

---

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	19 JUNE 2008
PRESENT	COUNCILLORS CRISP, SUE GALLOWAY (VICE-CHAIR), STEVE GALLOWAY, GALVIN, GILLIES, HORTON (CHAIR), LOOKER, SUNDERLAND AND MOORE (SUBSTITUTE FOR COUNCILLOR REID)
APOLOGIES	COUNCILLOR REID

---

## 6. 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 and prejudicial interest in agenda item 4a (Guy Fawkes Hotel, 25 High Petergate) as he knew the applicant personally. He left the room and took no part in the debate.

## 7. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
2 The Park, Westwood Lane, Askham Richard	Councillors Crisp, Sue Galloway, Galvin, Gillies, Horton and Sunderland.	At the request of Councillor Healey
6 Marston Crescent	Councillors Crisp, Sue Galloway, Galvin, Gillies, Horton and Sunderland.	As objections had been received and the recommendation was to approve.
Ali G Pizza, 11 Tower Street	Councillors Crisp, Sue Galloway, Galvin, Gillies, Horton, Looker and Sunderland.	At the request of Councillor Brian Watson.
Guy Fawkes Hotel, 25 High Petergate	Councillors Crisp, Sue Galloway, Galvin, Gillies, Horton, Looker and Sunderland.	At the request of Councillor Brian Watson

## 8. MINUTES

- RESOLVED:
- (i) That the minutes of the meeting held on 15 May be approved and signed by the Chair as a correct record.
  - (ii) That the minutes of the meeting held on 27 May be approved and signed by the Chair as a correct record subject to them being amended to show that Councillor Horton was Chair of the meeting and that Councillor Steve Galloway was present at the meeting as a full Member of the Committee rather than a substitute.

## 9. 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.

## 10. 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.

### 10a **Guy Fawkes Hotel, 25 High Petergate, York, YO1 7HP (08/00359/LBC)**

Members considered an application for listed building consent from Debretton Contracting Ltd for internal and external alterations including new signs and gas lanterns to the front elevations and new windows at front first and second floor level.

Representations were received from the planning consultant, on behalf of the applicant, in support of the application. He spoke about issues relating to window fittings and the use of lanterns. He stressed that the premises in question were commercial premises and there was a need to ensure viable use of the premises. He identified similar lanterns used in the city, both outside the Minster and the Guildhall. He also spoke about the signage which had been applied to the string course on the front elevation.

Members debated whether or not the string course, signage and lanterns caused undue harm to the appearance and character of the 2\* listed building

Councillor Galvin moved and Councillor Horton seconded a motion to approve the application. On being put to the vote this motion was not carried.

A motion to refuse the application was then moved, seconded and carried as set out below. Members requested that the Assistant Director (Planning and Sustainable Development) consider undertaking enforcement action.

RESOLVED: That the application be refused.

REASON: The over-painting of the string course results in the loss of distinctive string coursing harmful to the strong horizontal emphasis in High Petergate created by "the visual banding" along the front elevation of the terrace, interrupts the rhythm of the terrace and the unity of the group of three buildings that form a distinctive group of early Georgian buildings, and creates a precedent that would detract from the character of the many similar historic buildings in the city centre that are re-used for commercial purposes. The number and position of the carriage lamps are excessive and unacceptably increase illumination in High Petergate close to the Minster, and the quasi-decorative lamps fail to reflect the historic period of the Grade II\* Listed Building. Together the changes to the front facade of the Listed Building create an appearance that would be detrimental to the historic and architectural character and visual amenity of the Listed Building, contrary to Policies HE4, HE8, and GP1 and related national planning guidance contained in Planning Policy Guidance Note 15, " Planning and the Historic Environment" and Planning Policy Guidance Note No.19 " Outdoor Advertisement Control. "

Action Required

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

**10b Pavement Cafe Bar, 10 New Street, York, YO1 8RA (08/00969/FUL)**

Members considered a full application from Jamie Doughty for change of use of the second floor from an office to a drinking establishment (Class A4) and internet lounge.

Representations were received from the agent, on behalf of the applicant, in support of the application. He explained how Blue Fly had extended into 10 New Street after permission was granted in August 2006 to use the ground floor and that a further application was granted later the same year to use the first floor also as a bar area with a limited occupancy of 60 persons. He explained that this application would change the use of the top floor, currently used for customer toilets and an ancillary office/managers accommodation, to a bar area (class A4) retaining the customer toilet but using the larger area as a function room for up to 60 persons and the small room as an internet lounge. He stated that this

would increase the profitability of the second floor which at present accounted for a large percentage of the rent paid for the premises but did not contribute to the income from the business.

Members raised concerns over the profitability of an internet lounge when a nearby internet café was due to close down.

Members asked if there was any further information available on the work which had already been undertaken to remove internal walls and a suspended ceiling. Officers confirmed that these works were the subject of a current listed building consent application but that they did not alter the fabrication of the unit.

Members raised the point that there are very few buildings which take people up to a height where they have a good view over the city and that this was a good example of this.

