

Meeting	Area Planning Sub-Committee
Date	11 June 2015
Present	Councillors Galvin (Chair), Looker, Shepherd (Vice-Chair), Mercer, Carr, Orrell, Craghill and Reid (Substitute for Councillor Hunter)
Apologies	Councillors S Barnes, Derbyshire and Gillies and Hunter

Site Visited	Visited by	Reason for visit
Royal Masonic Benevolent Institute, Connaught Court, St Oswalds Road	Councillors Carr, Craghill, Galvin, Looker, Mercer and Shepherd	As the recommendation was for approval and objections had been received.
Eastfield Farm, Moor Lane, Acomb	Councillors Carr, Craghill, Galvin, Looker, Mercer, Reid and Shepherd	To allow Members to view the whole site on which the dwellings are proposed to be built.
The Malt House, Lower Darnborough Street	Councillors Carr, Craghill, Galvin, Looker, Mercer and Shepherd	As the recommendation was for approval and it was a listed building.
Lord Deramore's Primary School	Councillors Carr, Craghill, Galvin, Looker, Mercer, Orrell and Shepherd	As the recommendation was for approval and it was a listed building.
8 Pinewood Hill	Councillors Carr, Galvin, Looker, Mercer, Orrell and Shepherd	As the recommendation was for approval and objections had been received.
47 The Leyes, Osbaldwick	Councillors Carr, Galvin, Looker, Mercer, Orrell and Shepherd	As the recommendation was for approval and it had been called in by the Ward Member.

39 Goodramgate	Councillors Carr, Galvin, Looker, Mercer and Shepherd	To enable Members to assess the impact on highway safety and pedestrian movement.
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1. **Declarations of Interest**

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests not included on the Register of Interests that they might have had in the business on the agenda.

Councillor Cragg declared a personal interest in Agenda Item 4a) (Royal Masonic Benevolent Institute, Connaught Court) as a former Member of Fulford Parish Council.

No other interests were declared.

2. **Minutes**

Resolved: That the minutes of the Area Planning Sub-Committee meetings held on 5 March and 9 April 2015 be signed and approved by the Chair as correct records.

3. **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.

4. **Plans List**

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

4a) Royal Masonic Benevolent Institute, Connaught Court, St Oswalds Road, York. YO10 4QA (13/03481/FULM)

Members considered a full major application from RMBI and Shepherd Homes Ltd for the erection of 14 numbered dwellings following the demolition of an existing bowling clubhouse and garage block.

Representations were received from the Ward Member, Councillor Aspden. He gave a short history of the site to the Committee and informed them that it was a major feature of the village. He felt that the development would harm the Conservation Area, would encourage flooding and would not tie in with the emerging Local Plan.

Representations in objection were received from a local resident, David Wilkinson. He handed out a series of photographs to Members and explained to Members using them how he felt the development of the houses would damage views looking in and out of the site.

Further representations in objection were received from the Chair of Fulford Friends, Constance Smith. She felt that the development would cause irreversible harm to the Fulford Conservation Area. She added that the design for the development should be sympathetic to the parkland setting and of smaller scale. However, what had been planned were larger and closely packed houses.

Karin de Vries from Fulford Parish Council spoke about how the Conservation Area had been extended to protect the grounds of Fulford Park. She felt that the harm to it would be substantial and that there should be a reassessment carried out.

Richard Wood, the agent for the applicant spoke in support of the application. He informed the Committee that the application had no objections from the Environment Agency and it was suitable, achievable and deliverable under the National Planning Policy Framework.

Some Members raised concerns about specialist conservation information that had only recently become available on the public website and asked whether the Conservation Officer's views had been sought.

The Planning Officer advised that the Council's Conservation Architect had made comments on the scheme but for technical reasons they had not been viewable by the public until recently. The Conservation Architect, who was in attendance at the meeting, responded that she had reviewed and had an input into the relevant sections of the officer's report.

Resolved: That the application be approved.

