

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	19 APRIL 2007
PRESENT	COUNCILLORS LIVESLEY (CHAIR), BARTLETT (VICE-CHAIR), SUE GALLOWAY, HORTON, MACDONALD, REID, Simpson-Laing, Sunderland AND B WATSON

82. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Site between 29b and 31 Beckfield Lane	Councillors Livesley, Bartlett, Horton, MacDonald, Sunderland and Reid	As the application is recommended for approval and objections have been received
OS Field 5186, north of BT Depot, Askham Fields Lane, Askham Bryan	Councillors Livesley, Bartlett, Horton, MacDonald, Sunderland and Reid	As the application is recommended for approval and objections have been received
The Cross Keys, Tadcaster Road	Councillors Livesley, Bartlett, Horton, MacDonald, Sunderland and Reid	As the application is recommended for approval and objections have been received
St Benedict Court, St Benedict Road	Councillors Livesley, Bartlett, Horton, MacDonald, Sunderland and Reid	As the application is recommended for approval and objections have been received
Temporary Moorings, The Esplanade, Museum Street	Councillors Livesley, Horton, MacDonald, Sunderland and Reid	As the application is recommended for approval and objections have been received

83. 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 Livesley declared a personal non-prejudicial interest in agenda item 5b (Temporary Moorings, Museum Street) as he owned a flat on the opposite riverbank.

Councillor David Horton declared a personal prejudicial interest in agenda item 5k (Millfield Works, Millfield Lane, Nether Poppleton) as the speaker supporting the application was a neighbour of his. He left the room and took no part in the debate or decision. He also declared a personal non prejudicial interest in agenda item 5a (Royal Oak Inn, Goodramgate) as he was a member of CAMRA.

Councillor Simpson-Laing declared a personal prejudicial interest in agenda item 5f (The Veterinary Surgery, Salisbury Road) as she lived opposite the Veterinary Surgery and was one of the objectors. She left the room and took no part in the debate or decision.

Councillor Reid withdrew from the room under the provisions of the Planning Code of Good Practice (para 2.7) for agenda items 5h and 5i (The Cross Keys, Tadcaster Road) as she had represented a resident at a recent licensing hearing regarding this premises.

Councillor Sue Galloway withdrew from the room under the provisions of the Planning Code of Good Practice (para 2.7) for agenda items 5h and 5i (The Cross Keys, Tadcaster Road) as she was a panel member at a recent licensing hearing regarding this premises.

Councillor Sunderland declared a personal non-prejudicial interest in agenda item 5f (The Veterinary Surgery, Salisbury Avenue) as she was a customer of the Veterinary Surgery.

84. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the Press and Public be excluded from the meeting during consideration of the annexes to agenda item 6 (Enforcement Cases Update) on the grounds that they contain information classed as exempt under paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006. This information, if disclosed to the public would reveal that the authority proposes to give, under any enactment, a notice under or by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment.

85. MINUTES

RESOLVED: That the minutes from the meetings held on 22nd March 2007 and 3rd April 2007 be approved and signed by the Chair as a correct record.

86. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

87. 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.

87a Royal Oak Inn, Goodramgate, York (07/00345/LBC)

Members considered an application for Listed Building Consent submitted by Darren Dickson for the removal of internal seating (retrospective).

RESOLVED: That the application be approved.

REASON: That the removal of the internal seating would not cause undue harm to interests of acknowledged importance, with particular reference to the special historic interest of the listed building. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policy HE4 of the City of York Local Plan Deposit Draft.

87b Temporary Moorings Museum Street York (07/00266/FUL)

Members considered a full application submitted by Mr Gill for the proposed mooring of a floating coffee bar with a waiter serviced seated area on the river bank (April – September, inclusive).

Officers recommended that an additional condition be added regarding the relocation of a public bench that is currently located in the proposed seating area.

The Chair queried whether the mooring was to the north west of Lendal Bridge as stated in the report and it was clarified that the mooring was to the north east of Lendal Bridge.

Representations were received from the Inland Waterways Association Secretary who was in favour of the application but had some reservations. He was unclear how the mooring would work as the applicant was planning on packing up the café every night and taking the boat away. The representor was concerned that in the height of the season the applicant would not be able to find a free mooring and therefore would not be able to set up the café. He also raised concerns about how many moorings would be free during the Dragon Boat Races or other events where the river was used heavily. He said it would be preferable for the applicant to have a

permanent mooring rather than a temporary one where he had to take pot luck everyday on availability.

Representations were also received from the applicant who said that he had chosen the site because it was screened from the Museum Gardens by the trees. His boat was painted in traditional colours and the tables and chairs used would be as per council directive. The boat would be moored from 08:00 to 18:00 hours and all trace of the café would be removed every night. The applicant said that he was happy not to trade through any festivals involving the river if he was given advance notice of when these would occur.

