed out that this was a popular street with drinkers, but agreed that good management would deal with these issues.

Members agreed that the proposal would provide under 18s with a central location in which to meet friends from other areas of the city in a safe environment and expressed their support for a three year temporary arrangement. They agreed that the 10pm closing time requested by the applicant was acceptable acknowledging that by asking them to close at 8pm and send the young people home would not treating the young people with respect and giving them trust and agreed to amend condition 3 to reflect this.

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

Amended Condition 3

The premises shall only be open to customers/non-staff members between the hours of 09:00 and 22:00 each day of the week.

Reason: In the interests of the amenity of surrounding occupants.

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 conservation area, the vitality of the street, and the amenity of surrounding occupants. As such the proposal complies with policies GP3, HE3, S5 and S6 of the City of York Development Control Local Plan.

34g Acomb Branch Library, Front Street, York, YO24 3BZ [10/01187/FUL]

Members considered a full application from the Yorkshire Ambulance Service for the siting of a temporary portakabin for use as an ambulance stand by point to the rear of Acomb Branch Library, Front Street, York.

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, the visual amenity of the building and the adjacent conservation

area. As such, the proposal complies with Policy GP23 of the City of York Development Control Local Plan (2005).

34h Cedar Court, Grand Hotel, Station Rise, York (10/02132/FUL)

Members considered a full application by Acropolis Hotels Ltd for the erection of a temporary marquee on the rear garden deck of the hotel.

Officers circulated a written update which recommended an amendment to draft condition 3 which relaxes the timescale for introducing the landscaping on the lower deck to April 2011 on cost grounds as requested by the applicants. Officers also advised that draft condition 5 should be deleted based on comments received from the Environmental Protection Unit.

Officers informed Members that a licence under the Licensing Act, would be required to operate any amplified entertainment in the marquee. They stated they were content that through the Licensing Act, the Local Authority could take adequate steps to control the amenity of the adjacent office building's occupants and that it would be a management issue, in the interests of the hotel, to ensure their own guests were not disturbed in the evenings.

They advised that letters in support of the application had been received from Mulberry Hall on Stonegate and Welcome to Yorkshire. They advised that they considered the hotel to be an asset for the city and this would assist in its viability, providing valuable assistance in maintaining the listed building and that the proposed use would enhance the facilities the city could offer as a destination.

Representations were received from the applicant's agent in support of the application. He advised the Committee that the hotel had now been restored to a high standard and was now open for business. It would host conferences, exhibitions and events which would attract new business to York from customers who had perhaps not considered York as a destination before. He stated that the main function room was not large enough for this purpose and the proposed marquee would provide additional space for summer and Christmas events, with the intention to apply for a permanent single storey extension on the deck in due course. He confirmed that the hotel was aiming for a 5 star classification and it would provide wider tourism benefits for York, contribute to the local area and provide additional trade for other local hotels.

Some Members questioned the need to retain draft condition 5 which required a noise management scheme as they understood that the licence granted only allowed for amplified music to be played indoors. Officers advised that their suggestion to remove this condition had been based on comments received by EPU but that they would look into the issue and the condition would be retained if required.

Members agreed that the proposals had been well considered and were a good solution for the building.

RESOLVED

(i) That delegation be given to officers to approve the application after the consultation period has expired, subject to the conditions listed in the report and the amended condition below.

Amended Condition 3

The landscaping scheme listed in the approved plans shall be implemented as follows:

Landscaping to the upper deck shown on drawing L13 updated by R Smith, received 2.11.2010 (which introduces further evergreen species) to be implemented before 1.1.2011.

The planting schedule for the lower deck as shown on vector drawing VL10187 L14C received 7.10.2010 to be implemented before 1.5.2011. Any trees or plants which 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: In the interests of the historic setting and visual amenity.

(ii) That clarification be sought by officers to determine whether a noise management scheme condition is required or not and draft condition 5 be included/excluded based on the result of this.

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 historic setting and amenity. As such the proposal complies with Policies GP1, GP23, HE3 and HE4 of the City of York Development Control Local Plan.

Councillor D Horton, Chair

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