
MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	13 MAY 2010
PRESENT	COUNCILLORS HORTON (CHAIR), SUE GALLOWAY (VICE-CHAIR), CRISP, STEVE GALLOWAY, GALVIN, GILLIES, REID, SUNDERLAND AND B WATSON

66. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
The Head's House, 1 Love Lane	Councillors Crisp, Sue Galloway Gillies, Horton, Reid and B Watson.	As objections had been received and the officer recommendation was for approval.
Hotel Du Vin, 89 The Mount	Councillors Crisp, Sue Galloway Gillies, Horton, Reid and B Watson.	As objections had been received and the officer recommendation was for approval.
106 Albion Avenue	Councillors Crisp, Sue Galloway Gillies, Horton, Reid and B Watson.	As objections had been received and the officer recommendation was for approval.

67. 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 Reid declared a personal and prejudicial interest in plans item 4b (The Lowther, Cumberland Street). She advised the Committee that she had sat on the Panel for a licensing hearing in respect of these premises and that that the person who had registered to speak at today's meeting in objection to this application had also spoken in objection at the licensing hearing. She left the room for discussion on this item and took no part in the debate or vote on this application.

Councillor Gillies advised the Committee that he had been approached by a resident with regard to plans item 4d (106 Albion Avenue) but had passed the query onto the planning department and had not expressed any view on the application.

68. MINUTES

That the minutes of the meetings of the West and City Centre Area Planning Sub Committee held on 18 March and 22 April 2010 be approved and signed as a correct record.

69. 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.

70. 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.

70a The Heads House, 1 Love Lane, York, YO24 1FE (10/00538/FUL)

Members considered a full application from The Mount School for the erection of a detached dwelling house (resubmission).

Officers advised that comments had been received from Design, Conservation and Sustainable Development in respect of the relationship of the proposal to the setting of the Historic Core Conservation Area, the boundary of which is a short distance away. They raised no objection to the proposal, stating that whilst it would have some impact on the mature landscape setting of the conservation area, this would not give rise to significant harm. Officers also reported that further comments had been received from the Council's Structures and Drainage Engineer in respect of the surface water scheme associated with the site requesting that a revised drainage condition be substituted for draft condition 10.

Representations were received from a local resident in objection to the application. He raised concerns regarding the size and scale of the building and the high ground levels, which he stated had been reasons for refusal of a similar proposal in 2003. He stated that people would be forced to park on St Aubyn's Place as they would no longer be able to park on Love Lane and that part of the Joseph Rowntree memorial garden at the school would have to be demolished to make way for the development.

Representations were also received from the agent in support of the application. He stated that the proximity to neighbours and the slope of the site had been taken into account and that the house was of ecological design and would have minimal impact on the conservation area. In

response to concerns raised about the higher level of development site in relation to St Aubyn's Place, he explained that due to the ridge height and sight lines, the new development would appear to be the same height as Heads House and would also be screened by trees.

In response to the concerns about increased parking on St Aubyn's Place, a representative from the Mount School explained that, with the school's permission, sixth form students currently park on Love Lane but that these cars would be re-located to the school car park therefore students would not need to use St Aubyn's Place for parking.

In response to a query from a Member regarding protection for existing trees on the site, officers explained that condition 6 covered existing planting on the site during construction and that condition 8 required details of the landscaping scheme to be submitted to and approved by the local planning authority. They explained that the only legal way to protect specific trees was to obtain a Tree Preservation Order (TPO) and they gave an assurance that the views of the Committee would be passed on to the relevant officer.

Members agreed that the view of the new building from St Aubyn's Place would be limited and the impact on neighbours would be fairly minimal and they were satisfied that the concerns over car parking had been resolved.

RESOLVED:

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

Amended Condition 10

Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with the details thereby approved.

The submitted details shall include:

i) In accordance with PPS25 and in agreement with the Local Planning Authority, peak run-off will be attenuated to 70% of the existing rate (based on 140l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

ii) Full details should be provided of the future management/maintenance of the drainage scheme.

Reason: So that the Local Planning Authority may be satisfied that the site may be properly drained in accordance with Central Government Planning

Guidance outlined in PPS25 (Development and Flood Risk) and that provision has been made to maintain the drainage system.

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 impact upon the residential amenity of neighbouring properties, suitability of the design in context in relation to the setting of the Conservation Area, impact on the safety and convenience of highway users in Love Lane, usage of sustainable construction materials and other features, impact upon the level of anti-social behaviour taking place in Love Lane, impact upon the existing mature landscaping within the site and impact of the proposal on the local pattern of surface water drainage. As such the proposal complies with Policies GP1 , GP3 , GP4a) , GP9 , GP10 and GP15a) of the City of York Development Control Local Plan.

70b The Lowther, 8 Cumberland Street, York, YO1 9SW (10/00322/FUL)

Members considered a full application from Mr Malcolm Goodwin for the retention of an external seating area on Kings Staith and the variation of condition 5 of temporary planning permission 08/02093/FUL to extend the times of operation of the outside seating area until 22.00hrs.

Representations were received from a local resident living on Kings Staith in objection to the application. He questioned why the applicants had applied to extend the operating hours for the external seating area when the original reasons for limiting use of this area until 8pm, ie in the interests of occupiers of neighbouring properties, had not changed and expressed concerns over the possible increase in noise.

In response to a query from Members, the managers of the Lowther and Plonkers Wine Bar explained that they had applied to extend the times of operation of the outside seating area in response to customer demand so that customers could remain seated outside on days when the weather was good during the summer.

Members agreed that there was no need to limit the extension of hours to May 2011, as suggested in the officer's report, and agreed that this date should be extended to November 2013, that date of expiry of permission for the external seating area.