Reason: The application would provide 14 dwellings in a highly sustainable and accessible location. There would be some minor harm to designated heritage assets, i.e. Fulford Village Conservation Area, the setting of Fulford Road Conservation Area and the setting of the Grade II listed building (The Cottage). Having attached considerable importance and weight to the desirability of avoiding such harm the local planning authority has concluded that it is outweighed by the application's public benefits of providing much-needed housing in a sustainable location. In terms of flood risk the local planning authority has carried out a sequential test and is satisfied that there are no other appropriate, reasonably available sites for the proposed development in areas with a lower probability of flooding. Furthermore that the development would be appropriately flood resilient and resistant. All other issues are satisfactorily addressed. The development would contribute £84,052 towards education, £48,856 towards open space and £19,381 towards improvements to open space (bowling green facilities at Scarcroft Green). These contributions are considered to be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development,

and therefore comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). These contributions have already been

secured in a s.106 Obligation. The application accords with national planning policy set out in the National Planning Policy Framework and with the emerging policies in the Draft York Local Plan (2014 Publication Draft).

4b) The Cottage, Eastfield Farm, Moor Lane, Acomb, York (14/02966/FUL)

Members considered a full application from Messrs Dodgson for a change of use of outbuildings to form additional residential accommodation for The Cottage with associated alterations.

Agenda Items 4b)-4e) were considered and debated at the same point in the meeting due to them being on the same site and as the agent for the applicant had registered to speak on all of applications.

Representations were received from the agent for the applicant, David Bolton. He spoke about how the current non-residential buildings would be reused and the impact on the openness of the green belt would be reduced. In addition, the DIY livery yard was now not commercially viable and did not employ anyone on site. He added that the existing site access was deemed acceptable to Highways Officers and would serve all the properties and that the scheme had been revised to remove the access to the north as a result of this. The Internal Drainage Board and the Council's Drainage Officer were also satisfied with the submitted proposals.

Councillor Reid explained why she had called in the application for consideration. She added as residents concerns over the access had now led to a revision in the scheme, and that the leylandii hedges had been removed, that she was happy to approve the application. She suggested that a condition be added to restrict bonfires in respect of the disposing of construction waste. Officers advised that an informative be added rather than a condition.

Resolved: That the application be approved with the following informative;

3. The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974.

In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in action being taken under the Control of Pollution Act 1974:

- (a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 0800 to 1800

Saturday 0900 to 1300

Not at all on Sundays and Bank Holidays

- (b) The work shall be carried out in such a manner so as to comply with the general recommendations of the British Standards BS 5228: Part 1 : 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".
- (c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced with and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.
- (d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.
- (e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.
- (f) There shall be no bonfires on site.

Reason: The change of use of stables to provide an extension of existing residential accommodation is considered to be acceptable. The proposed development would have a very limited impact to the openness and character of the green belt and, subject to the submission of satisfactory drainage details, it is not considered to result in harm.

4c) The Coach House, Eastfield Farm, Moor Lane, Acomb, York (14/02967/FUL)

Members considered a full application from Messrs Dodgson for a change of use of outbuildings to form additional residential accommodation for The Coach House with additional external alterations.

Discussion of this item took place under Agenda Item 4b) (Minute Item 59b refers).

Resolved: That the application be approved.

Reason: The change of use of stables to provide an extension of existing residential accommodation is considered to be acceptable. The proposed development would have a very limited impact to the openness and character of the green belt and, subject to the submission of satisfactory drainage details, it is not considered to result in harm.

4d) West Cottage, Eastfield Farm, Moor Lane, Acomb, York (14/02968/FUL)

Members considered a full application for a change of use of outbuildings to form additional accommodation for West Cottage with link extension and associated external alterations.

Discussion of this item took place under Agenda Item 4b) (Minute Item 59b) refers).

Resolved: That the application be approved.

Reason: The change of use of stables to provide an extension of existing residential accommodation is considered to be acceptable.

The proposed development would have a very limited impact to the openness and character of the green belt and, subject to the submission of satisfactory drainage details, it is not considered to result in harm.

**4e) Eastfield Farm, Moor Lane, Acomb, York, YO23 3QX
(14/02964/FUL)**

Members considered a full application by Messrs Dodgson for a change of use of outbuildings to form additional accommodation for The Dovecote, alterations to Byre House to form 5 numbered dwellings with associated gardens and parking.

