



**Notice of a public meeting of
Planning Committee B**

To: Councillors B Burton (Chair), Hollyer (Vice-Chair),
Baxter, Clarke, Fenton, Melly, Orrell, Vassie and Warters

Date: Monday, 20 May 2024

Time: 4.30 pm

Venue: West Offices - Station Rise, York YO1 6GA

AGENDA

1. Declarations of Interest (Pages 1 - 2)

At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see the attached sheet for further guidance for Members.]

2. Minutes (Pages 3 - 8)

To approve and sign the minutes of the last Planning Committee B meeting held on 17 April 2024.

3. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is 5:00pm on Thursday 16 May 2024.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this meeting will be webcast including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Plans List

This item invites Members to determine the following planning applications:

a) Land Bounding St Pauls Mews and Watson Street, York [23/01994/GRG3] (Pages 9 - 20)

Change of use of part of recreational space to contractors compound for a period of 1 no. year [Holgate Ward]

b) Vue Cinema, Stirling Road, York YO30 4XY [23/01765/FULM] (Pages 21 - 34)

Use of section of car park to construct 5no. padel courts and erection of cabin accommodation with associated landscaping and boundary treatment [Rawcliffe and Clifton Without Ward]

- c) **Club Salvation, George Hudson Street, York** (Pages 35 - 80)
YO1 6JL [22/01718/FULM]

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) [Micklegate Ward]

- d) **31 George Hudson Street York YO1 6JL** (Pages 81 - 88)
[22/01719/LBC]

Internal to 27, 29 and 31 George Hudson Street [Micklegate Ward]

5. **Planning Appeal Performance and Decisions** (Pages 89 - 104)
This report informs Members of planning appeal decisions determined by the Planning Inspectorate between 1 January and 31 March 2024.

6. **Urgent Business**
Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Jane Meller

Contact details:

- Telephone: (01904) 555209
- Email: jane.meller@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim (Polish)
własnym języku.

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی میا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

| Type of Interest | You must |
|---|--|
| Disclosable Pecuniary Interests | Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation. |
| Other Registrable Interests (Directly Related) OR Non-Registrable Interests (Directly Related) | Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation. |
| Other Registrable Interests (Affects) OR Non-Registrable Interests (Affects) | Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation. |

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

City of York Council

Committee Minutes

| | |
|------------------|---|
| Meeting | Planning Committee B |
| Date | 17 April 2024 |
| Present | Councillors Baxter, Clarke, Fenton, Melly, Orrell, Vassie, Warters, Crawshaw (Substitute for Cllr B Burton) and Cuthbertson (Substitute for Cllr Hollyer) |
| Apologies | Councillors B Burton and Hollyer |
| Officers Present | Gareth Arnold, Development Manager Ruhina Choudhury, Senior Solicitor |

Apologies had been received from both the Chair and Vice-Chair for the meeting. Cllr Warters proposed Cllr Crawshaw as Chair, this was seconded by Cllr Melly and following a unanimous vote in favour, Cllr Crawshaw took the Chair. It was subsequently agreed that Cllr Fenton should take the Vice-Chair for the meeting.

76. 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 declared a non-prejudicial interest, as he had called-in both items on the agenda.

77. Minutes (4.35 pm)

Resolved: That the minutes of the last meeting held on 13 March 2024 were approved as a correct record.

78. Public Participation (4.35 pm)

It was reported that there had been one registration to speak from Philip Press, Chair of York City Rowing Club, under the Council's Public Participation Scheme. As he was unable to attend the meeting in person, he submitted a written statement which was read out by the Chair.

The statement referred to the planning application 24/00046/GRG3, which had been heard at the Planning Committee B meeting held on 13 March 2024. He restated the assertion he had made at the meeting, that the rowing club had not been consulted on the application. He rejected the implication in the statement made on behalf of the applicant (which was City of York Council), that he had not been truthful, and requested that his truthfulness be acknowledged.

79. Plans List (4.37 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.

80. Hull Road Surgery, 289 Hull Road, Osbaldwick, York, YO10 3LB [23/02374/FUL] (4.37 pm)

Members considered a full application to change the use of chiropodist/podiatrist (use class E) to small House in Multiple Occupation (HMO) (use class C4) including alterations to fenestration and removal of the porch.

The Development Manager gave a presentation on the plans and confirmed the officer recommendation for approval.

In response to questions relating to the plans, he confirmed the proposed location of the bin store and agreed that there was a likely error in the plan as it did not show access from the living space to the rear of the property. The location of secure cycle storage was confirmed to be at the rear of the site and a Sheffield stand had been specified. The length and size of the road, plus the number of cars parked on several occasions earlier in the week were also reported.

Public Speaker

Arif Khalfe, the agent for the applicant, spoke in support of the application. He stated that every similar application in the same Ward was called-in. He highlighted that the building had never been a residential property and that the letting of the HMO was not restricted to students; the choice of tenant was for the applicant to decide.

In response to questions from Members, he confirmed that whilst it was possible to park at the side of the property there was insufficient space to allow for passing bins. To prevent parking at the side, he suggested the installation of a gate or fence would be possible. The agent also reported that there was a doorway from the living space to the rear of the house. He confirmed that the building had only ever been used commercially, firstly as a doctors surgery and latterly as the chiropodist/podiatrist.

Members then asked a number of questions relating to the report, the officer reported the following:

- Policy H8, referenced in paragraph 3.4 of the report does not apply in this instance; Policy H8 applied to properties changing from class C3 (residential) to C4 (HMO). Implementation of Policy H8 to this application would not stand challenge at appeal.
- Highways had not been reconsulted following the revised site plan. Officers had determined that previous parking concerns may change due to the relocation of the business and its associated traffic.
- A noise insulation condition, in line with the Public Protection consultation response, could be added if Members required.
- The number of occupants at the neighbouring HMO (no. 295) was not known to officers.
- Cycle storage was in line with guidance and was to be enclosed and secure.
- If the HMO was to subsequently be occupied as a dwellinghouse (class C3), this would be allowed under permitted development rights and would not require a separate planning application.

Following debate, Cllr Melly proposed the officer recommendation to approve the application, subject to an additional condition for the installation of an appropriate measure to prevent parking at the side of the house and a further additional condition relating to noise insulation, in accordance with the Public Protection consultation response. This was seconded by Cllr Fenton.

On being put to a vote, with five in favour, two against and no abstentions, it was:

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

Reason: The application property is considered to be appropriate for the needs of future occupants for a 4no. bedroom small HMO. Although the proposal would take the street level above the threshold for HMO's, this figure can only

be used for guidance (as policy H8 would not come into effect) and matters arising from a HMO can be suitably controlled by condition. The loss of the employment building, in this instance, is considered acceptable taking into account the surrounding area and scale of employment. Subject to condition, there are no residential amenity issues arising for either the proposed occupants or neighbouring dwellings. Acceptable provision for off-road vehicle parking has been demonstrated and secure cycle storage will be required by condition. The management plan for the site is conditioned, alongside a BREEAM condition. The proposal is considered to comply with policies within the National Planning Policy Framework, Policies EC2, D11, ENV2, WM1, CC2, T1 and T8 of the Draft Local Plan (2018).

