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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	14 FEBRUARY 2008
PRESENT	COUNCILLORS B WATSON (CHAIR), SUE GALLOWAY (VICE-CHAIR), GALVIN, GILLIES, GUNNELL, HORTON, REID, SUNDERLAND AND WALLER

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**79. INSPECTION OF SITES**

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Poppleton Gate House, Millgates, York	Councillors B Watson, Sue Galloway, Galvin, Gillies, Horton, Reid, Sunderland and Waller	As objections have been received and the application is recommended for approval.
Land to the Rear of 6 to 10 Dane Avenue, York	Councillors B Watson, Sue Galloway, Galvin, Gillies, Horton, Reid and Waller	As comments have been received and the application is recommended for approval.
28 Severus Avenue, York	Councillors B Watson, Sue Galloway, Galvin, Gillies, Horton, Reid, Sunderland and Waller	As objections have been received and the application is recommended for approval.
63 Hobgate, York	Councillors B Watson, Sue Galloway, Galvin, Gillies, Gunnell, Reid, Sunderland and Waller	As objections have been received and the application is recommended for approval.
The Bonding Warehouse, Skeldergate, York	Councillors B Watson, Sue Galloway, Galvin, Gillies, Gunnell, Horton, Sunderland and Waller	As objections have been received and the applications are recommended for approval.

**80. DECLARATIONS OF INTEREST**

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

Councillor Gillies declared a personal prejudicial interest in agenda item 4b (63 Hobgate) as the owner of the property was known to him. He left the room and took no part on the discussion or decision on the item.

Councillor Horton declared a personal prejudicial interest in agenda item 4b (63 Hobgate) as the registered speaker was one of his neighbours. He left the room and took no part on the discussion or decision on the item.

Councillor Horton also withdrew from the room for agenda item 4d (Land to Rear of 6-10 Dane Avenue), under the provisions of the Planning Code of Good Practice, as he had participated at Shadow Executive meetings relating to the sale of the land. He took no part on the discussion or decision on the item.

Councillor Sunderland withdrew from the room for agenda item 4d (Land to Rear of 6-10 Dane Avenue), under the provisions of the Planning Code of Good Practice, as she had participated at Executive meetings relating to the sale of the land. She took no part on the discussion or decision on the item.

Councillor Reid declared a personal prejudicial interest in agenda items 4e (The Bonding Warehouse – Full Application) & 4f (The Bonding Warehouse – Listed Building Consent) as her father in law lived in City Mills, adjacent to the building. She left the room and took no part on the discussion or decision on the item.

Councillor Waller declared a personal non-prejudicial interest in agenda items 4e (The Bonding Warehouse – Full Application) & 4f (The Bonding Warehouse – Listed Building Consent) as a member of the Regional Flood Defence Committee.

## **81. MINUTES**

RESOLVED: That the minutes of the Sub-Committee meetings held on 17 January 2008 and 29 January 2008 be approved and signed by the Chair as a correct record, with an amendment to minute 67 (Inspection of Sites) of the former to indicate that the site visit for Somerfield Store, 6 Beagle Ridge Drive had been requested by Councillor Waller, not Councillor Hudson.

## **82. PUBLIC PARTICIPATION**

It was reported that nobody had registered to speak at the meeting under the Council's Public Participation Scheme, on general issues within the remit of the Sub-Committee.

### **83. 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.

#### **83a 28 Severus Avenue (07/02511/FUL)**

Members considered a full application, submitted by V V Partnership, for the erection of 2no. two storey dwellings after demolition of an existing dwelling (resubmission).

The case officer drew Members' attention to the amended plan that had been submitted, which indicated that the buildings had been moved back on the site to provide adequate levels of off-street parking.

Representations were received from a neighbouring resident, in support of the planning conditions recommended by officers.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the locality, highway safety. As such, the proposal complies with Policies H3c, H4a, H5a, T4 and GP1 of the City of York Local Plan Deposit Draft; national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development " and Planning Policy Statement 3" Housing.