Discussion of this item took place under Agenda Item 4b)
(Minute Item 59b refers).

Resolved: That the application be approved.

Reason The proposed development would have a very limited impact to the openness and character of the green belt and, subject to the submission of satisfactory drainage details, it is not considered to result in harm.

**4f) The Malt House, Lower Darnborough Street, York YO23
1AR (15/00114/FUL)**

Members considered a full application by Northminster Limited for a conversion into six residential units.

Officers provided an update to Members on an updated Bat Survey, the Conservation Areas Advisory Panel (CAAP) comments on the application and further objections received since the publication of the agenda.

Updated Bat Survey

The Bat Survey from 8 June 2015 included the results of dusk and dawn surveys undertaken on 28th May and 8th June 2015 and an unmanned recorder in the roof of the building which were requested by the Council's Ecology officer following the results of the Bat Scoping Survey.

The Bat Survey conclusively found that no bats roosted within the building and that there was no evidence of the use of the interior of the building by bats.

The dusk and dawn activity surveys confirmed the presence of pipestrelle species of bats commuting over and past the site most likely to a roost site somewhere north of the site but not using the building itself. Bats were recorded foraging in the courtyard. Swifts were observed nesting in the eaves on the southern elevation on Lower Ebor Street.

The report had been reviewed by Design, Conservation and Sustainable Development who support the findings and recommendations of the report, including habitat enhancement. Habitat features to benefit bats could very easily be installed on the building to provide new roosting habitat as recommended in section 9.2 of the report. The inclusion of swift boxes would maintain the biodiversity interest of the development.

A condition was proposed as follows:

Bat habitat creation

No development shall take place until full details of what measures for bat mitigation and conservation are proposed and what reasonable measures are to be taken to avoid any possible impact on bats and other species during the construction phase. These should be submitted to and approved in writing by the Council prior to any work commencing.

The measures should include:

- i. Details of how the work is to be implemented including what assessments, protective measures (if any) and sensitive work practices are to be employed prior to and during construction to take account of the possible presence of bats.
- ii. Details of what provision can be made within the development to enhance the features suitable for bat roosting. Features suitable for incorporation include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts.
- iii. No development shall take place until details have been submitted to and approved by the Council as to how Swifts are to be taken into account within the development to enhance the habitat suitable for this species.

- iv. The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Council.

Reason: To take account of and enhance habitat for a protected and declining species.

If bats are discovered during the course of the work, then work should cease and Natural England consulted before continuing.

Informatives

Design, Conservation and Sustainable Development have also requested two informatives be added to any planning permission relating to limiting external lighting to minimise impact on bats foraging activity and that it is an offence to disturb breeding birds.

Conservation Areas Advisory Panel Comments

The Maltings have been empty for some considerable time, have remained undeveloped and have survived relatively intact. However in view of the fact that the building could only deteriorate the Panel applauded the re-use of the building and the intention to retain many of the original features. The Panel felt a scheme was required to ensure the features are retained and managed. Historic England's comments were noted and endorsed.

Further Objections Received

- Lack of community consultation on the application or on proposals for potential alternative uses of the building.
- Concerns that the disposal of the building have not met with principles of 'natural justice' where decision making by the Council should be open and transparent.
- Concerns that the car-club bay, bus passes and funds towards purchase of a bicycle for each of the first occupiers of the units is tokenistic and will not fully resolve the anticipated parking issues.
- The desire to preserve a unique historical, cultural and archaeological building whilst retaining sufficient public access for York residents.
- Preference for a community use for the building, supported by museum use, creative industry space and business start-up units.

- Objection to alterations to the listed structure and rare machinery.
- The need to consider the application for the building to be listed as an asset of community value.
- Desire for a review of the contract of sale of the property.
- Desire for more detailed plans.
- Questioning of some assessment within the Archaeology and Heritage Statement.
- Preference for affordable housing rather than market housing.

