

Meeting	Planning Committee B
Date	20 May 2024
Present	Councillors B Burton (Chair), Hollyer (Vice-Chair), Baxter, Clarke, Fenton, Melly, Orrell, Vassie and Warters (until 5.32pm)
Apologies	None
Officers Present	Gareth Arnold, Development Manager Sandra Branigan, Senior Lawyer

82. Declarations of Interest (4.31 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.

In relation to Item 4a (Land Bounding St Pauls Mews and Watson Street, York), Cllr Vassie declared an interest as his partner worked for St Paul's Nursery. He subsequently left the meeting for the duration of the item and did not take part in the discussion or vote.

83. Minutes (4.32 pm)

Resolved: That the minutes of the last meeting held on 17 April 2024 were approved as a correct record.

84. Public Participation (4.32 pm)

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

85. Plans List (4.32 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.

**86. Land Bounding St Pauls Mews and Watson Street, York
[23/01994/GRG3] (4.32 pm)**

Members considered a General Regulations (Reg 3) application for the change of use of part of a recreational space to contractors compound for a period of one year.

The Development Manager gave a presentation on the plans and provided an update to the Committee which amended conditions 1 and 4 and contained an additional condition as follows:

Amended condition 1, to read

The use shall cease within 12 months of the setting out of the land as a construction compound to enable permitted works at the St Pauls Nursery site unless prior to that date the written permission of the Local Planning Authority has been obtained to extend the period of the permission.

Amended condition 4

The site shall be reinstated to its condition prior to the use having been undertaken within the first planting season following the removal of the compound. Prior to its reinstatement a scheme detailing the reinstatement works shall be submitted to and approved in writing by Local Planning Authority, the scheme shall include details of re-seeding, reinstatement of planted wildflower areas and the improvement of compacted soil.

Reason: To ensure that the use is restored as open space land in the interests of the amenity and environmental qualities of the area.

Additional condition

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.

Members sought clarification on the route from the compound to St Pauls Nursery and also how the tree protection measures were to be monitored.

It was confirmed that a route had not been submitted by the Nursery. The inspection measures were outlined in condition 3 of the report.

Public Speaker

Jessica Loveland, a resident, spoke in objection to the application. She raised concerns regarding the potential damage to wildlife and the long-term degradation of the site, since the area had been used previously for a similar purpose.

In response to questions from Members she made a suggestion for an alternative location for the compound.

The Senior Lawyer advised Members that they must only consider the current application.

Members asked a number of questions relating to the application and the Development Manager confirmed the following:

- There was a second access point to the recreational area.
- A Traffic Regulation Order (TRO) had not been requested by Highways.
- The paving and vehicle access at the entrance to the site would be managed by the construction company and the set up of the compound would be inspected to ensure compliance.

Following debate, Cllr Fenton proposed the Officer recommendation to approve the application subject to the update and an additional condition to secure measures to prevent parking on the footway. The CYC vehicle crossing policy should also be provided to the applicant by way of an informative. This was seconded by Cllr Melly.

Following a vote, with seven votes in favour and one against it was:

Resolved: That the application be approved, subject to the amendments contained within the update and the additional condition and informative as outlined above.

Reason: The proposal seeks planning permission for the temporary use of a section of the area of informal open space known as Holgate Dock as a construction site compound for the works for St Paul's Nursery for a period of up to one year. The nursery site does not have sufficient space which is accessible by large commercial vehicles to accommodate a contractor's compound. On

balance the temporary loss of part of the open space land is acceptable subject to any permission being conditioned to secure compliance with the measures contained in the submitted arboricultural method statement, replacement planting and site restoration.

**87. Vue Cinema, Stirling Road, York YO30 4XY
[23/01765/FULM] (5.13 pm)**

Members considered a full application for the use of section of car park to construct 5no. padel courts and erection of cabin accommodation with associated landscaping and boundary treatments.

The Development Manager gave a presentation on the plans and provided an update to the Committee which contained a revised recommendation as follows:

Delegated Authority to Officers to Approve following the expiry of the publicity period.

Reason: Additional neighbour notification has been carried out.

In response to questions from Members the location of the car park and the plans for EV charging were clarified.

Following debate, Cllr Fenton proposed the officer recommendation contained in the update, for delegated authority to approve the application, subject to the following amendments:

- the Chair and Vice-Chair to be consulted should objections be received following the additional neighbour notification.
- Condition 3 to be amended to allow for EV charging from a disabled bay.

This was seconded by Cllr Warters. Members voted unanimously in favour and it was therefore:

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

Reason: The proposal seeks permission to develop an area of car parking for a sports use in an area characterised by a mix of employment, retail and leisure related uses. The proposal is therefore

considered in principle to be acceptable. In highway terms adequate vehicle parking can be provided for the site and subject to any permission being appropriately conditioned to secure cycle parking of an appropriate standard then the proposal is acceptable in highway terms.

