
MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	31 JULY 2007
PRESENT	COUNCILLORS B WATSON (not for 4d & 4e) (CHAIR), Sue Galloway (Chair for 4d & 4e), Horton, Galvin, Gillies, Sunderland, STEVE GALLOWAY (SUBSTITUTE), Moore (not for 4e & 4d) (Substitute) and Bowgett (Substitute)
APOLOGIES	COUNCILLORS REID, GUNNELL AND JAMIESON-BALL

17. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
31 Bootham	Councillors B Watson, Horton, Sue Galloway and Gillies.	As the application was recommended for approval and objections had been received.
54 Beckfield Lane	Councillors B Watson, Horton, Sue Galloway and Gillies.	As the application was recommended for approval and objections had been received.
92 Micklegate	Councillors B Watson, Horton, Sue Galloway and Gillies.	As the application was recommended for approval and objections had been received.

18. DECLARATIONS OF INTEREST

Councillor Horton declared a personal non-prejudicial interest in Plans Items 4f and 4g (31 Bootham) as he knew the Applicant and also in Plans Item 4c (Rear of 54 Beckfield Lane) as he knew one of the speakers.

Councillor Moore declared a personal and prejudicial interest in Plans Items 4d and 4e as he had sat on the panel of a Licensing Hearing connected with this matter. He took no part in the debate.

Councillor Watson declared a personal and prejudicial interest in Plans Items 4d and 4e as he had sat on the panel of a Licensing Hearing connected with this matter. He took no part in the debate.

19. MINUTES

RESOLVED: That the minutes of the meetings held on 21st June 2007 and 3rd July 2007 be approved and signed by the Chair as correct records.

20. 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.

21. PLANS LIST

Members considered a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to the following planning applications, outlining the proposal and relevant policy considerations and setting out the views and advice of consultees and Officers.

21a 10 Clifford Street (07/00871/FUL)

It was reported that this application had been withdrawn prior to the meeting.

21b 10 Clifford Street (07/00873/LBC)

It was reported that this application had been withdrawn prior to the meeting.

21c Rear of 54 Beckfield Lane (07/01467/FUL)

Members considered a full application submitted by Leeper Hare Developments Limited for the erection of 8 two storey dwellings with associated parking and garaging.

Officers updated that 7 highway conditions had been added since the report had been written along with an informative regarding dropped kerbs. A height condition had also been added in and it was confirmed that the maximum height of the buildings would be 7.9m. Conditions had been added regarding landscaping, retention of trees and protection of hedges. Condition 2 in the report had been amended and H34.90.02 Revision A had been amended to read Revision B. All additional and amended conditions are listed in the resolution below.

Members asked Officers to clarify the size of the site and they confirmed that it was 0.27 hectares.

Representations, in objection, were received from the Chair of Acomb Planning Panel. The Planning Panel welcomed development of the site but felt that the application was for too high a density of housing and of a design that was not compatible with existing properties in the area. There

were also concerns regarding the potential increase in traffic and overlooking of existing properties.

Representations were also received from a local resident who spoke on behalf of himself and other local people. He said that local residents felt that the density of the development was too high and would be out of character with the properties in the surrounding area. He also expressed concerns regarding a potential increase in traffic, development within the blue line boundary, damage to established hedges, loss of light, loss of property value and size of the proposed dwellings.

Members discussed the following:

- A sustainability statement had not yet been received from the Applicant
- Members welcomed the fact that the proposed development was for houses and gardens
- The fact that the Applicant owned a nearby site as well; it was noted that the Applicant may be required to provide affordable housing as part of any future proposals
- A condition should be added regarding construction traffic management

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

1. The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-
 - H34.90.01 – Site Plan
 - H34.90.02 Rev B – Site Plan as Proposed
 - H34.90.03 – House Types

or any plans or details subsequently agreed in writing by the Local Planning Authority as an 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.

2. 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.

3. Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interest of the amenity of neighbours.

4. 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.

5. Prior to the development commencing full detailed drawings showing the design and materials for roads, footways and other highway areas (and which shall comply with the requirements set out in the NYCC Residential Design Guide and Specification – second edition) shall be submitted to and approved in writing by the Local Planning Authority. Such roads, footways and other highway areas shall be constructed in accordance with such approved plans prior to the occupation of any dwelling which requires access from or along that highway.

Reason: In the interests of good planning and road safety.

6. Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

7. Prior to the occupation of any dwelling, all carriageways and footways fronting that dwelling and

along which access is required to that dwelling , shall be kerbed, lit and surfaced to at least base course level.

Reason: To provide a safe means of access.

8. Not later than three months after commencement of construction of the penultimate dwelling, or within two years after the laying of the base course, whichever is the sooner, the wearing course(s) of the carriageway and footway(s) along with the street lighting shall be laid out and provided in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the highway safety and local amenity.

9. Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 7.9 metres, as measured from 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.

10. No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of the proposed trees, shrubs and hedging. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

11. None of the existing hedges shall be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority. Any hedging removed without such consent or dying or being severely damaged or becoming seriously diseased before the end of that period shall be replaced with appropriate hedging of such size and species as may be agreed in writing with the Local Planning Authority.

Reason: The Local Planning Authority considers it important to safeguard these trees in a positive manner so as to secure their continued well being.

12. Prior to the commencement of the development hereby approved, detailed plans showing all provisions within the site to accommodate the storage of building machinery/materials and the movements of delivery/service vehicles shall be submitted for the written approval of the Local Planning Authority. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that all delivery vehicles and plant can be accommodated within the site and to maintain the free and safe passage of highway users.