Representations in support were received from the applicant for the agent, Alastair Gill. He informed the Committee that although the building was Grade 2 listed it was in a poor condition. He added that the application would provide housing on a derelict brownfield site and that the architect had received two Civic Trust awards for his work. In regards public consultation, he informed the Committee that he and a Council Officer had given a presentation to a group of residents in March about the application.

Further representations in support were received from Ian Collins, the architect for the applicant. He spoke about how the building needed repairs to be usable but agreed with the first speaker that he felt it provided much needed housing on a brownfield site. He confirmed that all the existing malting equipment would be staying in situ on the site.

Representations in objection were received from Andy Johnson, Chair of Clementhorpe Community Association. He felt that the application did not include adequate parking proposals, the drawings included inadequate elevations to judge the building, the presence of bats had been ignored and that the scheme was a disposal of the area's cultural heritage. He felt that the building could have uses other than housing such as a visitor centre and could be conserved by grant or public funding. He questioned the validity of the public consultation that had taken place, such as the only reference to it being to an article on the GeniUs website.

One Member made a comment to Mr Johnson about how the building had remained empty for a number of years but that nobody from the local community had made enquiries to use it.

In response, Mr Johnson stated that the Community Association did not know that it was empty until it had been sold by the Council.

Further representations in objection were received from Steven Gregory. He spoke about how the community was interested in the application and this had been proved by the number of signatories that a petition over two days had received. He felt that Clementhorpe Community Association should be given time in order for their bid to get the Maltings listed as an Asset of Community Value (ACV). He added that the building was of historic importance and that the equipment should be donated to a museum rather than being kept within the building as they would be used solely for marketing purposes. He felt that if the application was granted that the dwellings should be used for social housing.

Representations were received from the Ward Member, Councillor Hayes. He informed the Committee how by applying for an ACV, this would allow Clementhorpe Community Association to return it to its former use or to a community use. He asked Members to defer the decision making process until the outcome of the Association's bid was known.

Questions from Members related to whether the development would affect the current Grade 2 listing of the building and why the two bedroom properties had room for only one cycle store.

The Conservation Officer responded that the listing would remain and it was reported that each unit had storage on the ground floor that would accommodate more than one cycle.

Officers reported on advice they had received from the Council's Legal department which stated that an application for a building to be listed as an ACV in their opinion was not a material planning consideration.

Councillor Reid moved approval as she felt that the proposals constituted an imaginative use of the building and was reassured by what the architect had told Members. Councillor Shepherd seconded the motion.

Councillor Craghill moved deferral on the grounds that she felt that the public consultation on the future plans for the building from the Council had not been good enough.

If an ACV bid was awarded to Clementhorpe Community Association this would be a six week delay, if not there would only be a three week delay until the next Committee date. Councillor Looker seconded the motion.

A vote was taken on the motion to defer the application. On being put to the vote, the motion fell.

Resolved: That the application be approved subject to the satisfactory completion of a Section 106 obligation to seek a Traffic Regulation Order to provide a City Car Club Bay, and provision of sustainable transport incentives as set out within the Officer's report and any appropriate conditions or amendments required to accommodate bats.

Reason: The proposals are considered to have an acceptable impact on all other matters including flooding issues, introduction of residential use to the site, archaeology, transport and highways and ecology (subject to further surveys) and are in compliance with the policies of the Local Plan and with guidance contained within the National Planning Policy Framework.

4g) The Malt House, Lower Darnborough Street, York YO23 1AR (15/00115/LBC)

Members considered a listed building consent application from Mr Martin Burgess for a conversion of a Malt House into six numbered residential units.

Councillor Looker raised comments about setting up a management committee to allow public access to the building from time to time and wondered whether an informative could be added to planning permission, should listed building consent be granted.

Resolved: That the application be approved with the following amended informative;

OPEN DAY

The Council advises holding a heritage open day prior to occupation and advertising this for the local community and for other interested parties such as industrial archaeology groups and the Council for British Archaeology. The Council also advises considering including the converted building in the 'Residents First Weekend' where residents of York can view buildings not normally open to them. This is to enable the general public to view the building for its historical interest prior to and following private occupation.