Members asked how long the applicant thought it would take him to 'pack up' each evening and the applicant thought it would take approximately 30 minutes as it was a matter of moving 10 tables and 40 chairs.

Officers clarified that the moorings were for a 48 hour period and they cannot be booked in advance.

Members asked whether there were any toilet facilities on board for the staff and the applicant said that there were facilities on board for the staff but not for the public. The applicant confirmed that there would be no public access to the boat. Members also asked the applicant whether he would be displaying a sign board and the applicant confirmed that all signage would be on the boat itself. Members asked the applicant to clarify whether he would be putting a barrier around the tables and chairs once they were on the riverbank and he said that he would.

Some Members welcomed the application and said that there was a need to extend the availability of the hours of trading for the summer months. Members also said that there would have to be a substantial boundary fence around the furniture on the riverbank to ensure the health and safety of the members of the public using the café.

Some members said that the whole principle was that boats come and go and so it was not unreasonable to presume that the applicant would need to pack up the café each evening and vacate the mooring.

Some Members thought that the beauty of this stretch of the riverbank was that there was no commercial activity along it and it was therefore a peaceful place to be. They thought the café would be too obtrusive for the locality.

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

- (i) The bench sited in the proposed seated area that would require removal shall be located to a site agreed with the Local Planning Authority.

Reason: In the interests of the users of the river bank and in the interest of visual amenity.

- (ii) The use hereby permitted shall be confined to the following hours:
Monday- Sunday (Including Bank Holidays)
- 0800-2000 hours
Reason: To minimise the impact that noise could potentially have on the nearby residents.

REASON: The proposal, subject to the conditions listed in the report and above, would not cause undue harm to interests of acknowledged importance, with particular reference to: -

- The visual amenity and character of the conservation area and the adjacent listed garden
- The use of the river including navigation and safety
- The amenity of the neighbours
- Users of the adjacent public highway
- Flooding

As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan; Policies HE2, HE3, HE4, HE12, L4, GP15a and GP1 of the City of York Development Control Local Plan – Incorporating the Proposed 4th Set of Changes; and national planning guidance contained in Planning Policy Statement 1 “Delivering Sustainable Development,” Planning Policy Guidance Note No. 15, “Planning and the Historic Environment” and Planning Policy Statement 25 “Development and Flood Risk.”

87c St Benedict Court St Benedict Road York (07/00436/FUL)

Members considered a full application submitted by Moorside Developments Ltd for the erection of 8 two and three storey town houses and associated works.

Officers updated that they had received a response from the planning panel stating that the loss of the Working Men’s Club was regrettable; it also suggested that the development could be more eco-friendly. A letter had also been received from the local resident’s association asking that road safety signs be erected once building works start. They also said that the applicant should be required to make financial contributions towards open spaces.

The Officer had also received a telephone call from Councillor Merrett who had suggested that the sub-committee should refuse the development due to the loss of the Working Men's Club. St Clement's Church Hall was not available as a community centre and there had been no changes to the application since it was last submitted and refused. He said that if the sub-committee were minded to approve the application then the applicant should make commuted sum payments under Policy C6.

Representations were received on behalf of the Nunnery Area Residents' Association in objection to the application. The representative stated that the Working Men's Club had been a well used facility and its loss was regrettable as it was used as a meeting venue within the community. He also said that there were some concerns surrounding access to the site.

Representations were also received from the applicant's agent who circulated part of a committee report from 2002 regarding Layerthorpe Working Men's Club and said that this had been a precedent case and if it was right to approve the scheme for Layerthorpe then it was right to approve for St Benedict Court. He also stated that the proposed development would provide desperately needed family housing.

Members asked the representative of the Residents' Association if they currently had a room suitable for meetings and he clarified that a room was available at Barstow House for smaller meetings but there was not any larger facility nearer than the Clementhorpe Community Centre.

Members agreed that the development of 8 family Terrace Houses was a good use for the site and would be very advantageous for the area. Many Members agreed that it was a sign of the times that some forms of clubs were disappearing from communities. Members raised concerns that each property had only one parking space and there was already a very serious problem in the area with parking. These were three and four bedroom houses and they queried whether one parking space per unit would be enough, there were also concerns regarding the sustainability of the development. Members generally liked the design of the application and said that the loss of community facilities was only a short time problem as eventually St Clement's Hall would be reopened and would be made available for community use.

RESOLVED: That the application be approved subject to the conditions outlined in the report and the following additional conditions.

- (i) Prior to commencement of the development details of security lighting to be installed to the rear of the development, and thereafter maintained, shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of the security of the residents of the development.