#### Action Required

1 To issue the decision notice and include on the weekly planning decision list within agreed timescales. JB

#### **83b 63 Hobgate (07/02852/OUT)**

Members considered an outline application, submitted by Mr P Tinker, for the erection of a two storey detached dwelling adjacent to 63 Hobgate.

The case officer outlined the history of planning approvals on the site.

Representations were received in support of the application, from the applicant's agent.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to visual and residential amenity. As such the proposal complies with Policies GP1, GP4a, H4a and L1c of the City of York Development Control Draft Local Plan.

Action Required

1 To issue the decision notice and include on the weekly planning decision list within agreed timescales. JB

**83c 68 Main Street Askham Bryan (07/02893/FUL)**

It was reported that a full application, submitted by Mr R Urwin, for the variation of Condition 12 of permission 07/00663/FUL dated 23.05.2007 to allow the removal of two trees (resubmission) had been withdrawn by the applicant.

**83d Land to rear of 6-10 Dane Avenue (07/02738/FUL)**

Members considered a full application, submitted by Yorkshire Housing, for the erection of 5 two storey dwellings.

Members requested the addition of an informative requesting the provision of some renewable energy on the site.

RESOLVED: That the application be approved, subject to the conditions listed in the report and with the following additional informative:

(i) Informative

The Sub Committee are keen for the applicant to explore the use of renewable energy in this development. The minimum standard in this regard contained within the "Interim Planning Statement: Sustainable Design and Construction" is as follows:

The applicant must demonstrate that a % of the expected energy demand for the development will be provided for through on site renewable generation for heat and/or electricity. For developments of 5 dwelling units and above, 10% of energy will be expected to be produced on site. In addition parts of the development should be identified that could accommodate

renewable energy installations in the future, for example the number/area of south facing roofs.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to visual/residential amenity, affordable housing provision and highway issues. As such the proposal complies with Policies GP1, GP10, GP4a, H2a, H4a and L1c of the City of York Development Control Draft Local Plan.

Action Required

1 To issue the decision notice and include on the weekly planning decision list within agreed timescales. JB

**83e The Bonding Warehouse - Full Application (07/02519/FUL)**

Members considered a full application, submitted by Mr W Legard, for the use of the upper floors as 9 residential units and the ground floor as an office (B1 use), including a new mansard roof to the southern building, the erection of a stair and lift access tower in the courtyard and a bridge link to Skeldergate.

A copy of the case officer's update was circulated to Members (attached as Appendix 1 to these minutes). It summarised a third party letter and a letter from English Heritage which had been received since the publication of the report, and recommended revised wording for condition 13 and the addition of further conditions 19-26.

Representations were received in support of the application, from the applicant's agent.

Members requested retention of the name "The Bonding Warehouse" and provision of appropriate signage. They also requested a visit to the site when the development had been completed.

A minor amendment to the wording of condition 19 was proposed, so that the bridge had to be fully retracted except when necessary.

RESOLVED: That the application be approved, subject to the conditions listed in the report, with the following amended and additional conditions:

- (i) Amended Condition 13

Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the development and the works shall be carried out in accordance with the approved details.

- i/ Glazed link
- ii/ Retractable bridge and walkway to Skeldergate including alteration and gate to Skeldergate Bridge wall
- iii/ New gate (to be of an open steel type to match the existing railings)
- iv/ New dormer windows
- v/ Rooflights (to be conservation type sub-divided by two glazing bars)
- vi/ All new windows

Reason: Because of the special interest of the listed building and the character and appearance of the conservation area in accordance with policy HE2 and HE4 of the Local Plan.

(ii) Additional Condition 19

Prior to the commencement of the development hereby permitted full details shall be submitted to and approved in writing by the Local Planning Authority of the design, construction and method of operation of the emergency footbridge serving the site.

The bridge shall be fully retracted except when necessary.

Reason: In the interests of highway safety and the character and appearance of the conservation area and nearby listed buildings.

Informative: The details shall in all respects comply with the City of York Council Document "Technical Approval Procedures for Developers Structures".

(iii) Additional Condition 20

Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the egress of water and loose material onto the public highway.