Reason: This is an imaginative scheme of alteration which preserves many special qualities of the listed building, including its equipment. No other viable use of has come forward in the last ten years; therefore the current residential scheme is seen as the optimal viable use compatible with the building's long term conservation and as such it has public benefit.

4h) Lord Deramore's Primary School, School Lane, Heslington, York YO10 5EE (15/00125/FULM)

Members considered an application by Kier Construction on behalf of the Secretary of State for the erection of a replacement primary school building followed by the part demolition of an existing school building.

In their update to Members, Officers reported that an additional letter of support had been received. They suggested amending the proposed drainage condition requiring a maximum surface water discharge rate of 2 litres a second if approval was granted.

Some Members expressed concerns at the sustainability rating of the building and that it would only have a BREEAM very good rating.

Resolved: That the application be approved with the following amended condition;

7. The construction of buildings 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, the works shall be

completed and maintained in accordance with these approved details.

Details shall include:

- a) Calculations and invert levels to ordnance datum of existing foul and surface water together with details to include calculations and invert levels to ordnance datum of the proposals for the new development.
- b) A topographical survey showing the proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development shall not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.
- c) As there are no existing connecting areas discharging to the existing watercourse then in accordance with City of York Council's Strategic Flood Risk Assessment and in agreement with the Environment Agency and the Ouse & Derwent Internal Drainage Board, peak surface water runoff must be attenuated to 2.0 lit/sec. Storage volume calculations, using computer modelling, must be provided that must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface water 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.
- d) Site specific details of the flow devise manhole limiting the surface water to the 2.0 lit/sec.
- e) Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.
- f) Details of maintenance and management of the proposed drainage system.

Reason: So that the Local Planning Authority may be satisfied with these details with the proper drainage of the site.

Reason: The proposed development would enhance facilities for children's education, and ensure that there is a sufficient choice of school places available to meet the needs of existing and new communities. The proposals are also acceptable in Green Belt terms and will enhance the visual amenity and allow the setting of the original listed building to be better appreciated.

4i) Lord Deramore's Primary School, School Lane, Heslington, York. YO10 5EE (15/00126/LBC)

Members considered a listed building consent application by Kier Construction on behalf of the Secretary of State for the part demolition of an existing school building.

Discussion of this application took place at the same time as the application at Agenda Item 4h).

Resolved: That the application be approved.

Reason: It is considered that the post war school buildings have little architectural merit, therefore no harm results to the listed building by this proposal.

4j) 8 Pinewood Hill, York YO10 5HR (15/00209/FUL)

Members considered a full application for a change of use from a dwelling (use class C3) to a House in Multiple Occupation (use class C4) including single storey rear extension and alterations to garage.

Representations were received from Councillor Warters. He urged Members to not feel compelled to grant permission even if Officers reported that it fell within the Council's percentage of less than 10% of houses being HMOs within 100 metres of the site under consideration. He felt 10% of houses being shared houses, harmed a community's make up and Badger Hill should be assessed as a distinct community. He thought that the application should also be judged on the impact that it made on the streetscene and noise.

Further representations in objection were received from Daniel Rhodes. He felt that there were too many HMO's in the local area and made reference to the property's location in a cul de sac and a local petition regarding the numbers in the area.

Representations in support were received from the agent on behalf of the applicant, Melissa Madge. She informed the Committee that the applicants were told that they did not exceed the threshold for the number of HMO's in the area, would operate the property as a home for their daughter and her friends (whilst they were studying at University) and that the proposal accorded with Council policy.

During debate Members felt that the application was inappropriate in its location in the cul de sac, and as there were numerous HMO's to the rear of the property granting permission would increase the percentage of HMO's in the area.

Councillor Craghill moved refusal, Councillor Orrell seconded the motion.

On being put to the vote this was carried.

It was suggested that the reason for the refusal be finalised between the Chair and Vice Chair.

Resolved: That the application be refused.