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

**REASON:** That 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 interest of the listed building, the vitality and viability of the area, amenity, the character and appearance of the conservation area and highway safety. As such the proposal complies with Policies HE3, HE4, S6 and S7 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

**10c 25 George Hudson Street York YO1 6JL (07/01726/FUL)**

Members considered an application from Oakgate (Newcastle) Ltd for the variation of condition 6 of planning permission 04/02949/FUL to allow 10 ground floor car parking spaces to be used as secure contract parking (existing conditions requires short term parking only) (re-submission)

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

**REASON:** That 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 conservation area and national and local initiatives to reduce private car travel and promote other means of more sustainable transport. As such the proposal complies with Policy T14 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

**10d Ali G Pizza, 11 Tower Street, York, YO1 9SA (08/00936/FUL)**

Members considered a full application from Mr Ali Aligugur for a single storey pitched roof extension to the rear to accommodate a chiller unit, the erection of a replacement boundary fence to the south east boundary and a wooden shed in the yard.

The case officer reported that the Environmental Protection Unit had no objection to the application. He stated that one letter of objection which had been received from the occupant of 4 Tower Place due to concerns over noise from the chiller had been withdrawn after the objector has discussed the proposal with the applicant. He reported that a further letter had been received from 2 Tower Place and they had no objections to the extension and advised that over the last three years they had had no problems regarding cleanliness or noise from the application site.

He advised Members that an application for listed building consent had been sent with the full planning application but this had been invalid as a block plan was missing. The agent had sent a block plan as requested but insufficient copies which was to be rectified.

Members agreed that these proposed changes would improve the condition to the rear of the building.

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

REASON: That the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the special historic interest of the listed building, the character and appearance of the conservation area and residential amenity. As such the proposal complies with Policies HE3, HE4 and S6 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

**10e 2 The Park, Westwood Lane, Askham Bryan, York, YO23 3FW  
(07/02908/FUL)**

Members considered a full application, submitted by Mr James O'Toole, for a single storey pitched roof glazed rear extension which would enclose the rear yard.

The case officer stated that an objection had been received by e-mail from a neighbour at 3 The Park. A copy of this e-mail was circulated to Members at the meeting. The neighbour's objections were as follows:

- It would increase the size of the property disproportionately compared to the other properties.
- Anticipated problems with drainage and cleaning
- Impact on light to the front of his property

Representations were received from the agent, on behalf of the applicant, in support of the application. She explained how the farm buildings had been converted into residential dwellings in 1998. She confirmed that the proposed extension would be located within the walled yard area and that the only visible part of the extension would be the glazed roof and therefore it would not be out of character or keeping with neighbouring properties and should not impact on the neighbours.

Members discussed what impact the proposed extension might have on neighbours and whether it would enable the character of the current buildings to be retained. Members expressed the view that the buildings were now residential properties and not agricultural buildings and that, although it was important to retain the character of the buildings, this was a fairly modest and unobtrusive extension which would have minimal impact on neighbours.

**RESOLVED:** That the application be approved subject to the following conditions listed below:

1 The development shall be begun not later than the expiration of the 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 development hereby permitted shall be carried out only in accordance with the following plans:-

O01/766/02 dated April 2008.

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

3 The frame for the glazing of the extension shall be constructed from painted timber.

Reason: So that the extension respects the character of the existing buildings in accordance with policy GP1 and H7 of the Development Control Local Plan and the guidelines of the Askham Richard Village Design Statement.

REASON: That the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and openness of the Green Belt, the living conditions of adjacent occupiers and the appearance of the building. As such the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan and the guidelines contained within the Askham Bryan Village Design Statement.

Action Required

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

**10f 6 Marston Crescent York YO26 5DQ (07/02945/FUL)**

Members considered a full application from Tony Rogers for a part two storey, part single storey pitched roof rear extension.

The case officer stated that a letter had been received from the applicants in support of the application and this was circulated to Members of the Committee. The applicants' main concern was the length of time the application process had taken and the number of times they had needed to amend the plans.

Representations were received from a neighbour in objection to the application. He voiced his concerns that the proposed application would not comply with Policy GP1 of the City of York Development Control Draft Local Plan as stated in the officer's report as it would cause overshadowing of neighbouring properties and would consist of overbearing structures. Similarly his opinion was that it would not comply with Policy H7 "Residential Extensions" as it would affect the natural lighting and heating amenities currently enjoyed in his conservatory. A

copy of the objector's statement and photographs were circulated to Members of the Committee. The photographs showed the level of light currently received by his property and that the part of the garden mainly used was to the right of the conservatory which would be overshadowed if the application was granted.

Members discussed issues relating to the size of the proposed extension and agreed that it would have a direct impact on the neighbour and would be overbearing. They noted that it would also negatively affect the level of sunlight in the neighbour's conservatory.

RESOLVED: That the application be refused.

REASON: Because of its height and excessive rear projection the proposed extension is considered to be overbearing when viewed from neighbouring properties and would result in a loss of sunlight to the rear of no.4 Marston Crescent. The extension would therefore harm existing living conditions and as such would be contrary to policies GP1 and H7 of the City of York Development Control Local Plan and the City Council's Supplementary Planning Guidance "Guide to extensions and alterations to private dwellinghouses."

Action Required

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

Councillor D Horton, Chair

[The meeting started at 3.00 pm and finished at 4.20 pm].