REASON: The proposal, subject to the conditions outlined in the report and the additional conditions listed above, would

not cause undue harm to interests of acknowledged importance, with particular reference to the loss of the community facility, amenity, design and highway safety. As such the proposal complies with Policy H6 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP4a, H4a, H5a, c3, I1c and ED4 of the City of York Local Plan Deposit Draft.

87d Paventia House Moss Street York (07/00503/FUL)

Members considered a full application submitted by York Family Housing for the erection of a temporary portakabin to the side of Paventia House.

Representations were received from the manager of the Family Housing Unit at Paventia House. She said that the portakabin would be single storey with a floor area of 24m². The garden area where the portakabin was to be placed was well secluded and the only access to it would be from the side door of the existing building. It would be used for counselling purposes and no additional staff would need to be employed.

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

REASON: That subject to the conditions listed in the report the application would not cause undue harm to interests of acknowledged importance, with particular reference to the residential amenity of the neighbours, the visual amenity of the building and the locality, and highway safety. As such, the proposal complies with GP1 of the City of York Draft Local Plan – Incorporating the Proposed 4th set of changes and national planning guidance contained in Planning Policy Statement Note 1 “Delivering Sustainable Development.”

87e Practical Car - Van Rental Tanners Moat York (06/02662/FULM)

This application was withdrawn by the applicant prior to the meeting.

87f The Veterinary Surgery Salisbury Road York (07/00181/FULM)

Members considered a major full application by the Minster Veterinary Practice for the erection of 3 two storey dwellings with rooms in the roof and a three storey block of 7 apartments after demolition of the existing buildings (resubmission).

Officers updated that the reason regarding Flood Risk Assessment had been reworded.

RESOLVED: That the application be refused.

REASON:

1. The proposed three storey apartment building would not add to the character of the area or be well integrated into the existing environment. The height and massing would be inappropriate and would be excessively high, this contradicts policies GP1 and H4 of the Local plan and Planning Policy Statement 1.
2. The Flood Risk Assessment does not successfully identify measures that would ensure the site can be safely developed, services and occupied contrary to policy GP15a of the Draft Local Plan and Planning Policy Statement 25.

87g Land Between 29b And 31 Beckfield Lane York (06/02519/FUL)

Members considered a full application submitted by John Wheldon for the erection of 2 dwellings on land between 29b and 31 Beckfield Lane.

Officers updated that the address should read 31a Beckfield Lane and not 31 Beckfield Lane. Officers also circulated diagrams showing where the sun would be on the buildings at certain times of the day.

Representations were received from a neighbour in objection to the proposed development. He said that he had lived adjacent to the site for 25 years and access to the site was via a very narrow lane. He commented on the fact that only one parking space per dwelling had been allocated and therefore there would not be any parking spaces for visitors. There was also very little turning space. He also said the applicant's agent had not addressed the problems regarding the change in ground levels on the site. In addition he raised concerns regarding overshadowing.

Representations were also received from the applicant's agent in support of the application and he circulated some drawings to the sub-committee to show how he had addressed some of the concerns regarding ground levels. He said that the issue to be determined is whether limited overshadowing is contrary to planning policy.

Members queried the 'no rights of access' mentioned in section 3.6 of the report and Officers clarified that there may be a covenant saying that there was no right of access but this was an entirely separate issue to the planning application. Officers clarified that covenants did not have any bearing on whether planning permission should be granted or not.

Some Members raised concerns about the narrowness of the lane and thought that there were too many units for the available access. Officers said that there was no policy regarding how many units could stem from a certain point of access there were only guidelines. They clarified that there had not been any objections from Highways.

Some Members were concerned that if an extra four cars were using the lane then this could lead to some major problems as the lane was so narrow. There was a real concern about vehicular access to the proposed development. Concerns were also raised regarding pedestrian access.

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

- (i) That the application be delegated to Officers to approve the application subject to receipt of an amended plan showing reduction to the ground level of the eastern most unit, and subject to the amendment of the wording of condition 11 (HT1) to reflect the different levels of the two houses.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

- (ii) 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 the approved plans.

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

REASON: That the proposal subject to the conditions listed above and the conditions listed in the report would not cause undue harm to interests of acknowledged importance, with particular reference to visual/residential amenity and highway safety. As such the proposal complies with Policies GP1, H4a and GP10 of the City of York Development Control Draft Local Plan.

87h The Cross Keys 32 Tadcaster Road Dringhouses York (07/00460/FUL)

Members considered a full application submitted by The Spirit Group for the erection of a timber canopy to the rear of the Cross Keys in a paved seating area.