[5.35 – 5.42 pm, the meeting adjourned]

**81. 19 Baysdale Avenue, Osbaldwick, York, YO10 3NE
[24/00175/FUL] (5.43 pm)**

Members considered a full application for the change of use from dwelling house (Use Class C3) to House in Multiple Occupation (HMO) (Use Class C4).

The Development Manager gave a presentation on the proposed plans and confirmed the officer recommendation was to approve the application.

In response to questions from Members, it was noted that paragraph 1.1 should refer to a 3, rather than 4 bedroom house. The threshold for the number of HMOs at street or neighbourhood level was only considered breached once the threshold had been crossed. The reason for the three occupant limit was due to the number of parking spaces available, this had been identified as two.

Following debate, Cllr Melly proposed the officer recommendation to approve the application. This was seconded by Cllr Vassie.

On being put to a vote, with seven in favour, one against and no abstentions, it was:

Resolved: that the application be approved.

Reason: The application property is considered to be appropriate for the needs of future occupants within a 3.no. bedroom small HMO. On balance there is considered to be adequate provision for car parking, and secure cycle storage can be required by condition. The existing density levels of current HMOs is below the policy threshold (at both street level and neighbourhood level). Therefore, the proposal is considered to comply with policy H8 of the 2018 draft Local Plan and the requirements of the Draft Supplementary Planning Document (SPD): Controlling the Concentration of Houses in Multiple Occupancy.

Cllr J Crawshaw, Chair

[The meeting started at 4.30 pm and finished at 6.20 pm].

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COMMITTEE REPORT

Date: 20 May 2024 **Ward:** Holgate
Team: West Area **Parish:** Holgate Planning Panel

Reference: 23/01994/GRG3
Application at: Land Bounding St Pauls Mews And Watson Street York
For: Change of use of part of recreational space to contractors compound for a period of 1no. year
By: City Of York Council
Application Type: General Regulations (Reg3)
Target Date: 23 May 2024
Recommendation: Approve

1.0 PROPOSAL

1.1 Holgate Dock comprises a partially landscaped area of recreational open space bounded by St Paul's Mews and Watson Street adjacent to the East Coast Main Line. Planning permission is sought for a change of use of part of the site to comprise a temporary construction site compound to be used in association with the previously approved re-development works at St Pauls Nursery (refs :23/01114/GRG3 and 23/01129/LBC). The compound would lie within the grassed area towards the north eastern edge of the site. The proposal has been amended since submission to address concerns in respect of impact upon trees and other planting to be retained together with provisions for reinstatement of the site.

2.0 POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK

2.1 The NPPF sets out the government's planning policies for England and how these are expected to be applied. Its planning policies are material to the determination of planning applications. The Framework sets out that the purpose of the planning system is to contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives, which are interdependent and need to be pursued in mutually supportive ways (paragraph 8).

DRAFT LOCAL PLAN (DLP 2018)

Application Reference Number: 23/01994/GRG3

Item No: 4a

2.2 The Draft Local Plan 2018 was submitted for examination on 25th May 2018, Hearing Sessions have taken place and the examination is on-going. The draft policies can be afforded weight in accordance with paragraph 48 of the NPPF.

2.3 Key relevant DLP 2018 policies are:

D2 – Landscape and Setting

GI4- Trees and Hedgerows

GI5- Protection of Open Space and Playing Fields

ENV2 – Managing Environmental Quality

T1 – Sustainable Access

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 Raise no objection subject to any permission being conditioned to require submission and prior approval of a Method of Works scheme associated with its use.

Design, Conservation and Sustainable Development (Ecology)

3.2 Raise no objection in principle to the proposal but raise some concern in respect of the provisions for reinstatement of the areas to be used in terms of timescales, methods and products along with provision for tree and wildflower areas outside of the identified compound area.

Design, Conservation and Sustainable Development (Trees and Landscape)

3.3 Raise no objection to the proposal in principle subject to any permission being conditioned to require compliance with terms of the submitted arboricultural method statement.

EXTERNAL

Holgate Planning Panel

3.4 Raise no objection in principle to the proposal subject to the site being comprehensively reinstated upon completion of the work.

4.0 REPRESENTATIONS

4.1 A total of 5 no objections have been received:

- Concern that the tree and wildflower planting previously undertaken at the site as part of community project be adequately safeguarded during the process of use and compensated for if inadvertently disturbed.
- Objection to the partial loss of the green space as a recreation and dog walking area.
- Objection to the loss of wildlife which commonly uses the site.
- Objection to the loss of residential amenity to surrounding properties through the noise of deliveries entering and leaving the site.
- Concern about the loss of parking in the surrounding area to provide access to the site and between the site and the development area.

Councillor Kent

4.2 Expresses concern that the trees surrounding the site are fully protected for the duration of the project and that the site is properly restored and made good following on from the completion of the use with appropriate re-turfing and wild flower planting with the opportunity being taken for compensatory planting for the trees to be lost in the construction of the main St Paul's Nursery scheme.

5.0 APPRAISAL

5.1 The application site comprises an area of open space used for informal recreation by local residents and school children lying adjacent to the railway. Historically it has been subject to an occasional use as a construction site compound for development schemes at St Paul's Primary and Nursery Schools. The current proposal seeks planning permission for such a use over a period of a year to allow for the previously permitted demolition and re-development works at St Paul's Nursery School to be serviced. Policy GI5 of the draft Local Plan states that development proposals will not be permitted which would harm the character of, or lead to the loss of, open space of recreational importance unless the open space uses can be satisfactorily in the area of benefit and in terms of quality, quantity and access.

5.2 The tight configuration of the St Paul's site means that there is nowhere either on-site or in the close vicinity suitable for use as a construction site compound. Construction vehicles would park at the site and deliveries of materials would take place to the site and be decanted to smaller vehicles for travel the short distance to the construction site. There would be some loss of open space land for the duration of the use. Objectors have raised concerns in respect of the loss of the site for dog walking and other informal recreational activities for the duration of the re-development contract. The area of the proposed compound is however relatively small, and the site has two points of access with the second which lies towards the southeast of the site unaffected by the proposal allowing for recreational use of the remainder to continue during the temporary period that the works would be in place.

HIGHWAYS AND ACCESS

5.3 Central Government Planning Policy as outlined in paragraph 111 of the NPPF indicates that planning permission should only be prevented or refused on highway grounds if there would be an unacceptable impact upon highway safety or the residual cumulative impacts upon the network would be severe. Policy T1 of the Draft Local Plan which may be afforded moderate weight in the planning balance from the level of unresolved objection, indicates that development will be supported where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it including those with impaired mobility such that it maximises the use of more sustainable means of transport.

5.4 Concern has been expressed by objectors in respect of the potential for the operation of the site to disrupt local parking. The access to the site is however not used for parking of vehicles associated with the neighbouring area due to a double yellow line parking restriction, and the road network to access the St Paul's site is wide enough to allow for traffic to access it safely. There is some limited parking directly outside of the site but this would not impede the access to the site. The proposal is felt to be acceptable in highway terms.