(iv) Additional Condition 21

The development shall not be begun until details of the junction between the internal access road and the highway have been approved in writing by the Local Planning Authority, and the development shall not

come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

(v) Additional Condition 22

The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

(vi) Additional Condition 23

No gate, door or window shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

(vii) Additional Condition 24

Prior to the commencement of the development details of separate cycle parking areas and refuse storage areas for the office and residential elements of the development shall be submitted to and approved in writing by the local planning authority. The building shall not be occupied for each use until the approved cycle parking and refuse area has been provided for each use and the approved areas shall not be used for any purpose other than the parking of cycles or the storage of refuse as approved.

Reason: To promote the use of cycles thereby reducing congestion in the interests of residential amenity and environmental quality.

(viii) Additional Condition 25

The nine car parking spaces shall be provided for the sole use of the residents of the flats (and their visitors) and no parking spaces shall be used by the occupiers or visitors to the offices.

Reason: In order to contribute towards the reduction of commuter parking and traffic in the interests of residential amenity and environmental quality.

(ix) Additional Condition 26

No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (an archaeological excavation and subsequent programme of analysis and publication by an approved archaeological unit) in accordance with the 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 prior to destruction.

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the special interest of the listed building, the character and appearance of the conservation area, the living conditions of nearby residents, flood risk, protected species, highway safety and the provision of leisure, open space and education facilities. As such the proposal complies with Policies GP1, GP15a, HE2, HE4, HE10, HE11, T4, H1, E7, ED4, L1c and NE6 of the City of York Local Plan Deposit Draft and the guidance contained in Planning Policy Guidance 15 (Planning and the Historic Environment) and Planning Policy Statement 25 (Development and Flood Risk).

Action Required

1 To issue the decision notice and include on the weekly planning decision list within agreed timescales. JB

**83f The Bonding Warehouse (LBC) (07/02520/LBC)**

Members considered an application for listed building consent, submitted by Mr W Legard, for internal and external alterations including new windows, a new mansard roof to the southern building, the erection of a stair and lift access tower in the courtyard and a bridge link to Skeldergate in connection with conversion of the building to residential and office use.

A copy of the case officer's update was circulated to Members (attached as Appendix 1 to these minutes). It recommended revised wording for condition 4 and the addition of a further condition 6.

Representations were received in support of the application, from the applicant's agent.



RESOLVED: That the application be approved, subject to the conditions listed in the report, with the following amended and additional conditions:

(i) Amended Condition 4

Details of all new equipment, service runs, vents and cabling shall be submitted to and approved in writing by the local planning authority prior to their installation.

Reason: In order to retain the special interest of the listed building.

(ii) Additional Condition 6

Details of internal finishes and fittings and external doors including "taking in" doors and flood gates shall be submitted to and approved in writing by the local planning authority prior to the commencement of the relevant part of the development and shall be implemented in accordance with the approved details.

Reason: In order to protect the special interest of the listed building.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the special interest of the listed building. As such the proposal complies with Policy HE4 of the City of York Local Plan Deposit Draft and the guidance contained in PPG15 "Planning and the Historic Environment".

Action Required

1 To issue the decision notice and include on the weekly planning decision list within agreed timescales. JB

**83g Poppleton Gate House (07/02720/FULM)**

Members considered a major full application, submitted by York Housing Association, for the erection of a two and three storey development comprising 14 flats and 5 houses.

A copy of the case officer's update was circulated to Members (attached as Appendix 2 to these minutes). It summarised four additional letters of objection which had been received since the publication of the report, presented a further email from Councillor Simpson-Laing and recommended revised wording for condition 9. Officers also outlined details of the landscaping proposals.

Representations were received in objection to the application, from a neighbouring resident, and in support of the application, from the applicant's agent. Representations were also received relating to the protection of woodland and on behalf of the Acomb Planning Panel, in objection to the application.

Some Members expressed concerns regarding the scale and massing of the proposed building and that it would be out of character with the area. They also expressed the view that the level of on-site parking was inadequate, given the lack of on-street parking on nearby narrow roads. Councillor Horton moved, and Councillor Waller seconded, a motion to refuse the application on these grounds. On being put to the vote, this motion was declared lost. Councillor Sunderland requested that her abstention in the vote on this motion be recorded.

