
MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	28 AUGUST 2007
PRESENT	COUNCILLORS B WATSON (CHAIR), SUE GALLOWAY (VICE-CHAIR), HORTON, GALVIN, REID, GILLIES, GUNNELL, JAMIESON- BALL AND MOORE (SUBSTITUTE)
APOLOGIES	COUNCILLORS SUNDERLAND

27. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
St Aubyn's Place	Councillors B Watson, Horton, Gunnell, Gillies and Galvin.	At the request of Councillor B Watson.
Edward VII Public House	Councillors B Watson, Horton, Gunnell, Gillies and Galvin.	At the recommendation of Officers to enable Members to familiarise themselves with the site and surroundings.
42 Monkgate	Councillors B Watson, Horton, Gunnell, and Galvin.	At the request of Councillor B Watson.

28. DECLARATIONS OF INTEREST

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on the agenda.

Councillor Horton declared a personal prejudicial interest in Plans Items 3d & 3e (42 Monkgate) as he knew the Applicant. He left the room and took no part in the debate.

29. 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.

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 40 Beckfield Lane (07/01599/FUL)

Members considered a full application submitted by Miss Helen Christmas for a single storey pitched roof rear extension.

RESOLVED: That the application be approved subject to the conditions outlined 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 impact on the residential amenity of neighbours or the impact upon streetscene. As such the proposal complies with Policies H7 and GP1 of the City of York Local Plan Deposit Draft.

30b Edward VII Public House (07/01625/FUL)

Members considered a full application submitted by Wolverhampton and Dudley Breweries Plc for the erection of a timber pergola to the rear and external alterations to the rear elevation of the existing building including the relocation of an air conditioning unit (resubmission).

Officers updated that there was an error in paragraph 1.1 of the report. The Edward VII public house was located on the corner of Nunnery Lane and Spencer Street and not Victoria Street as stated.

Representations, in objection, were received from a local neighbour who had concerns about the inevitability of an increase in noise and thus a possible fall in the value of his property. He was aware that the present landlord was considerate but felt that patrons and future landlords may not be. He said that his bedroom window was 2.5m away from the proposed smoking area and smoke would come into the house. He also felt that the proposed structure was inappropriate for a smoking area as it was too enclosed.

Representations, in support, were received from the current landlord who raised concerns regarding his patrons standing on the street to smoke as this blocked the pavement. He was willing to take the roof away from the proposed structure and reopen a door that had been there in the past. A petition had also been signed by local residents supporting his application to site the smoking area at the rear of the premises.

Members had concerns that patrons would be blocking the pavement and felt that it was dangerous not to address this and attempt to move them to the rear of the problem. They were also mindful of the neighbour's concerns regarding loss of amenity.

Members agreed that the pergola would not comply with the legislation regarding smoking shelters and therefore agreed to delegate to Officers the removal of the pergola and trellis part of the application.

RESOLVED: That delegated authority be given to Officers to approve the application subject to the conditions listed below and the receipt of revised plans showing the removal of the pergola and trellis.

The development hereby permitted shall be carried out only in accordance with the following plans:-

Revised plan received 4.9.07

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

REASON: That the proposed development, as revised, with the removal of the pergola structure, would not cause undue harm to interests of acknowledged importance, with particular reference to design, amenity and highway safety. As such the proposal complies with Policies GP1 and GP18 of the City of York Local Plan Deposit Draft.

30c 2 St Aubyn's Place (07/01641/FUL)

Members considered a full application submitted by Ms Nancy Newman for the temporary change of use to a Day Nursery (D1 Use) for a period of 2 years.

Officers updated that additional letters of objection had been received which raised concerns about the following:

- Traffic
- The time the children would arrive and leave the premises
- Parking
- Health & Safety
- Noise nuisance
- The effect on family residences

A letter had been received from the Applicant that stated parents would have to sign a contract to say that they would not park in St Aubyn's Place.

Members asked Officers whether such a parking contract could be conditioned and it was confirmed that it would be unenforceable by the Council and therefore could not be conditioned.

Representations, in objection, were received from the Bursar at the Mount School who raised concerns relating to car parking for both staff and parents, traffic problems in the area and potential difficulties with parents dropping off their children at the nursery.