RESIDENTIAL AMENITY

5.5 Draft Local Plan policy ENV2 which can be afforded moderate weight in the planning balance from the level of unresolved objection, states that development will be permitted where it does not unacceptably harm the amenities of occupants of the site and neighbouring communities. Concern has been expressed by neighbours in

respect of the potential impact of the proposal upon the residential amenity of neighbouring properties specifically in terms of the levels of noise generated by the operations on site. The proposal is however for a construction site compound which would in practice only be used for a limited period at either end of the day when workers arrive and depart and when materials are delivered with the focus of activity taking place at the construction site itself. Permission has also been sought for a year which is the likely maximum length of the contract however it is likely that operations at the compound would take place over a shorter period of time.

5.6 Delivery times and the hours of operation of the compound may be controlled by condition as part of any planning permission. Subject to such conditions being applied the proposal is felt to be acceptable in terms of its impact upon residential amenity.

ECOLOGY

5.7 The application site comprises a grassed area used for informal recreation with some tree planting of recent origin around the boundaries with more mature trees of some townscape importance along the western boundary and in the northwest and southeastern corners. Associated with the mature tree planting along the western boundary is an area of recent wildflower planting. The relative openness of the site makes it unsuitable for bat roosting although some foraging activity may take place over the site. The biodiversity value of the site lies in the mature tree and wildflower planting and their cumulative effect.

5.8 A detailed arboricultural method statement has been submitted with the application which makes recommendations in terms of protecting the planting whilst a section within the centre of the site can be secured to provide the compound. Providing any permission is conditioned to secure compliance with the arboricultural method statement together with suitable replacement wildflower planting then the proposal is acceptable in ecological terms.

TREES AND LANDSCAPE

5.9 Policy GI4 of the Draft Local Plan which may be afforded moderate weight in the planning balance, indicates that development will be supported where it provides protection for overall tree cover as well as individual trees worthy of protection. A detailed tree survey plan and arboricultural method statement have been submitted which indicate that subject to appropriate protection measures being

put in place the development can be accommodated on site without significant harm to the existing planting. The tree survey identifies only two trees to be of sufficiently poor condition at Grade C2 as to suggest removal, these however lie within the denser area of planting away from the site of the proposed compound and would not be removed at this time. Concern has been expressed by objectors in respect of the potential loss of two laurel trees which are also graded within the survey at Grade C2, again however they are outside the area of the compound and would remain unaffected. In terms of tree works to facilitate the compound there would only be modest pruning to the tree closest to the access.

5.10 Subject to any permission being conditioned to secure compliance with the mitigation measures contained within the arboricultural method statement and to secure any planting necessary to compensate for planting which is unavoidable loss then the harm is felt to be acceptable.

6.0 CONCLUSION

6.1 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.

7.0 RECOMMENDATION: Approve

1 The use shall cease by 20 May 2025 and 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 unless prior to that date the written permission of the Local Planning Authority has been obtained to extend the period of the permission.

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

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

230003.14 Fencing Detail Dated 2nd November 2023

1910-1 Tree Protection Plan Dated 7th February 2024

Application Reference Number: 23/01994/GRG3

Item No:4a

230003.13B Site Plan Dated 5th December 2023

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Protection of existing trees shown to be retained on the approved plans shall be carried out in strict accordance with the content of the approved Arboricultural Method Statement and Tree Protection Plan 1910.2 AMS Rev 2. A copy of the document will be available for reference and inspection on site at all times. A qualified arboriculturalist shall carry out regular inspections during the development as per the approved document.

Reason: To protect existing trees that are considered to have significant public amenity value.

4 Prior to the use hereby authorised first commencing beyond site layout works full details of compensatory planting to replace any planted wildflower areas to be lost through the development shall be submitted to and approved in writing to the Local Planning Authority. The planting shall thenceforth be undertaken in accordance with the details thereby approved within six months of the use ceasing.

Reason: To safeguard the biodiversity value of the site.

5 Prior to the first use of the compound, details of the operational hours for deliveries to and from the compound shall be submitted to and approved in writing by the local planning authority. The details shall take into account that there is a primary school nearby and such activities should be prohibited at school drop-off/pick-up times (nominally 08.15-09.30 and 14.45-16.00).

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of the free flow of traffic or safety of highway users.

8.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Sought submission of a detailed tree survey and arboricultural method statement.

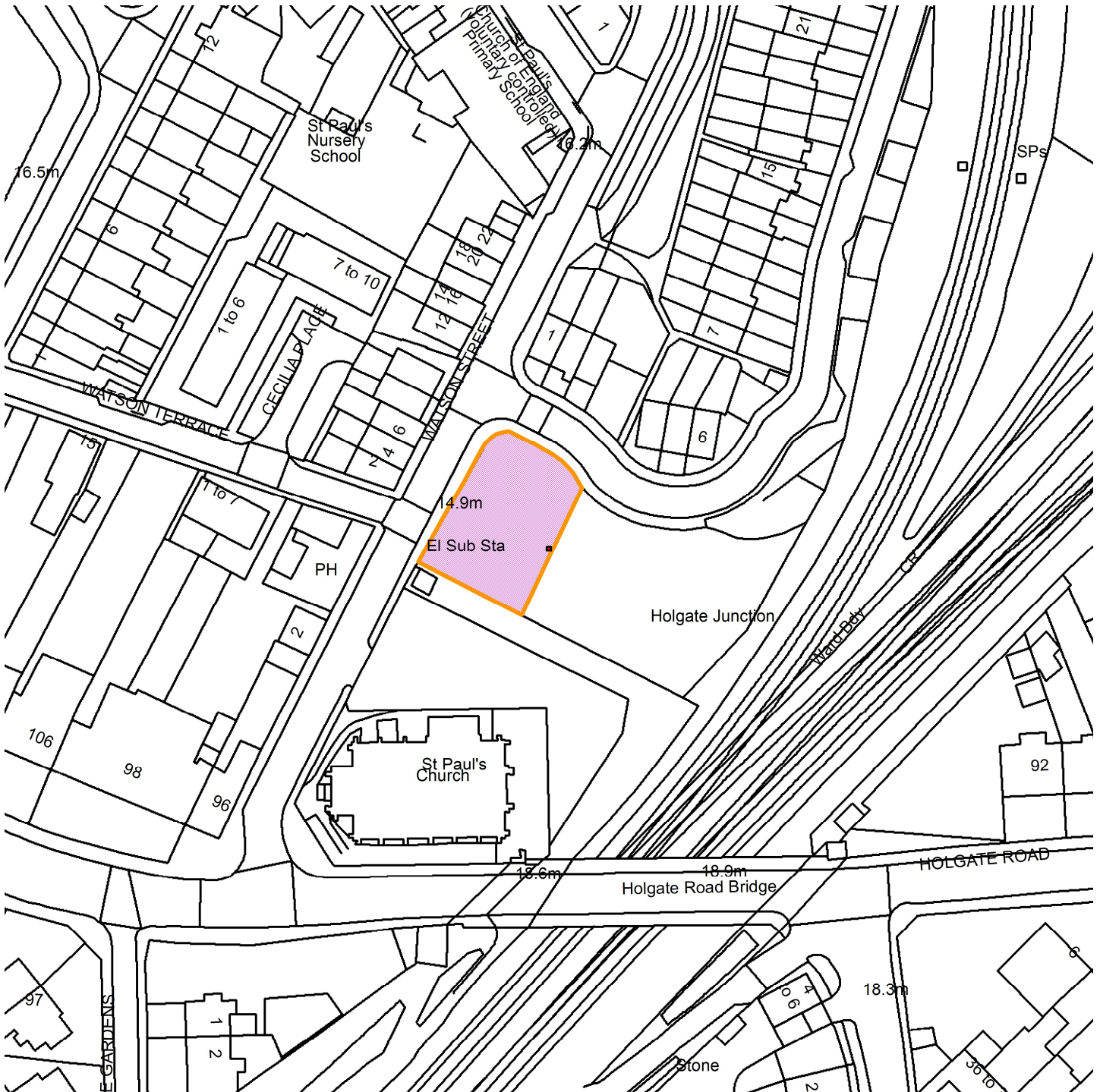
Contact details:

Case Officer: Erik Matthews

Tel No: 01904 551416

Land Bounding St Pauls Mews and Watson Street York

23/01994/GRG3



Scale : 1:1005

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| Organisation | City of York Council |
| Department | Directorate of Place |
| Comments | Site Location Plan |
| Date | 08 May 2024 |
| SLA Number | Not Set |

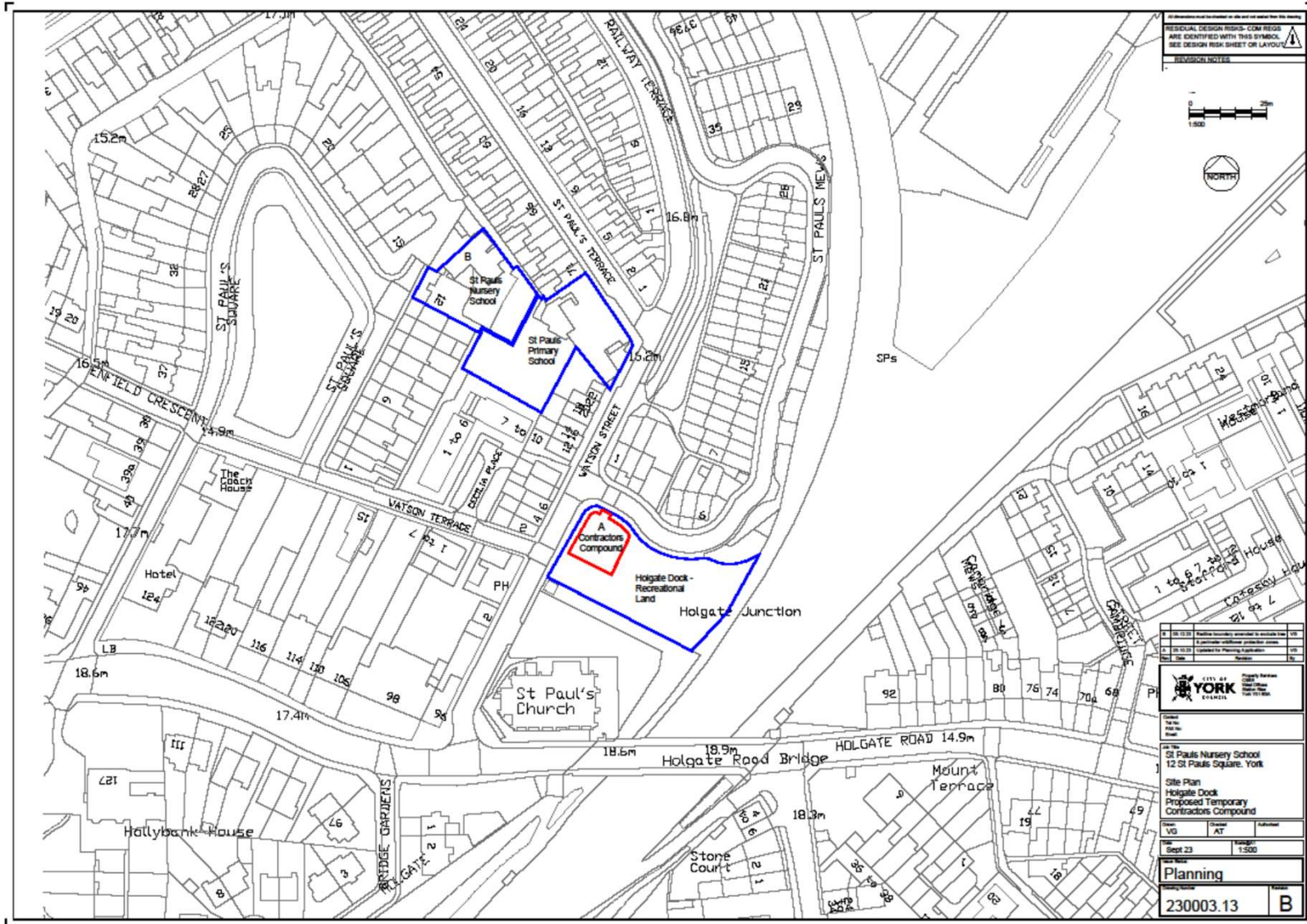
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Planning Committee B

23/01994/GRG3

Land Bounding by St Pauls Mews and Watson Street



COMMITTEE REPORT

Date: 20 May 2024 **Ward:** Rawcliffe And Clifton
Without

Team: West Area **Parish:** Clifton Without Parish
Council

Reference: 23/01765/FULM
Application at: Vue Cinema Stirling Road York YO30 4XY
For: Use of section of car park to construct 5no. padel courts and
erection of cabin accommodation with associated landscaping
and boundary treatment

By: Mr Erik de Wit
Application Type: Full Application
Target Date: 23 May 2024
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site comprises a substantial brick-built complex set within a large car parking area to the south of the Clifton Moor Retail Park. Planning permission is sought for use of a section of the car parking area to form five padel courts with cabin accommodation to provide a changing and refreshment area with associated landscaping and fencing. The proposals have been amended since submission to address concerns in respect of highways and access matters.

Planning History

16 August 2011 – Planning permission refused for the erection of a 70-bed hotel (app ref. 11/00620/OUT) for the reason that the site was considered to be an unsustainable location and it had not been demonstrated that the demand for hotel accommodation could not be met on a city centre, edge of centre or sustainable mixed use development site.

2.0 POLICY CONTEXT**NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

2.1 The NPPF sets out the government's planning policies for England and how these are expected to be applied. Its planning policies are material to the determination of planning applications. The Framework sets out that the purpose of the planning system is to contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives, which are interdependent and need to be pursued in mutually supportive ways (paragraph 8).

DRAFT LOCAL PLAN (DLP 2018)

2.2 The Draft Local Plan 2018 was submitted for examination on 25th May 2018, Hearing Sessions have taken place and the examination is on-going. The draft policies can be afforded weight in accordance with paragraph 48 of the NPPF.