Reason: The application property is a semi-detached house located at the head of a quiet suburban residential cul-de-sac where there are no existing Houses in Multiple Occupation. If the proposal were approved it would mean that the percentage of Houses in Multiple Occupation within 100m of the property would increase from 9.1% to 13.6% which is well above the 10% figure contained in the council's Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document where it is considered that a street level area can tip from balanced to unbalanced leading to concerns in respect to factors such as noise, community integration, parking pressures and property maintenance. In addition, there are already at least 4 additional HMO's which although a little outside the 100m area as defined in the Supplementary Planning Document back on to properties in Pinewood Hill and can impact on the amenity of residents in the cul-de-sac. It is considered that the specific circumstances are such that if approved, the proposal would individually (and cumulatively with other nearby

HMO's) cause harm in respect to local community integration and the upkeep of properties and have the potential to create undue late night noise and disturbance in the immediate residential environment. As such the proposal conflicts with the fourth criterion of policy H8 (conversions) of the City of York Draft Local Plan (2005), the thrust of paragraphs 5.3 and 5.15 - 5.16 of the Draft Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document (2012, amended July 2014) and advice contained in the first criterion of paragraph 58 of the National Planning Policy Framework.

4k) 47 The Leyes, Osbaldwick, York YO10 3PR (15/00213/FUL)

Members considered a full application by Mr Colin Dodsworth for a change of use from a dwelling (use class C3) to a House in Multiple Occupation (use Class C4).

Representations were received from Councillor Warters, he mentioned that if planning permission was granted that there would be a 50% concentration of HMO's on the terrace, in which the property was located. He stated there was inadequate soundproofing, no provision for off street parking and despite the proposed planning condition evidence showed that that there would be no garden maintenance.

Resolved: That the application be approved.

Reason: The property is within the urban area, well served by local facilities and close to public transport routes. The dwelling is considered to be a sufficient size, and with an adequate internal layout to accommodate three unrelated individuals. The thresholds within the Council's Supplementary Planning Document have not been exceeded. As such the proposal is considered to comply with Policy H8 of the Draft Local Plan and subject to conditions is recommended for approval.

4l) 14 Livingstone Street, York YO26 4YJ (15/00311/FUL)

Members considered a full application by Mrs Angela Hunter for a conversion of a dwelling into two self contained flats.

Resolved: That the application be approved

Reason: It is considered that the application is acceptable complies with national guidance in the National Planning Policy Framework and will provide two small residential units for which the North Yorkshire Strategic Housing Market Assessment 2011 indicates there is a high demand in the City.

4m) 39 Goodramgate, York YO1 7LS (15/00727/FUL)

Members considered a full application by Ms FM Abeldis for a change of use from a public highway to a customer seating area in connection with existing café use at 39 Goodramgate (resubmission).

Representations in objection were received from Brian Watson, he had previously called in the application when a Councillor. He felt that although there was a gap between the cycle racks and the seating area, this was not particularly big. He felt to put tables and chairs out would compromise highway safety.

Other representations were received on behalf of the applicant from Debbie Sawyer. She worked at the café and told the Committee that safety was highly important to the applicant.

Officers pointed out that the only difference between the refused application and this scheme was the reduced number of the seats shown on the drawing.

During debate some Members felt that the location of the café was not acceptable. Some felt that it would improve the ambiance of the area, potentially reduce traffic and promote good traffic behaviour. The Chair suggested to the Committee that a twelve month temporary permission might be granted in order to see how it operated as a pavement café in this location.

Resolved: That the application be approved subject to the following condition;

1. The development hereby permitted shall cease by 1 July 2016 unless a further planning permission has been granted to vary or remove this condition.

Reason: A temporary permission is granted to allow the local planning authority to assess the impact of the proposed use on highway safety and the safety and convenience of pedestrians. As the pavement is only approximately 1m wide in this area and the street is heavily used by vehicles through the daytime this condition is considered to comply with paragraph 35 of the National Planning Policy Framework, which requires developments create safe and secure layouts which minimise conflicts between traffic, cyclists and pedestrians and avoid street clutter.

Reason: The proposal accords with the aspirations for the type of environment the council is looking to create on the city centre footstreets, and as the space where the seating area is proposed could be parked on by vehicles, there would be no undue effect on pedestrian and highway safety.

Councillor J Galvin, Chair

[The meeting started at 2.00 pm and finished at 5.05 pm].