
MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	16 SEPTEMBER 2008
PRESENT	COUNCILLORS SUE GALLOWAY (VICE-CHAIR, IN THE CHAIR), CRISP, STEVE GALLOWAY, GALVIN, LOOKER, REID AND HEALEY (SUBSTITUTE)
APOLOGIES	COUNCILLORS HORTON, GILLIES AND SUNDERLAND

26. INSPECTION OF SITES

The following sites were inspected before the meeting

Site	Attended by	Reason for Visit
Salt and Pepper, 19 Tanner Row	Councillors Crisp, Sue Galloway, Healey Looker, Galvin.	To familiarise members with the site
The Orchard, Tyn Garth, Acaster Malbis	Councillors Crisp, Sue Galloway, Healey Looker, Galvin.	As objections had been received and to familiarise members with the site
Monkbar Hotel, St Maurices Road	Councillors Crisp, Sue Galloway, Healey Looker, Galvin.	To familiarise members with the site
40 Goodramgate	Councillors Crisp, Sue Galloway, Healey Looker, Galvin.	To familiarise members with the site
Thorntons PLC, 15 Parliament Street	Councillors Crisp, Sue Galloway, Healey Looker, Galvin.	To familiarise members with the site

27. 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.

None were declared

28. MINUTES

RESOLVED: (i) That the minutes from the meeting held on Thursday 17 July 2008 be approved and signed by the Chair as a correct record subject to removing Cllr Reid's name from the Church of St James The Deacon site visit.

(ii) That the minutes from the meeting held on Thursday 14 August 2008 be approved and signed by the Chair as a correct record.

29. 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.

30. 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.

30a 11A Tower Street, York, YO1 9SA (08/01843/FUL)

Members considered a full application from Mr Ali Gurgur for variation of condition 2 of 7/05/737/AR1/TP to allow opening of the premises Monday-Thursday 16:00 – 01:00 the following day, Fridays & Saturdays 16:00-02:00 the following day and Sundays 16:00-24:00.

Members took into consideration the location of the nearby residents and in answer to Members questions regarding noise levels, officers stated that the Environmental Protection Unit had not received any complaints.

RESOLVED: That the application be approved subject to the conditions listed in the report.¹

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 character and appearance of the conservation area, crime and disorder, residential amenity and highway safety. As such the proposal complies with Policies HE3, 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. SL

30b 40 Goodramgate, York, YO1 7LF (08/01546/FUL)

Members considered a full application submitted by Mr Simon Evans for retention of the patio, construction of enclosing brick wall, construction of brick kitchen flue and installation of new door in existing opening.

Representation were received by the applicant in support of the application. He informed Members how the fencing around the decking area would be replaced by bricks and the flue would be enclosed with similar brickwork. The doorway onto the patio area would be replaced by a door which would look like a window. He felt that although the building was a listed building because the alterations were at the back of the property they were not highly visible.

Members took into consideration that the building was a Grade II listed building within the Central Historic Core Conservation Area and what the visual impact would be. Some Members suggested the materials used be improved to fit in with the buildings existing brickwork. Members also considered the impact on occupiers of the neighbouring properties and some Members suggested a time restriction on the use of the area.

In answer to Members questions Officers stated that due to their recommendation to refuse the application Members could be open to a legal challenge if the application was approved.

After a detailed debate Councillor Reid moved and the Chair seconded a motion to refuse the application. On being put to the vote this motion was lost and the application was approved subject to the following conditions:

RESOLVED: That the application be approved with the following conditions:¹

i) The use hereby permitted shall be confined to the following hours

Monday to Friday 10:00 until 23:00
Saturday 10:00 until 23:00
Sunday 10:00 until 23:00

Reason: To safeguard the amenity of neighbouring residents.

ii) Details of all materials to be used shall be submitted to the Local Planning Authority for approval

Reason: To safeguard the amenity of local residents

iii) Large scale details on the proposed door and chimney to be submitted to the Local Planning Authority for approval

Reason: To safeguard the amenity of local residents

Action Required

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

SL

30c 40 Goodramgate, York, YO1 7LF (08/01548/LBC)

Members considered a full application submitted by Mr Simon Evans for retention of patio, construction of enclosing brick wall, construction of brick kitchen flue and installation of new door in existing opening.