- 2.3 Key relevant DLP 2018 policies are:
- HW3 Built Sports Facilities
 - ENV2 Managing Environmental Quality
 - T1 Sustainable Access

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 No objection to the proposal subject to a condition covering electric vehicle charging points and detail of flood lighting specifically in respect of a curfew at 23:00 and the submission and prior approval of a lighting impact assessment.

Highway Network Management

3.2 Raise concerns in respect of the accessibility of the site for public transport users and pedestrians, the arrangements for parking for the site, accessibility for deliveries and refuse vehicles and the availability and location of cycle parking.

EXTERNAL

Clifton Without Parish Council

3.3 No objection to the proposal subject to suitable parking arrangements being made for vehicles and cycles, the provision of disabled toilets and children being able to play for free.

4.0 REPRESENTATIONS

4.1 One letter of support has been received.

5.0 APPRAISAL

Key Issues

5.1 The key issues are as follows:

- Principle of the Development
- Highways and Access
- Amenity

PRINCIPLE OF THE DEVELOPMENT

5.2 Central Government Planning Policy as outlined in paragraph 96 c) of the NPPF indicates that planning decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles through the provision of safe and accessible sports facilities. Policy HW3 of the Draft City of York Local Plan which may be afforded moderate weight in the planning balance , states that development of new built sports facilities will be supported where it is well located, accessible to all and where suitable infrastructure exists or can be created to manage and maintain the facility.

5.3 Padel is a comparatively new sport incorporating elements of lawn tennis but with the physical intensity of squash. The sport can be played indoors or outdoors with courts intermediate between squash and tennis courts in size. It became very popular with younger players after the COVID pandemic as it could be played outside with minimal physical contact. There are no current formal facilities for the sport in York although other courts besides those within the current proposal are projected.

5.4 The application site lies directly to the south of the Clifton Moor Retail Park within the complex associated with Vue Cinema which in addition to the cinema includes a range of restaurant uses. Within the wider area is a large indoor bowling complex and further to the southeast within the Clifton Moor Business Park are a number of gyms offering a range of activities and other more specialist sport and

leisure uses including an indoor golf centre and an indoor (bouldering) climbing centre. The proposed development may therefore be seen as complementary to the existing leisure uses taking place in the wider vicinity and may lead to “linked trips” taking in other businesses in the local area. The proposal furthermore incorporates a shop related to the sport and a café/seating area for spectators.

HIGHWAYS AND ACCESS

5.5 Central Government Planning Policy as outlined in paragraph 111 of the NPPF indicates that planning permission should only be prevented or refused on highway grounds if there would be an unacceptable impact upon highway safety or the residual cumulative impacts upon the network would be severe. Policy T1 of the Draft Local Plan which may be afforded moderate weight in the planning balance from the level of unresolved objection, indicates that development will be supported where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it including those with impaired mobility such that it maximises the use of more sustainable means of transport.

5.6 In terms of vehicle parking the site lies within a substantial parking area jointly used by the surrounding leisure uses, the submitted Design and Access Statement indicates that this arrangement would continue. Adjoining uses in addition to the cinema include a number of restaurants. There are a total of 274 car parking spaces within the immediate area which would reduce to 181 in the event of the proposal being implemented. The surrounding parking area is substantial and at no point is it close to capacity even at peak times. The loss of parking spaces to accommodate the proposal is therefore felt to be acceptable and adequate spaces remain to cater for the mix of new and existing uses.

5.7 Concerns have been expressed by Highway Network Management in terms of the provision of cycle parking as well as parking for disabled users. The revised details show the provision of five wider disabled parking spaces in close proximity to the site entrance. Nine cycle parking spaces would also be provided within a lit space with a timber canopy adjacent to the site entrance. Full details of that could be conditioned as part of any permission.

5.8 Further highway concerns have also been expressed in respect of the lack of a dedicated segregated pedestrian access route from the adopted highway into the site. However, the surrounding parking areas have historically operated as a shared space and none of the adjoining land uses including the cinema has a dedicated pedestrian approach. In terms of bin storage, a dedicated store would be located within the site adjacent to the site shop and equipment store and the bins would be

presented at the site access on collection day in the manner of the adjoining land uses. The proposed arrangements are therefore felt to be acceptable.

AMENITY

5.9 Draft Local Plan policy ENV2 which can be afforded moderate weight in the planning balance from the level of unresolved objection, states that development will be permitted where it does not unacceptably harm the amenities of occupants of the site and neighbouring communities; developments that are likely to give rise to adverse noise or artificial light or glare must demonstrate how these matters have been considered.

5.10 The area surrounding the application site is in a mix of employment or retail uses. Some of the office units within the wider area have had changes of use to residential use however that does not apply to any including those directly to the southwest in the immediate vicinity. Otherwise, the closest residential properties lie approximately 400 metres to the west beyond Clifton Moorgate. A lighting assessment has been requested by Public Protection in addition to a condition requiring switch off of the flood lighting at 23:00hours. Up until that time the lighting associated with the neighbouring leisure uses will be in operation however after that time when the wider area quietens down there is greater potential for light pollution. On that basis a condition to secure switch off of the lights at 23:00hours is felt to be acceptable although the request for a lighting assessment would not appear to meet the NPPF tests in respect of planning conditions due to the character of the area. No significant harm has been identified to surrounding uses from increased noise/lighting from the proposal which is therefore considered to be acceptable in terms of policy ENV2.

6.0 CONCLUSION

6.1 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 highways 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.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

3956-103A Proposed Boundary Treatments; 3956-104A Proposed Entrance Details; 3956-105 Proposed Demolition Plan; 3956-106 Indicative Drainage Proposals; 3956-200A Proposed Elevations; 3956-801 Overall Block Plan; 3956-800B Location Plan; 3956-102B Proposed Block Plan

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 A strategy for the provision of EV charging facilities on the site shall be submitted to and approved in writing by the local planning authority prior to commencement of development beyond site layout works and shall be implemented in accordance with the approved details prior to first use of the development hereby permitted. Charging facilities shall meet minimum requirements as set out in CYC's Low Emission Planning Guidance and the current Building Regulations.

Reason: To ensure provision of EV charging facilities in line with the National Planning Policy Framework (NPPF) and CYC's Low Emission Planning Guidance

4 All external lighting, other than that required for emergency or security purposes, shall be turned off by 23:00 on any day.

Reason: To safeguard the amenities of the surrounding area.

5 Prior to the first use of the development details of the cycle parking areas including type of stand and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

6 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles and cycles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

8.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

i) Sought clarification of the vehicle and cycle parking arrangements for the proposal

ii) Sought clarification of the servicing arrangements in terms of deliveries to and refuse collection from the site

2. FOOD PREPARATION

As this application relates to a business that will sell or supply food and/or drink (including alcohol), the proprietor of the business should contact by email at public.protection@york.gov.uk or by telephone on 01904 551525 at their earliest opportunity to discuss registering the business as a food premises (a legal requirement) and to obtain advice on food hygiene & standards, health & safety, odour extraction etc."