Representations, in objection, were received from a local resident who confirmed that this was predominantly a residential area. There were already existing parking problems in the St Aubyn's Place vicinity and the extra traffic generated by the proposed nursery school would add to this. There were also health and safety worries for both children and residents; especially in connection with access and egress from St Aubyn's Place.

Representations were received from the Applicant's advisor who said that their prime concern was for the safety of both children and residents. Therefore parking had been addressed and parents would be required to use a certain entrance of the Elmbank Hotel car park to help alleviate traffic and parking pressures in the area. The dropping off and collection times would be staggered and parents would be required to sign a contract to say that they would comply with these parking arrangements. Noise would be minimal and access to the property would be restricted.

Members felt that the parking contract would not be an effective or enforceable solution and parents would still drop their children off outside the nursery school thus adding to the traffic/parking problems in St Aubyn's Place. There were also concerns regarding the potential noise nuisance from the garden area of the property. Members felt that the area should be kept for residential usage and local policies sought to protect family housing.

RESOLVED: That the application be refused.

REASON: The Local Planning Authority considers that in the absence of adequate onsite car parking the proposed development would be likely to result in vehicles parking on the adjacent public highway thereby increasing congestion and creating a situation detrimental to the free flow of traffic and the safety of highway users. As such the proposed development would be detrimental to highway safety, which is a material planning consideration.

The Local Planning Authority considers that the proposed nursery would lead to increased levels of noise that would be harmful to the amenity of nearby residents. As such the proposal is contrary to policy C7 of the City of York Draft Local Plan, which states that planning permission will be granted for the development of, or change of use to, a nursery provided (among other criteria) there would be no harm to residential amenity or the residential character of an area.

The Local Planning Authority considers that the proposed change of use is unacceptable, as it would lead to a loss of housing stock, which is contrary to policies H9 and C7 of the City of York Draft Local Plan, which seek to preserve individual houses due to the shortage of housing stock in the city.

30d 42 Monkgate (07/01566/FUL)

Members considered a full application submitted by Moda Developments Ltd for the change of use for of offices to five residential units and erection of four flats with car parking after demolition of the existing office building.

Officers updated that:

- Environmental Protection Unit (EPU) had requested that a condition regarding contaminated land be included.
- Revised plans had been received showing some very minor alterations that had rectified some small problems.
- The landscape Officer had mentioned that there was a tree just on the outside of the proposed site which was subject to a Tree Preservation Order (TPO).

Members asked that an Informative be included regarding sustainability. They also asked the applicant to address refuse and recycling storage. Officers advised that this could be addressed by an alteration to condition 8.

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

- A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development of the site. This should, where possible date back to 1800.

A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.

A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved

by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site. Informative: The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.

Reason: To protect human health and the wider environment.

Prior to the development commencing details of the area for cycle and bin storage (including elevations, materials and means of enclosure if proposed) shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the stores have been provided within the site in accordance with the approved details, and these areas shall not be used for any other purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate space for cycles, waste recycling and litter collection in accordance with policy GP1 of the City of York Draft Local Plan.

SUSTAINABLE DEVELOPMENT

You are reminded of the requirements of policy GP4a of the City of York Draft Local Plan which seeks to achieve sustainable development with a low or positive environmental impact whilst maximising social, economic, and environmental gains. This should be considered in implementing the scheme hereby approved.

REASON:

That the proposal, subject to the conditions listed in the report and the additional conditions set out above, would not cause undue harm to interests of acknowledged importance, with particular reference to the special historic interest of the listed buildings, the character and appearance of the conservation area, visual and residential 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, H3, H4, H12, E3 and L1c of the City of York Local Plan Deposit Draft.

30e 42 Monkgate (07/01564/LBC)

Members considered a Listed Building Consent application submitted by Moda Developments Ltd for alterations and extensions after demolition of an existing single storey rear extension.

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 interests of the listed buildings, 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.

30f 32 Lord Mayor's Walk (07/01626/FUL)

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

30g 32 Lord Mayor's Walk (07/01627/LBC)

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

COUNCILLOR B WATSON
CHAIR

The meeting started at 12.05 pm and finished at 1.30 pm.

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