INFORMATIVE:

Prior to starting on site, consent will be required from the Highway Authority for the works proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below)

Adoption of Highway – Section 38

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 visual/residential amenity and highway issues. As such the proposal complies with PPS3 and Policies H4a, GP1, H5a and GP4a of the City of York Development Control Draft Local Plan.

21d 92 Micklegate (07/01442/FUL)

Members considered a full application submitted by Luminar Terrace Limited for the creation of a smoking terrace including the erection of 2.1

timber panels with galvanised steel frame, floor mounted umbrella and associated works to the rear of 92 Micklegate.

Officers updated that:

- Highway Network Management had no objections to the application
- Design, Conservation and Sustainable Development: The escape doors, to be finished in galvanised sheet, are plain and do not match the other doors which have applied mouldings. These doors should match the existing ones and their mouldings. The fire doors could be dressed to match.
- Objections had been received from the York Backpackers on the following:
 - The site is 35m from the nightclub which is open until 4am and there were concerns regarding noise from people using the shelter and from music in the building when the doors are opened.
 - Noise from persons – this would be in short sharp bursts opposed to a steady noise level and could have an adverse effect on people trying to sleep.
 - Noise escape when people go outside – people naturally talk louder when they have been exposed to loud music. The noise assessment does not take into consideration noise levels if both doors to the outside were left open.
 - They ask that noise levels are no more than 5decibels above ambient noise levels or 3decibels in summer when windows may be open. If permission were granted this should be a condition of approval.
 - They currently place younger guests at the rear, to prevent them being exposed to noise and disturbance (including bad language and acts of public disorder) associated with Micklegate. They were concerned there would have be a similar affect at the rear.
 - The proposed timber structure would harm the visual amenity of the area as it was in the conservation area.

Members felt that the occupancy level of the smoking terrace should be set to a maximum of 40 persons at any one time. They also felt that the doors facing onto Toft Green should match existing ones.

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

1. The escape doors onto Toft Green shall be finished / faced with panels to match the existing doors on the premises that face Toft Green.

Reason: In the interests of the appearance of the building.

2. No more than 40 persons at any one time shall use the smoking terrace.

Reason: To prevent noise nuisance.

REASON: The proposal, subject to the conditions listed above and those 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 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, HE4 and S6 of the City of York Local Plan Deposit Draft.

21e 92 Micklegate (07/01441/LBC)

Members considered an application for Listed Building Consent submitted by Luminar Leisure Limited for the creation of a smoking terrace including erection of 2.1 timber panels, galvanised steel frame and floor mounted umbrella and associated works to the rear including alterations to existing gates and new doors in connection with Toffs Nightclub.

RESOLVED: That the application be approved subject to the conditions outlined 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 and the character and appearance of the conservation area. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies HE3 and HE4 of the City of York Local Plan Deposit Draft.

21f 31 Bootham (07/01160/FULM)

Members considered a major full application submitted by Bootham Row Limited for the erection of four storey mixed use building comprising 12 apartments, B1 offices and ground floor retail after demolition of the existing building (resubmission).

Representations were received from the agent to the objector who said that her client felt that the site needed improvement and therefore

welcomed, in principal, development of this land. She raised the following points of concern:

- The plans were inaccurate and complete
- There had been little or no consultation with her client who ran a well established nearby business
- The adjacent workshop (owned by her client) was an integral part of the existing building at the rear of the site and no detail had been submitted of how this wall was to be treated after the building had been demolished
- She sought confirmation that her client's livelihood would be protected both during and after building works
- Mechanical ventilation was noisy and opening windows were environmentally unfriendly
- Fumes from a stove within her client's property and fumes from revving engines would be a source of potential nuisance

Representations were also received from the Applicant's agent who clarified that the Applicant would be willing to accept an additional condition regarding sustainability and BREAAAM guidance. He confirmed that the party wall (with the adjoining workshop) would remain in place and a new wall built adjacent to this. He also said that a Bat Survey would take place before any building work started and all potential noise issues would be addressed before work commenced.

Members discussed the application and raised the following points:

- The ATM should be protected by bollards
- The eaves height should be dropped in line with Bootham School
- The Bat Survey need to take place before building commenced
- The noise attenuation needed to be addressed
- Some Members felt that they would like to see the 'string course' retained on the Bootham elevation and on the curve of the building
- The disabled parking space was the furthest from the lift and this needed to be addressed
- The Applicant would need to stress to buyers of the properties that there was no contract parking in Bootham Row
- It would be nice if the Applicant could attach brackets and hanging baskets to the building
- The need to protect existing businesses in the area to avoid complaints about potential noise nuisance. It would be unfair if complaints were made against these premises

RESOLVED: That delegated authority be given to Officers to approve the application 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:

- Principle of the development
- Design – impact on character and appearance of the conservation area and adjacent listed buildings
- Noise issues – amenity of future occupiers
- Impact on adjacent occupiers
- Highway issues
- Sustainability
- Open space, education provision

As such the proposal complies with Policies S1 and E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies SP3, SP6, SP8, SP10, H3c, H4a, H5a, E3b, E4, HE2, HE4, GP1, GP4a, T4, L1c, GP6 and HE10 of the City of York Local Plan Deposit Draft.

21g 31 Bootham (07/01161/CAC)

Members considered a Conservation Area Consent application submitted by Bootham Row Limited for the demolition of a building in the Conservation Area (resubmission).

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

REASON: That, subject to the conditions in the report, the proposal would not cause undue harm to interests of acknowledged importance, with particular reference to:

- Architectural quality of building
- Impact on character and appearance of the conservation area

As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policy HE5 of the City of York Local Plan Deposit Draft.

COUNCILLOR B WATSON
CHAIR

The meeting started at 12.05 pm and finished at 1.05 pm.