Contact details:

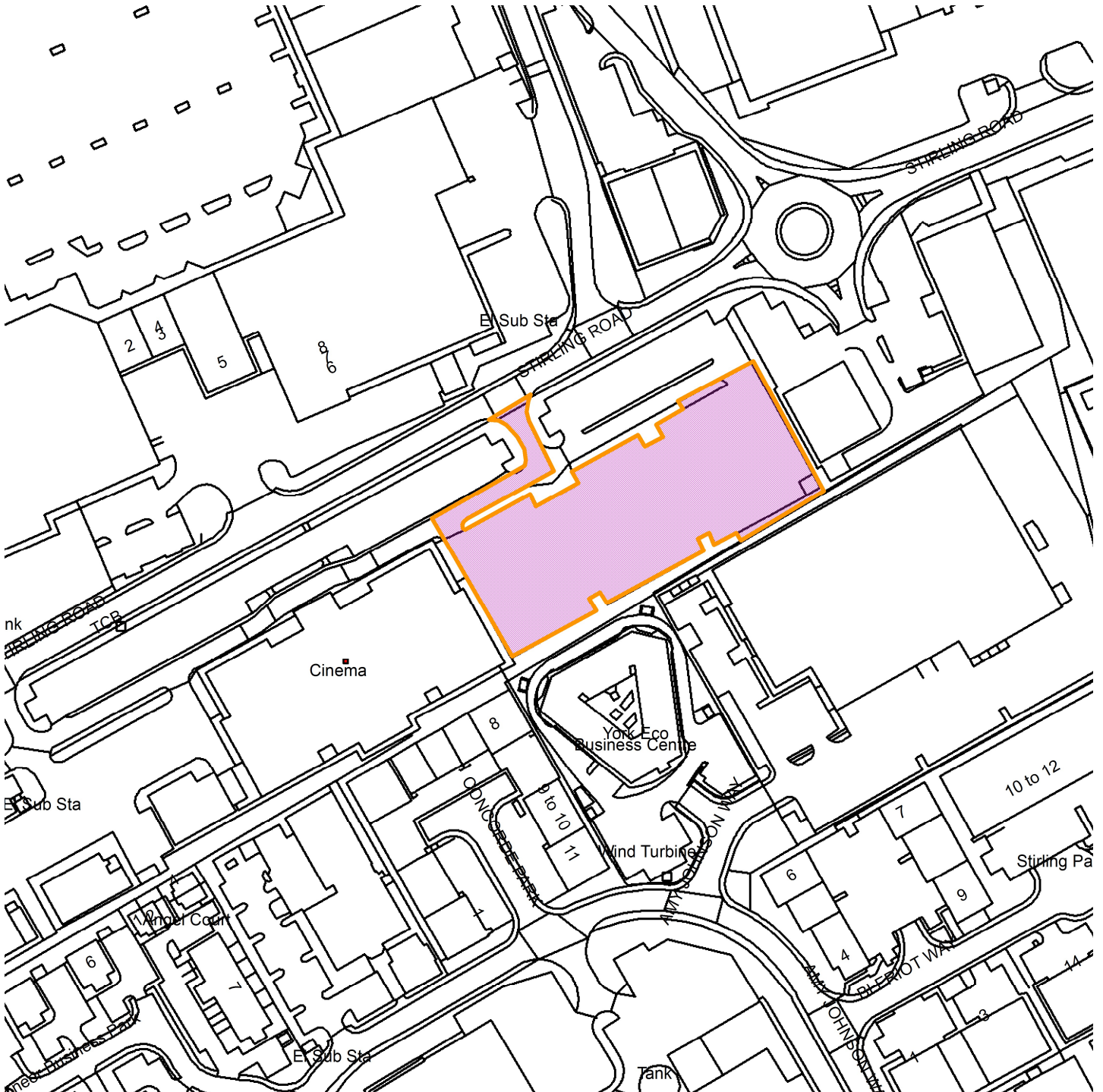
Case Officer: Erik Matthews

Tel No: 01904 551416

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23/01765/FULM

Vue Cinema Stirling Road YO30 4XY



Scale : 1:2011

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| | |
|---------------------|----------------------|
| Organisation | City of York Council |
| Department | Directorate of Place |
| Comments | Site Location Plan |
| Date | 09 May 2024 |
| SLA Number | Not Set |

