

Meeting	Planning Committee B
Date	13 March 2024
Present	Councillors B Burton (Chair), Hollyer (Vice-Chair), Baxter, Clarke, Fenton, Melly, Orrell, Vassie and Warters
Apologies	None
Officers Present	Gareth Arnold, Development Manager Sandra Branigan, Senior Solicitor

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### **69. Declarations of Interest (4.34 pm)**

Members were asked to declare at this point in the meeting any disclosable pecuniary interests or other registrable interests that they might have in the business on the agenda, if they had not already done so in advance on the Register of Interests.

Cllr Warters noted that he had called-in item 4c (34, Tranby Avenue), however, he did not consider that he had a prejudicial interest.

Cllr Vassie declared a possible pecuniary interest in item 4b (Muddy Boots), in that his partner was a nursery school teacher who may work for Muddy Boots. He therefore left the meeting for the consideration of that item and took no part in the debate or decision making thereon.

The Chair declared a personal interest in item 4a (Wellington Row). He therefore left the meeting for the consideration of that item and took no part in the debate or decision making thereon.

### **70. Minutes (4.35 pm)**

Resolved: That the minutes of the last meeting held on 07 February 2024 were approved as a correct record.

### **71. Public Participation (4.35 pm)**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

## **72. Plans List (4.35 pm)**

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.

## **73. The Environment Agency, Ground Floor, The Hub Station, Wellington Row, York (4.57 pm)**

[4.57 pm, Cllr Vassie rejoined the meeting. The Chair left the meeting and took no part in the consideration or decision making for the item; the Vice-Chair took the Chair and Cllr Fenton was appointed as Vice-Chair.]

Members considered a General Regulations (Reg3) application to change the use of ground floor office spaces (Sui Generis) to 'Recovery Hub' community centre (Use Class E).

The Development Manager gave a presentation on the plans and provided an update to Members that clarified the listed building status and detailed an amendment to condition five to include the sentence, "The premises shall be occupied in accordance with the approved management plan." An additional condition was also included, as follows:

Additional Condition - A condition regarding the requirement for an emergency evacuation plan is also recommended:

Prior to the use of the Recovery Hub, an emergency evacuation plan shall be submitted to and approved in writing by the Local Planning Authority outlining details of emergency evacuation in the event of flooding.

Reason: To ensure the safety of users of the building.

### Public Speakers

Philip Press, spoke on behalf to the rowing club, objecting to the application on the basis of a lack of consultation. As the building's immediate neighbour he questioned why the club had not been consulted. He raised concerns regarding a lack of information on the management plan and requested a deferral.

Peter Roderick, the Director of Public Health, spoke as the applicant in support of the application. He explained the purpose of the proposed hub and its importance to public health in the city. He stated that he had been in touch with the rowing club and that the management plan would be developed with the experienced agencies who would be responsible for the running of the project.

In response to questions, he confirmed that he was willing to work with the rowing club when devising the management plan with the relevant agencies, including the police. The plans for a café/dry bar were a possibility for the future but not part of the immediate venture. It had been difficult to find suitable space and facilities in the city centre and the council would receive an income for the use of the building through grants. West Offices had not been considered as site for the hub.

The Development Manager confirmed that the community centre use class would cover the future plans for a dry bar. Condition four would become enforceable only if required. He also reported that consultations with neighbours were advisable but not statutory. He confirmed that Aviva and the Perky Peacock were sent letters and the site notice was displayed. It was reported that the underpass was well-lit, and lighting could be explored through condition. Consultation with neighbours on the management plan could also be included through an informative. North Yorkshire Police were a local consultee and their comments should be a material consideration when making a decision.

[5.53-5.58 pm, the meeting was adjourned for the Development Manager to take legal advice.]

The Development Manager reported that should the management plan be breached, a breach of condition notice could be issued to the leaseholder.

Following debate, Cllr Fenton moved the officer recommendation to approve the application, this was seconded by Cllr Baxter.

The Development Manager subsequently outlined the officer recommendation for approval and noted the amendment and additional condition contained in the update. He also noted the requirement to add a condition to assess the lighting prior to opening the building during the evenings; to amend condition five and devise an informative to evidence the public consultation for the management plan. It was also agreed to amend condition four to make it more user friendly. The wording for these additional changes were to be agreed with the Chair and Vice-Chair.