After a detailed debate Councillor Reid moved and the Chair seconded a motion to refuse the application. On being put to the vote this motion was lost and the application was approved subject to the following conditions:

RESOLVED: That the application be approved with the following conditions:¹

i) Details of all materials to be used shall be submitted to the Local Planning Authority for approval

Reason: To safeguard the amenity of local residents

ii) Large scale details on the proposed door and chimney to be submitted to the Local Planning Authority for approval

Reason: To safeguard the amenity of local residents

Action Required

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

30d Monkbar Hotel, St Maurices Road, York, YO31 7JA (08/01647/FULM)

Members considered a major full application from Mr Rishi Sachden for a four storey extension to the rear to create additional bedrooms and conference rooms and alterations to existing hotel.

Representation were received by Mr Pinder in objection to the application. He informed Members he was also representing other residents of Monkgate Cloisters and their main concerns were:

- The extension would lead to loss of privacy to the occupants of the dwellings in Monkbar Cloisters as the extension would be within 50 metres from some kitchen windows
- The extra traffic, car parking and the demand for parking in the surrounding streets
- The height of the extension.

Some members expressed concerns regarding the parking provision and the noise that could be generated from the stacking system.

RESOLVED: That the application be approved subject to the conditions listed in the report.¹

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 character and appearance of the conservation area, residential amenity, highway safety and flood risk. As such the proposal complies with Policies HE2, HE3, HE10 GP1 and V3 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. SL

30e Salt And Peppers, 19 Tanner Row, York, YO1 6JB (08/01750/FUL)

Members considered a full application by Mr C Altin for removal of condition 1 of planning permission (06/00253/FUL) to allow 24 hour opening.

Representations were received from the applicant in support of the application. Members were informed that they were looking to remove the restrictions to open until 3:30am on weekdays and 4:30am on weekends to keep in line with other areas. The noise level had been monitored 2.5 years ago which showed that more noise was made when the premises was closed.

RESOLVED: That the application be approved subject to the conditions listed in the report.¹

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 character and appearance of the conservation area, residential amenity, crime and disorder, anti-social behaviour and highway safety. As such the proposal complies with Policies HE3 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. SL

30f Thorntons Plc, 15 Parliament Street, York, YO1 8SG (08/01139/FUL)

Members considered a full application by Town Centre Securities PLC for change of use from retail shop (use class A1) to financial and professional services (use class A2)

Representations were received from the applicant in support of the application. Members were informed that he felt the proposed change of use was acceptable and that legally 15 Parliament Street could not change

its use until 3 Samson Square was in use. He felt that the change of use would retain its high level of footfall.

Councillor Reid moved and Councillor Galvin seconded a motion to approve the application. On being put to the vote this motion was carried.

RESOLVED: That the application be approved subject to the conditions listed in the report.¹

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 vitality and viability of the protected street, and the visual amenity of the streetscene and conservation area. As such, the proposal complies with Policies GP1, S3a and SP3 of the City of York Development Control Local Plan (2005).

Action Required

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

30g The Orchard, Tyn Garth, Acaster Malbis, York, YO23 2LX (08/01177/FUL)

Members considered a full application by Mr Tony Lumb for replacement of 3no. moorings.

Representation were received by Mr Ellis representing Acaster Malbis Parish Council in objection to the application.

Mr Ellis stated that the main concerns were:

- The visual amenity of the riverbank area, specifically the fencing that had been erected. He stated that it was above the 2 metres in height and suggested that the hedge should be reinstated on the footpath side of the fence which would require the existing fence to be moved back
- The Flood risks
- The visual effects of the openness of the greenbelt

Representations were also received from Mr David Nunns in objection to the application. Some of his concerns were:

- The removal of the kissing gate at the southend of the property which had been replaced with a new fence which had a closed boarding.
- The effects it has on the public right of way (PROW)
- The height of the fence that had been erected and he suggested a hedgerow be put in place.
- Flood risks

Mr Nunns informed officers he had also spoken to the PROW officer regarding these issues.

After a detailed debate Members felt that a decision could not be made until further information was obtained. Members agreed to defer the decision until the next meeting to allow officers to submit an extra report which would take into account the fencing and the public right of way issues.

RESOLVED: That the decision be deferred until the next meeting to allow Members to also take into consideration the fencing and public right of way issues.¹

REASON: That the decision made is the best for the residents and the applicant.

Action Required

Officers resubmit an updated report at the next meeting

SL

Councillor Sue Galloway, Chair

[The meeting started at 3.00 pm and finished at 4.30 pm].