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Planning Committee B

23/01765/FULM

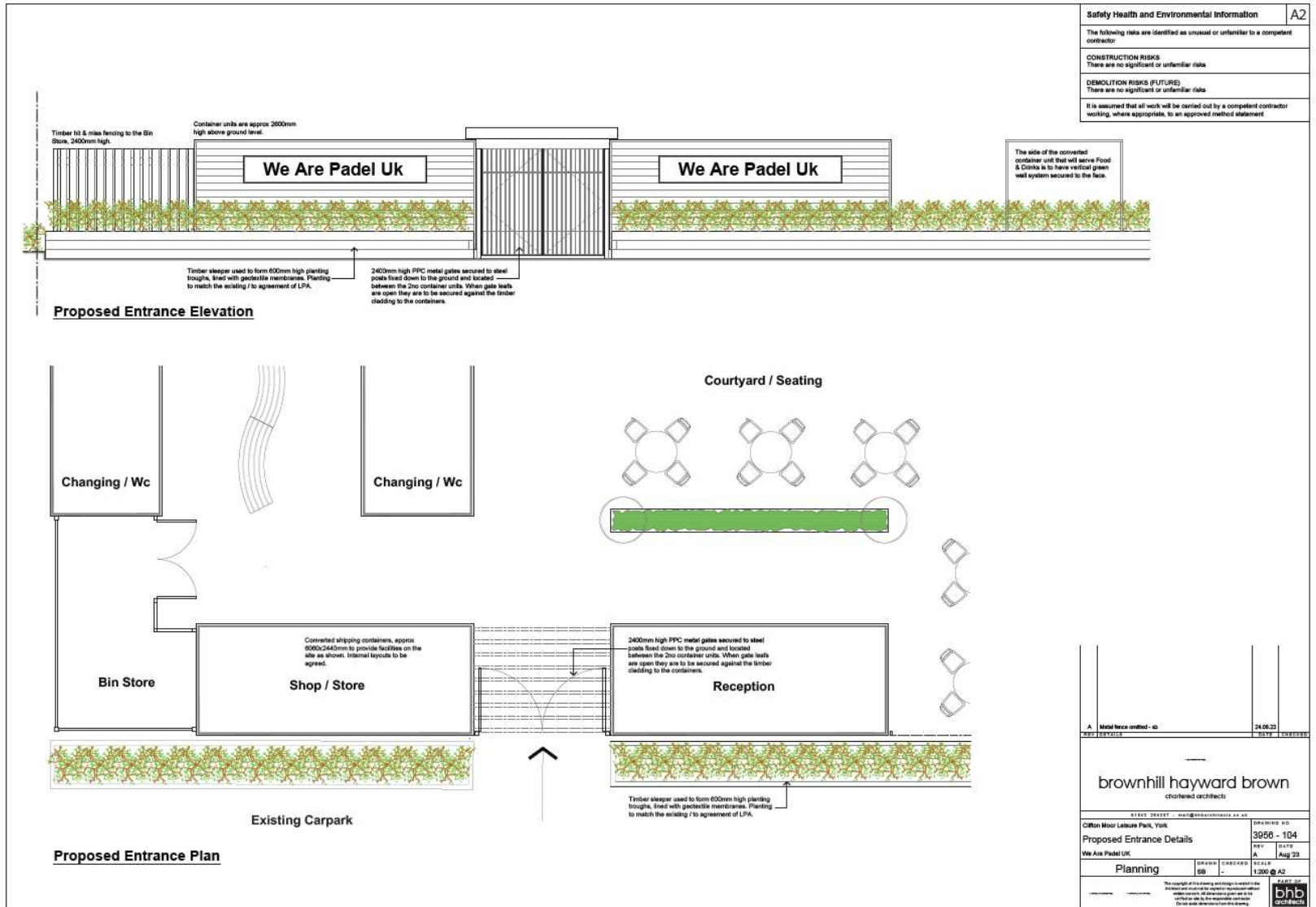
Vue Cinema Stirling Road

Block Plan



| | | | | | | | | | | | | | | | | | | | |
|---|---|--------------------------------|---|------------|-----------------|---------------------------|----------|--------------|------|---------|----------|-------|----|--|---------|----|--|-------|------------|
| Safety Health and Environmental Information | A2 | | | | | | | | | | | | | | | | | | |
| The following risks are identified as unusual or unfamiliar to a competent contractor | | | | | | | | | | | | | | | | | | | |
| CONSTRUCTION RISKS There are no significant or unfamiliar risks | | | | | | | | | | | | | | | | | | | |
| DEMOLITION RISKS (FUTURE) There are no significant or unfamiliar risks | | | | | | | | | | | | | | | | | | | |
| It is assumed that all work will be carried out by a competent contractor working, where appropriate, to an approved method statement | | | | | | | | | | | | | | | | | | | |
| Notes: | | | | | | | | | | | | | | | | | | | |
| Court Spec: The enclosure is formed from a combination 4m high and 3m high metal posts secured into the ground with fixing plates. Walls are finished with a combination of glass panels (15no 3990x1955mm panels) with mesh panels being provided elsewhere. Elevation details will be provided for planning submission. All metalwork is to be galvanneal complete with polyester oven painted finish. Glass is to be tempered for structural use, 12mm thick complete with polished edges. The courts themselves be finished with AstroTurf with the existing ground levels reduced to allow sub-base to be built up. Reinforced concrete ring beam required around the perimeter to support the posts to the court enclosure. | | | | | | | | | | | | | | | | | | | |
| Lighting Spec: 4no lighting columns per court. Each column 6m high complete with Sunshield 4' floodlight fitting to the top. Each light has a power rating of 250 Watts (min) providing 40100-40400 Lumens. Supply voltage 90-350 VAC. Each court will have an electrical distribution box within the ground with cabling for the lights taken from that point. | | | | | | | | | | | | | | | | | | | |
| Buildings: Converted steel containers are to be used to provide Changing & WC facilities, a Shop / Store, a Reception area and a small Servery for food and drinks. The containers will be finished externally with the following: <ul style="list-style-type: none"> Larch timber cladding, 150x25mm section size secured horizontally over treated softwood battens fixed vertically to the container, or Green wall installation comprising plastic crates secured to vertical faces - planting to be slugged into the crates. To specialist details and spec. | | | | | | | | | | | | | | | | | | | |
| Surface Finishes: The existing tarmac base will remain. Where courts are to be provided the existing finishes will be removed to allow the court deck to be cast and finishes / enclosures secured over. Elsewhere the existing top / wearing course will be planed off and new finish applied. Lighting bollards have been shown at the interface with the existing carpark to prevent vehicles entering the site and to show a boundary line. The exact spec of these to be agreed. | | | | | | | | | | | | | | | | | | | |
| <table border="1"> <tr> <td>B</td> <td>5no Blue Badge parking spaces and 10no cycle hoops indicated following comments from LPA - JB</td> <td>18.01.24</td> </tr> <tr> <td>A</td> <td>Entrance Gates added - JB</td> <td>24.09.23</td> </tr> <tr> <td>REV</td> <td>DATE</td> <td>DATE</td> </tr> </table> | | B | 5no Blue Badge parking spaces and 10no cycle hoops indicated following comments from LPA - JB | 18.01.24 | A | Entrance Gates added - JB | 24.09.23 | REV | DATE | DATE | | | | | | | | | |
| B | 5no Blue Badge parking spaces and 10no cycle hoops indicated following comments from LPA - JB | 18.01.24 | | | | | | | | | | | | | | | | | |
| A | Entrance Gates added - JB | 24.09.23 | | | | | | | | | | | | | | | | | |
| REV | DATE | DATE | | | | | | | | | | | | | | | | | |
| <p>brownhill hayward brown chartered architects</p> <p>STRAZ, SHARPEY & HAYWARD ARCHITECTS LLP</p> | | | | | | | | | | | | | | | | | | | |
| <table border="1"> <tr> <td>Client Moor Leisure Park, York</td> <td>DRAWING NO.</td> <td>3956 - 102</td> </tr> <tr> <td>Proposed Layout</td> <td>REV</td> <td>01</td> </tr> <tr> <td>We Are Padel</td> <td>DATE</td> <td>July 23</td> </tr> <tr> <td>Planning</td> <td>DRAWN</td> <td>CS</td> </tr> <tr> <td></td> <td>CHECKED</td> <td>CS</td> </tr> <tr> <td></td> <td>SCALE</td> <td>1:200 @ A2</td> </tr> </table> | | Client Moor Leisure Park, York | DRAWING NO. | 3956 - 102 | Proposed Layout | REV | 01 | We Are Padel | DATE | July 23 | Planning | DRAWN | CS | | CHECKED | CS | | SCALE | 1:200 @ A2 |
| Client Moor Leisure Park, York | DRAWING NO. | 3956 - 102 | | | | | | | | | | | | | | | | | |
| Proposed Layout | REV | 01 | | | | | | | | | | | | | | | | | |
| We Are Padel | DATE | July 23 | | | | | | | | | | | | | | | | | |
| Planning | DRAWN | CS | | | | | | | | | | | | | | | | | |
| | CHECKED | CS | | | | | | | | | | | | | | | | | |
| | SCALE | 1:200 @ A2 | | | | | | | | | | | | | | | | | |
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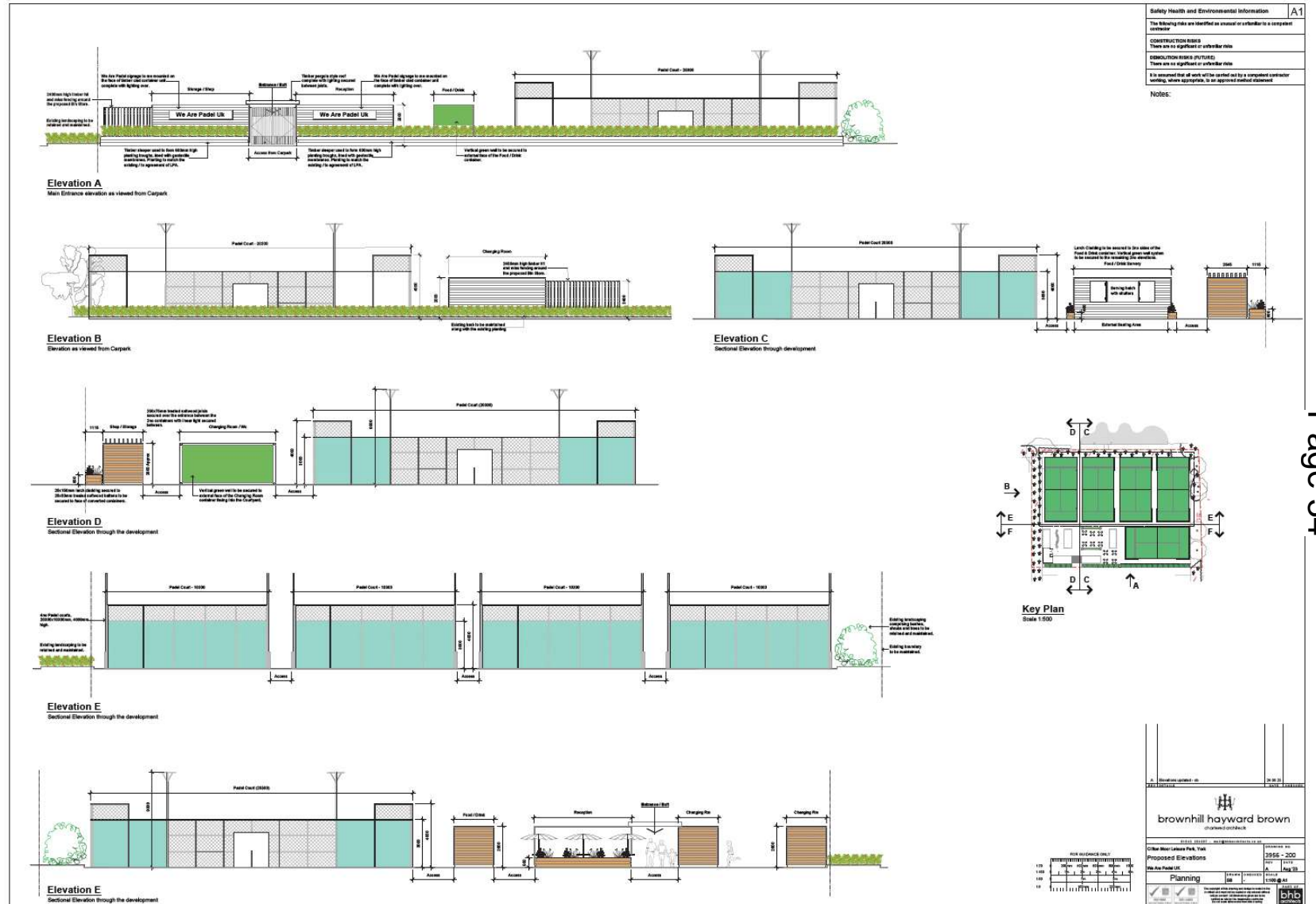
Site entrance details