RESOLVED:

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

Amended Condition 5

The hours of operation of the use hereby permitted shall only be between 10.00 and 21.30 hours. Customers shall be clear of the area approved by

21.30 with tables and chairs cleared from the site by 22.00. Setting up shall not commence before 09:30 daily.

Reason: In the interests of amenity of the occupiers of neighbouring properties, free flow of the highway outside the approved hours, highway safety and in the interests of the amenity of the conservation area.

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, vitality and viability of the city centre, public access to the riverside, residential amenity and highway and pedestrian safety. As such the proposal complies with Policies HE2, GP1 and S6 of the City of York Local Plan Development Control Local Plan-Incorporating the Proposed 4th Set of Changes (2005); and national planning guidance contained in Planning Policy Statement 6.

70c Hotel Du Vin, 89 The Mount, York, YO24 1BL (10/00376/FUL)

Members considered a full application from Mr Stephen Rodwell for the permanent retention of a smoking shelter to the rear of the hotel.

Officers advised that the Environmental Protection Unit had commented that several neighbouring residents had expressed concerns regarding noise and smoke however no formal complaints had been received and therefore no formal investigation had been undertaken. They therefore recommended that a one year permission be considered. Officers also advised that a response had been received from the Micklegate Planning Panel who recommended that the design of the shelter should minimise disturbance to local residents thus the enclosed section should face in the direction away from the main block of the hotel and asked that consideration also be given to fitting soundproofing.

Officers advised the Committee that they had received copies of e-mail correspondence between a local resident and the hotel's general manager complaining about noise from the hotel on two dates.

A written representation from Councillor Merrett was circulated to the Committee for their information. This expressed concerns raised by local residents about noise and other nuisance and the impact on their amenity.

Members acknowledged that some local residents may be effected to some degree by noise and smoke emanating from the hotel's garden but agreed that there was a need for a place where smokers could gather in reasonable comfort. They discussed the design of the shelter and suggested that the shelter could be turned around in order that entrance no long faced neighbouring gardens.

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 appearance and setting of the hotel which is Grade II Listed and residential amenity. As such the proposal complies with policies GP1 and HE2 of the City of York Development Control Local Plan.

70d 106 Albion Avenue, York, YO26 5QY (10/00422/FUL)

Members considered a full application by Mr J M Armitage for the erection of a dormer bungalow and garage (retrospective).

Officers updated that paragraph 3.3 of the report should refer to 8 objections having been received rather than 5 as stated and that an additional bullet point should be added to read "loss of outlook, dwelling looms over rear gardens" They also stated that an additional letter of objection had been received in response to the amended plans and that one letter had been received stating no objection.

Written comments from Councillor Simpson-Laing were circulated to Members of the Committee. She expressed concerns that the development had progressed so far before the Council became aware it had been built in the wrong place and that no Stop Notice had been issued. She also noted that the new development was now clearly visible from Boroughbridge Road which caused a visual intrusion and visual "massing issue" and requested confirmation that the distance between the new property and surrounding existing properties meets the minimum required distance.

Representations were received from a local resident on behalf of neighbours in objection to the application. She stated that the application did not fulfil the expectations of Policy GP1 as it overshadows, overbears and dominates other properties and is also contrary to Policy GP10 in that none of the existing trees are shown on the plans. She suggested that if the correct site measurements had been available at the time the reserved matters application was determined, this may not have been approved and asked that the plans be further revised to reduce the scale of the development.

Representations were also received from the agent in support of the application. She advised Members that when the appeal for outline planning permission was determined by the Planning Inspectorate, the inspector had noted the 21m separation distance between the proposed property and the neighbour most affected and had noted the rear extension to the neighbour's property but had been happy with this. He

reminded Members that the majority of properties in Beckfield Lane have long gardens and are therefore all at least 21m away from the bungalow.

Members considered the concerns raised by local residents and noted that the development now affected neighbours in a different way than would have been previously envisaged and that it was now more obvious to those living to the rear of the site. They noted that the site was now materially different to when the inspector visited it and the information on which the inspector had based his comments was no longer accurate, and that the application would need to be considered further.

RESOLVED:

That the application be refused.

REASON:

Because of its height and bulk, its location on the site and the consequent loss of trees, the dormer bungalow will result in a form of development that is overbearing and will dominate the outlook from adjoining residential properties. The dormer bungalow is therefore considered to harm the living conditions of the adjoining dwellings which is contrary to the following policies of the Development Control Local Plan:

- Policy GP1 which states that development proposals will be expected to be of a layout, scale, mass and design that is compatible with neighbouring buildings and ensure that residents living nearby are not unduly dominated by overbearing structures;
- Policy GP10 which states that planning permission will only be granted for the sub-division of existing garden areas where this would not be detrimental to the amenity of the local environment, and;
- Policy H4a which states that proposals for residential development will be granted where it is of an appropriate scale to surrounding development.

The proposal is also considered to be contrary to National planning policies contained within PPS1 "Delivering Sustainable Development" and PPS3 "Housing".

71. APPEALS PERFORMANCE AND DECISION SUMMARIES

Consideration was given to a report, which had also been presented to the main Planning Committee and East Area Planning Sub-Committee informing Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 4 month period up to 31 March 2010. The report also provided a summary of the salient points from the appeals together with a list of outstanding appeals as at 31 March 2010.

RESOLVED:

That the report be noted.

REASON:

To update Members on appeal decisions within the City of York Council area and informed of the planning issues surrounding each case for future reference in determining planning applications.

Councillor D Horton, Chair

[The meeting started at 3.00 pm and finished at 5.00 pm].