Members expressed concern regarding the loss of highway verge for hard surface footpath and requested that this requirement be removed from the proposal by deleting condition 9. They also requested the addition of conditions requiring the reuse of materials, where possible, and removing permitted development rights for fencing off the open space.

RESOLVED: That the application be approved, subject to the conditions listed in the report, with the deletion of condition 9 and the following additional conditions:

(i) Additional condition

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Development Order 1995), (or any Order revoking or re-enacting that Order), development of the type described in Class A of Schedule Part 2 of that Order (gates, fences, walls or other means of enclosure) except where shown on the approved drawings shall not be carried out without the prior written permission of the Local Planning Authority following receipt of a planning application in that respect.

Reason: In the interests of visual amenity on this open space land and in the interests of allowing public access to the land as proposed in the planning application.

(ii) Additional condition

Prior to the commencement of development a statement demonstrating how materials from the existing building are to be re-used shall be submitted to and approved in writing by the local planning authority.

Thereafter the development shall proceed only in accordance with those details.

Reason: In the interests of the sustainable development of the site as required by policy GP4a of the local plan.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the character of the area, residential amenity, highway implications, loss of allocated open space or impact upon protected species. As such the proposal complies with Policies GP1, GP4a, H2a, H3c, H4, NE1 and NE6 of the City of York Local Plan Deposit Draft.

Action Required

1 To issue the decision notice and include on the weekly planning decision list within agreed timescales.

JB

B WATSON, Chair

[The meeting started at 3.00 pm and finished at 5.10 pm].

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## Appendix 1

**Sub Committee Update**  
**Bonding Warehouse site, Skeldergate****Third party letter**

1 no. letter withdrawing objections subject to conditions regarding the operation and testing of the bridge.

**English Heritage letter**

Support the concept for the bridge subject to detailed design, materials and colour being acceptable.

The fixed element of the bridge will also need to be subject to careful detailing but the drawings provided suggest an acceptable style.

**Amended Condition 13 ii (Planning Application)**

ii/ Retractable bridge and walkway to Skeldergate including alteration and gate to Skeldergate Bridge wall

**Additional Conditions (Planning Application)**

19 Prior to the commencement of the development hereby permitted full details shall be submitted to and approved in writing by the Local Planning Authority of the design, construction and method of operation of the emergency footbridge serving the site.

The bridge shall be fully retracted except when required by a flooding event.

Reason: In the interests of highway safety and the character and appearance of the conservation area and nearby listed buildings.

Informative: The details shall in all respects comply with the City of York Council Document "Technical Approval Procedures for Developers Structures".

20 Std HWAY 10 – Vehicular areas surfaced details required

21 Std HWAY 14 – Access to be approved, details required (to include reuse of existing sets)

22 Std HWAY 19 – Car parking laid out as approved

23 Std HWAY 29 – No gate etc to open into highway

24 Prior to the commencement of the development details of separate cycle parking areas and refuse storage areas for the office and residential elements of the development shall be submitted to and approved in writing by the local planning authority. The building shall not be occupied for each use until the approved cycle parking and refuse area has been provided for each use and the approved areas shall not be used for any purpose other than the parking of cycles or the storage of refuse as approved.

Reason: To promote the use of cycles thereby reducing congestion in the interests of residential amenity and environmental quality.

25 The nine car parking spaces shall be provided for the sole use of the residents of the flats (and their visitors) and no parking spaces shall be used by the occupiers or visitors to the offices.

Reason: In order to contribute towards the reduction of commuter parking and traffic in the interests of residential amenity and environmental quality.

26 Std ARCH 1 – Archaeological programme required (to cover the excavation for the stair tower)

### **Amended Condition 4 (Listed Building Consent)**

Add “cabling”

### **Additional Conditions (Listed Building Consent)**

6 Details of internal finishes and fittings and external doors including “taking in” doors and flood gates shall be submitted to and approved in writing by the local planning authority prior to the commencement of the relevant part of the development and shall be implemented in accordance with the approved details.

Reason: In order to protect the special interest of the listed building.

