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Meeting	Area Planning Sub-Committee
Date	10 March 2022
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Craghill, Daubeney, Galvin, Orrell, Waudby, Perrett, Webb, Fenton (Substitute for Cllr Fisher) and Looker (Substitute for Cllr Melly)
Apologies	Councillors Fisher and Melly

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### **57. Declarations of Interest**

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

In relation to item 4b, Cllrs Daubeney and Crawshaw both noted a personal interest in that they sat on the board of the Theatre Royal trustees.

Also for item 4b, Cllr Orrell noted a personal, non-prejudicial interest in that he knew Mr Crux, who was mentioned in the report, as they were both members of the Merchant Taylors Guild.

### **58. Minutes**

Resolved: That the minutes of the last meeting held on 16 February 2022 be approved at the next meeting.

### **59. Public Participation**

It was reported that one person had registered to speak at the meeting under the Council's Public Participation Scheme.

Cllr Warters, Ward Member for Osbaldwick and Derwent Ward, raised concerns about the council's house in multiple occupation (HMO) database. He felt that it was inaccurate and that the Committee were receiving incorrect data and basing decisions on this data.

## **60. Plans List**

Members considered a schedule of reports of the Development Manager, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

## **61. Unit 6 Clifton Moor Retail Park, Hurricane Way, York [21/02344/FUL]**

Members considered an application which sought planning permission for a 1,366 sq metre extension to the existing internal mezzanine floor to allow for the relocation of Go Outdoors from its present city centre Foss Bank site. The Development Manager gave a presentation on the application.

There were no public speakers or questions from Members and therefore Cllr Crawshaw moved to approve the application, this was seconded by Cllr Webb. Members voted unanimously to approve the application and it was therefore:

Resolved: That the application be APPROVED.

Reason: Unit 6 Clifton Moor Retail Park comprises a brick and curtain wall clad retail unit approximately 2,000 sq metres in floor area lying to the western edge of the Clifton Moor Retail Park formerly occupied by Argos. Planning permission is sought for a 1,366 sq metre extension to the existing internal mezzanine to allow for the relocation of Go Outdoors from its present City Centre site. The relocation is sought as a consequence of the lease on the current City Centre premises coming to an end without the possibility of extension. A sequential test has been undertaken in accordance with the requirements of paragraph 87 of the NPPF, however no suitable and readily available alternative sites have been highlighted in the City Centre, at the edge of Centre or in terms of existing out of Centre capacity. On balance the proposed mezzanine extension is felt to be acceptable in planning terms and approval is recommended.

**62. The Magnet, 57 Osbaldwick Lane, York, YO10 3AY  
[21/00304/FUL]**

Members considered a Full Application from Moorside Development Ltd for the erection of 8 no. dwellings with associated parking and landscaping, following the demolition of buildings at The Magnet public house in Osbaldwick, York.

The Development Manager gave a presentation on the application and the Development Officer provided an update to Members following the submission of a report commissioned by the applicant, concerning the viability of reopening of the Magnet as a public house. There were also some minor wording changes to Conditions 5 and 6 and an Additional Condition regarding the method of work statement had been added.

Officers responded to Member questions as follows:

- Class E included shops, day nurseries and cafes etc. and Class F was the specific community use class. Policy HW1 which covered community use specifically excluded medical facilities such as dental practices.
- There were no nominations registered for the Magnet as an asset of community value.
- The Fleurets report was an independent report commissioned by the applicant. It found that the pub was not a sustainable business.
- The heritage value of the pub was significant but not exceptional, in that it was significant to the locality. The interior could be removed without planning permission as the building was not listed.
- There were concerns regarding the marketing of the pub which was why the council had commissioned an independent assessment. This found the marketing had been adequate.

Public Speaker

Councillor Warters, Ward Member for Osbaldwick and Derwent, spoke in objection to the application. He raised concerns regarding the marketing of the property and felt in his opinion no pub would be considered viable if the site could be used for housing.

In response to further questions from Members, Officers responded as follows:

- Page 21 of the report listed the objections received by the council. The previous two applications had received more objections however these could not be considered on this application.
- Stapleton Waterhouse, authors of the report commissioned by the council, did not speak directly to any of the potential buyers and the developer identified by Cllr Warters asked not to be included in the report.

Following debate, Cllr Crawshaw moved to refuse the application due to the loss of the non-designated heritage asset and failure to meet policies DP3, D1 and D7. This was seconded by Cllr Perrett.

Some Members noted their concerns regarding how the viability of the pub had been marketed.

Members agreed to delegate the exact wording for refusal to the Chair and Vice-Chair. A vote was taken and there were 9 votes for and 2 against the motion.

Therefore the motion was passed and it was:

Resolved: That the application be REFUSED.

Reason: The loss of a non-designated heritage asset and failure to meet policies DP3, D1 and D7.

Cllr A Hollyer, Chair  
[The meeting started at 4.30 pm and finished at 5.35 pm].