**88. Club Salvation, George Hudson Street, York YO1 6JL
[22/01718/FULM] (5.32 pm)**

Members considered a Major Full Application for the construction of new storey and roof level at 23 Tanner Row, conversion of upper floors of 23, 25 Tanner Row and 27, 29 and 31 George Hudson Street to create 17no. serviced apartments (use class C1), conversion of ground floor and basement of 31 George Hudson Street to amenity space for serviced apartments above (use class C1).

The Development Manager gave a presentation on the plans for both item 4c and the related item 4d (31 George Hudson Street York YO1 6JL, 22/01719/LBC). He provided an update to the report for 4c, as follows:

Updated consultation response

Public Protection - Hotels are not considered 'relevant locations' in terms of Local Air Quality Management and the annual mean air quality objective. Assuming further approval would be required prior to any future change to C3, then we wouldn't insist on mitigation specifically for air quality.

Amended condition

2. (Approved drawings)

Add drawing no. 132 P00 Existing and Proposed Elevations Internal Courtyard

Deleted condition

Delete condition 5 (Air Quality measures) following further response from Public Protection team.

In response to questions from Members, it was reported that:

- Condition 13 referred to the Management plan which would cover arrangements for refuse.

- There was no requirement for the plans to cover arrangements for smokers; Licensing would require a management plan for this should it be deemed necessary.
- There was no outside area for the nightclub on the plans.
- The plans proposed that the entrance to the Club be moved away from the residential entrance.
- Three homes would be converted to holiday lets.
- A lobby required by licensing, or for noise prevention, would not affect the listed building.

Following debate, Cllr Baxter proposed the officer recommendation to approve the application, subject to the amendments contained within the update. This was seconded by Cllr Hollyer. Members voted unanimously in favour of the application and it was therefore:

Resolved: That the application be approved.

Reason: The application site is within the Central Historic Core Conservation Area and includes three no. Grade II listed buildings. The proposed extension and change of use will not harm the character and appearance of the conservation area or the special interest of the listed buildings. The proposal complies with sections 66 and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and policies D11, D4 and D5 of the DLP in this respect.

The serviced apartments are acceptable in principle in this city centre location; the partial loss of the existing night club use is contrary to policy D3 of the DLP but on balance considering the applicant's submissions, the retention of a smaller night club is considered acceptable.

Subject to planning conditions noise and air quality impacts on the serviced apartments are acceptable and the serviced apartments should not adversely impact on the functioning of the retained night club.

On balance the proposal complies with the policies of the National Planning Policy Framework and the policies of the Draft Local Plan 2018.

**89. 31 George Hudson Street York YO1 6JL [22/01719/LBC]
(5.32 pm)**

Members considered an application for Listed Building Consent for Internal to 27, 29 and 31 George Hudson Street, in conjunction with item 4c, detailed above.

Following debate, Cllr Hollyer moved the officer recommendation to approve the application, this was seconded by Cllr Baxter. Members voted unanimously in favour of the proposal and it was:

Resolved: That the application be approved.

Reason: The application site comprises three no. Grade II listed buildings. Subject to planning conditions the proposed alterations would result in no harm to the significance of the listed buildings, preserving their character and their setting. Due regard has been taken of section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal complies with the NPPF and policy D5 of the Draft Local Plan.

90. Planning Appeal Performance and Decisions (6.07 pm)

The Development Manager presented a report which provided information on the planning appeal decision determined by the Planning Inspectorate between 01 January and 31 March 2024. He also provided the summary for an additional decision as follows:

Additional decision summary

Case number	Description	Address	Outcome
23/00393/FUL	Enclosed outdoor drinking area to side of building with festoon lighting and 1no. 6m x 4m jumberella (retrospective)	The Dick Turpin 49 Moorcroft Road York YO24 2RQ	Appeal Dismissed

Notes

The appeal relates to an existing covered outside drinking area within the car park at the side of the public house which was established prior to the pandemic. It includes the erection of timber enclosures, transparent sheeting, 10no. picnic benches, festoon lights and a large jumbrella. The

existing smoking shelter does not form part of the application. The application was refused due to the effect of the development on the living conditions of the occupiers of nearby residential properties with particular regard to noise and disturbance, and the effect of the development on the character and appearance of the area. Previous noise complaints were raised during the course of the application. The Inspector agreed with officers that the continued use of the seating area would cause harm to amenity with regard to noise and disturbance to neighbouring residents, both during the day and into the evening due to the covered nature of the seating area (so that it could be used during inclement weather), its proximity to boundaries with adjoining residential properties and due to the number of tables and chairs. With regard to the character and appearance, the Inspector stated that the timber fencing, transparent sheeting and festoon lights had a lightweight appearance and that along with the picnic benches and smoking shelter, such structures are commonly associated with pub gardens. The Inspector went on to say that the development is visually well-related to the PH itself and that the drinking area is located within an existing car park which itself has limited character. Therefore, despite the openness of the site, the inspector concluded that the jumbrella and other structures do not appear incongruous and do not harm the character and appearance of the site/area.

Resolved: That the report be noted.

Reason: To keep members informed of the current position of planning appeals against the council's decisions as determined by the Planning Inspectorate.

Cllr B Burton, Chair

[The meeting started at 4.31 pm and finished at 6.21 pm].