On being put to a vote, Members voted five in favour, two against and one abstention, it was:

Resolved: That the application be approved, subject to the amendments outlined above.

Reason: Having due regard to the duty under s.17 of the Crime and Disorder Act, the proposal to convert the building to a Recovery Hub would support the Government's aim of providing social and recreational facilities and services that the community requires to improve health and social wellbeing as required by NPPF paragraphs 97 and 135(f) and DLP2018 policy HW2. Proposals also satisfy the requirements for sustainable transport in compliance with DLP2018 policy T1 and would not have an adverse impact on amenity in accordance with NPPF paragraph 135 (f).

[6.10 – 6.19, the meeting was adjourned. Cllr Hollyer left the meeting and the Chair rejoined the meeting to consider the final item.]

#### **74. Muddy Boots, The Gardens, Boroughbridge Road, York, YO26 6QD (4.36 pm)**

[Cllr Vassie left the meeting at the start of this item and took no part in the consideration or decision thereon].

Members considered a full application by Mr and Mrs Nimmo for the change of use of land to open air recreational space and erection of 2no. Tipis with associated access and landscaping.

The Development Manager gave a presentation on the plans for the application.

[4.38 pm, Cllr Hollyer joined the meeting]

The officer reviewed the first two slides of the presentation to ensure that Cllr Hollyer had not missed anything.

#### Public Speaker

Andrew Nimmo, the applicant spoke in support of the application and explained how the forest school would help to provide additional nursery

places in Acomb. He noted that there had been no objections to the application.

In response to questions from Members, he explained that children would go to the Poppleton site during the day via minibus, thus freeing places at the nursery in Acomb.

The Development Manager, in response to questions, reported that he was not aware of any conflict in relation to DLP Policy HW4 and the accessibility of the new places, as they would be in Acomb. The lifetime of condition 3 had been offered by the applicant as additional mitigation to limit the harm to the greenbelt, this could be amended to the lifetime of development.

Following a brief debate, Cllr Warters moved the officer recommendation to approve the application, subject to the amendment of condition 3 to the lifetime of the development. This was seconded by Cllr Fenton. Members voted unanimously in favour and it was:

Resolved: That the application be approved subject to the amendment of condition 3, as outlined above.

Reason: The change of use of the field to form an open-air recreational space is not considered inappropriate in the Green Belt as this element of the proposals would preserve openness and would not conflict with the purposes of including land within the Green Belt. Given the relatively large scale and mass of the two adjoining tipis and their location within the field, the tipis would have an impact on openness and are therefore considered inappropriate development that is harmful to the Green Belt as set out in section 13 of the National Planning Policy Framework. However, the tipis form part of the proposed forest school that would enable the creation of 16 new early years and childcare places in the Acomb Ward where there is an identified need for additional early years/childcare provision. Therefore, it is considered that very special circumstances exist that clearly outweigh harm to the Green Belt due to inappropriateness and impact on openness.

**75. 34 Tranby Avenue, Osbaldwick, York, YO10 3NB (6.19 pm)**

Members considered a full application by Mr Room for single storey front/rear extensions and two storey side extension.

The Development Manager gave a presentation on the plans and provided an update to Members which detailed an informative concerning avoiding damage to the highway grass verge.

In response to questions, he confirmed that condition five, which specified the type of garage door, was due to the distance between the highway and garage door. Condition six followed cycle storage policies for new builds. He also confirmed that the garage could not be converted without additional planning permission.

Following a brief debate, Cllr Fenton proposed the officer recommendation to approve the application, this was seconded by Cllr Vassie. Members voted seven in favour and 1 against the proposal and it was:

**Resolved:** That the application be approved, subject to the conditions in the report and the additional informative contained within the update.

**Reason:** On balance, it is not considered that the proposed two-storey side extension to the dwellinghouse would cause any demonstrable harm to the appearance of the street scene. Neither is it considered that the two-storey side extension would create any significant harm to the amenity of the neighbours in terms of proximity or overlooking. For this reason, the proposal demonstrates compliance with the NPPF, Draft Policies D11, and T1 of the City of York Draft Local Plan and the Council's Supplementary Planning Document for House Alterations and Extensions (December 2012).

Cllr B Burton, Chair

[The meeting started at 4.34 pm and finished at 6.45 pm].