**Sub Committee Update**  
**Poppleton Gatehouse, Millgates**

**Appendix 2**

**Four additional letters of objection**

- Amendments do not resolve objections (with the exception of the provision of the footpath)
- The outer shell of the existing building should be retained and thermally upgraded
- Insufficient visitor parking is to be provided, overspill parking on the street would not be acceptable. If adequate parking cannot be provided on site this is an indication of over development of the site.
- The play area would not be widely accessible, the developer should make appropriate contributions towards more centrally located facilities
- Loss of the building will harm the character and appearance of the neighbourhood. The building has been allowed to deteriorate by the owners
- Increase in the number of residents on the site will alter the nature of the Millgates community
- Provision of the new footway would remove shrubs and bring pedestrians close to kitchen, bathroom and bedroom windows.
- Provision of a play area for the general public would introduce further disruption.
- The preparation of a “Local List” was agreed in 2005, Poppleton Gatehouse was included in the draft list and should by now have had recognition for its local value, history and architecture and a possible refusal to permit demolition
- There is sufficient room to allow retention and further new building

**Further e-mail from Cllr Simpson-Laing (attached)**

**Amended condition 9**

The wording “A 2m wide footway to be provided within the highway verge” to be replaced by the wording “The hardsurfacing of the highway verge as a footway....”

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-----Original Message-----

**From:** Cllr. T. Simpson-Laing  
**Sent:** 11 February 2008 10:12  
**To:** Fairy, Heather; Arnold, Gareth  
**Subject:** Poppleton Gate House  
**Importance:** High

Heather,

I would like to add further comment to my previous comments now that the agenda has been published.

Unfortunately with only having a weeks notice and the meeting being held during the School holidays I had already made plans and have no available childcare to enable me to attend the meeting. With that in mind I would be grateful if you could ensure that the members of the committee receive a copy of this e-mail, and residents who are attending the meeting, as I may not have time to ensure that all see these further comments.

Many Thanks

### **Comments of Agenda Item 4g**

Having view drawing 'Site Layout 16th Jan 2008' I have concern over the footpath. Residents have asked that the footpath is extended to the end of the road/boundary to slip road for properties No. 39 and 41. The concern is that whilst the agenda states that the exit to the car park has not changed (Para 4.10) it leaves pedestrians vulnerable to vehicles coming out of the site at speed. The resident of No.16 has also commented how close to the property the footpath is planned. This area was originally the Coach House to the house and was converted to residential use sometime ago. Since that time the verge areas has been cultivated and services related to the house have been added, including on the houses wall an exhaust for the heating system. The closeness of this to a footpath would be a potential danger to anyone using the footpath. With this in mind I feel that the footpath may need extending width ways outwards into the carriageway. This is turn may prove problematic with regard to the road width as I notice that a 2m footpath is recommended.

There is also a particular concern over the number of parking bays. Whilst the number of parking bays is an increase on that previously provided, past history shows that this was not enough. Vehicles were often parked on the grass or around the back of the property where there was a rear access. A concern is that vehicles will end up being parked on Millgates and that this will cause obstruction.

Whilst I note from the agenda that the issues of bats has been looked into, I see no mention has been made to see if Barn Owls are present in the trees, especially those that have been marked for felling. I would ask that if the application is passed that a condition is it added to reflect their possible presence. I understand that this is a requirement under 'Schedule 1 Birds and their nests' protected by the 'Wildlife & Countryside Act 1981'. An additional to Condition 13 may be appropriate

Conditions

I see nowhere in the conditions about reuse of materials on site. Considering recent Green Paper advice from the Government it is quiet worrying that there is no mention of reuse of materials for hardcore, etc, but rather the indication that demolition material will be taken away. Added to this there are no times of working in Condition 10 and no indication of weight/size restriction of vehicles accessing that site due to the road width at the 'corner' - I understand that even CYC refuge vehicles have problems currently. I would ask that this is further investigates and that

times of working are agreed to ensure that residents area aware from the onset of when work should be undertaken on the site. Could I also ask that the drive way to No's 39 and 41 is not used by any construction vehicle for turning purposes or the frontage of 37.

Cllr Tracey Simpson-Laing  
Acomb Ward Councillor