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

REASON: That subject to the conditions listed in the report, the proposal 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 amenity. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 adopted 1995) and Policies GP1, HE3 and HE4 of the City of York Local Plan Deposit Draft.

87i The Cross Keys 32 Tadcaster Road Dringhouses York (07/00461/LBC)

Members considered an application for Listed Building Consent submitted by the Spirit Group to erect a timber canopy at the rear of the Cross Keys in a paved seating 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 special historic interest of the listed building. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policy HE4 of the City of York Local Plan Deposit Draft.

87j OS Field 5186 (North of BT Depot) Askham Fields Lane Askham Bryan York (07/00122/FULM)

Members considered a major full application by Professor G Reece for the reforming of land and use as an occasional 4X4 training course (resubmission).

Officers updated that Informative 5 Part E had been amended to include Control of Asbestos at Work Regulations 2002. An additional Informative had been added regarding Health and Safety. Officers also said that the following amendments had been made to the report:

- The following to be added to paragraph 3.4 of the report: The Environmental Protection Unit would recommend that should the developer suspect that the site contains asbestos that they employ a consultant to advise them of the risks and how to remove the material.
- Paragraph 4.5 of the report: following discussion at the site visit and with the applicant it has been confirmed that the site will not be used for recreational purposes.

Representations were received from the applicant's representative who said that the college was aiming to be one of the biggest land based colleges in the country. There was a need for people to be trained to use 4 X 4's and at the moment there were very few training opportunities available.

Members asked the representative about the tipping that had taken place on the site and he stated that the college adheres to rigorous controls regarding noxious substances. Members raised concerns that some residents had claimed that the gates to the area had been left opened and that is why the fly tipping had taken place. Members also said that it may be impossible for the college to know what had been 'dumped on the land' and it did not appear that any tests had been carried out on the material that had been tipped. The representative from the college said that there was no evidence that the materials were noxious or dangerous in any way and that if any contaminated waste had been dumped then the college would have used the correct methods to remove this. There were concerns that the tipped waste would be buried and contaminated waste inadvertently covered.

Members said that they welcomed the application and the provision of a facility of this nature and felt sure that if there was any contaminated land then it would be cleared properly.

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

4. The site shall be used by motor vehicles for no more than two days in any one 7 day period and be used for training purposes only.
Reason: To protect the amenity of nearby occupants from noise.

11. Any unexpected areas of contamination identified during site works will be reported to the Local Planning Authority and a suitable remediation strategy agreed and fully implemented prior to occupation of the site.
Reason: To address any problems of ground contamination.

Informative 5 – Part E – 'Your attention is drawn to the Control of Asbestos at Work Regulations 2002, which regulates the removal and management of asbestos in non domestic environments, the details of which can be found on <http://www.opsi.gov/SI/si2006/20062739.htm>'

Informative 6 – Your attention is drawn to the Health and Safety Executives advice regarding what action should be taken by employees on discovering asbestos. By law the contractor does not necessarily have to employ specific asbestos removal contractors and may be able to dispose of it themselves, however they should follow the guidance supplied by the health and safety executive below.
<http://www.hse.gov.uk/pubns/guidance/em1.pdf>

REASON: The proposal, subject to the conditions listed in the report and listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the designated Green Belt, visual amenity, landscaping and noise. As such the proposal complies with PPG2 and Policies GP1, NE7 and GB1 of the City of York Development Control Draft Local Plan.

87k Millfield Works Millfield Lane Nether Poppleton York (07/00138/FULM)

Members considered a major full application submitted by London Ebor Developments Pension Fund for the erection of a building comprising office and industrial units.

Officers updated that a letter had been received from the architect that addressed the questions raised by the Parish Council. There had also been a comment from Councillor Hopton that asked the sub-committee to bear in mind the entrance to Manor School.

Representations were received from the applicant's agent who said that the intention was to replace the existing building. He said that the area would be improved and that people had already shown interest in the scheme.

Members asked how many floors the building would have and the representative said two. Members said that there was nothing in the report regarding sustainability and there was no HT1 height condition. Officers clarified that the height of the building was 6.5m and an additional condition regarding this would be added.

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

- (i) Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 6.5m metres, as measured from the existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

REASON: The proposal, subject to the conditions listed in the report and the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the area, amenity and highways. As such the proposal complies with Policies GP1 and E3a of the City of York Local Plan Deposit Draft.

88. ENFORCEMENT CASES UPDATE

Members considered a report, which provided them with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

RESOLVED: That the reports be noted.

REASON: To update Members on the number of outstanding enforcement cases within the Sub-Committee area.

COUNCILLOR D LIVESLEY

CHAIR

The meeting started at 3.00 pm and finished at 7.15 pm.

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