| | |
|---|--|
| Safety Health and Environmental Information | A2 |
| The following risks are identified as unusual or unfamiliar to a competent contractor | |
| CONSTRUCTION RISKS | There are no significant or unfamiliar risks |
| DEMOLITION RISKS (FUTURE) | There are no significant or unfamiliar risks |
| It is assumed that all work will be carried out by a competent contractor working, where appropriate, to an approved method statement | |

| | | | | |
|--|-------|-------------|-------|------------|
| A Metal fence omitted - 01 | | 24.06.23 | REV | DATE |
| brownhill hayward brown chartered architects | | | | |
| City of York Leisure Park, York | | DRAWING NO. | | 3956 - 104 |
| Proposed Entrance Details | | REV | | DATE |
| We Are Padel UK | | A | | Aug '23 |
| Planning | DRAWN | CHECKED | SCALE | 1:200 @ A2 |
| | SB | - | | |
| <small>The copyright of this drawing and design is reserved by the architect and shall remain the property of the architect. No part of this drawing shall be reproduced, stored in a retrieval system, or transmitted in any form or by any means, without the prior written permission of the architect.</small> | | | | |

Proposed elevations



1.3 The application under consideration is a similar scheme to the previous applications, but now retains the ground floor and basement area of the existing nightclub use. As with the previous proposal the ground floor retail (Class E) within no.27 and 29 George Hudson Street would be retained within that use class.

1.4 The proposal includes a parallel Listed building application (ref: 22/01719/LBC).

2.0 POLICY CONTEXT

National Planning Policy Framework

2.1 Central Government guidance is contained in the National Planning Policy Framework ("NPPF"). Its planning policies are a material consideration in the determination of planning applications. The policy in Paragraph 11 establishes the presumption in favour of sustainable development, which runs through both plan-making and decision-taking. In decision-taking this means approving development proposals without delay that accord with an up-to-date development plan. In the absence of relevant development plan policies or where they are out-of-date, permission should be granted unless policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

Draft Local Plan 2018

2.2 Section 38(6) of the Act requires determinations be made in accordance with the development plan unless material considerations indicate otherwise. The Draft Local Plan 2018 was submitted for examination in 2018, Hearing Sessions have taken place and the examination is on-going. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

2.3 Key relevant policies of the Plan are -

D1 Placemaking

D4 Conservation Areas

D5 Listed Buildings

D6 Archaeology

D11 Extensions and Alterations to Existing Buildings

SS3 York City Centre

D3 Cultural Provisions

EC4 Tourism

ENV2: Managing Environmental Quality

T1 Sustainable Transport

3.0 CONSULTATIONS

Internal

Design, Conservation and Sustainable Development – Conservation Officer

3.1. Officers request the same conditions as the previous application.

Design, Conservation and Sustainable Development – City Archaeologist

3.2. Officers request the same conditions as the previous application.

Public Protection

Noise

3.3 The proposed site is a conversion to residential accommodation within a commercial area of the centre of York. As such there are various noise sources that need to be taken into account to ensure that the existing noise levels do not adversely impact on the future occupants of the dwellings.

3.4 The applicant has provided an Apex Acoustics Noise Impact Assessment ref 11251.1 dated 3rd January 2024. This assessment considers external noise impact on the residential development, internal sound insulation and plant noise impact. The methodology of the assessment is suitable and the noise mitigation measures are accepted. Conditions are recommended in line with the proposed noise mitigation measures as stated within the Apex Acoustics Assessment.

Odour

3.5 The proposed A3 use will need to be designed to ensure that odour from the odour extraction system does not cause any adverse impact to the future residents of the dwellings.

Construction

3.6 The development will also involve some demolition works on each floor and construction works therefore controls should be put in place at the demolition and construction phases to minimise noise, vibration and dust emissions.

Air Quality

3.4 The development is located within the Air Quality Management Area (AQMA), based on exceedances of the health based annual mean nitrogen dioxide

objective. Public Protection undertake monitoring of nitrogen dioxide directly outside the proposed development on George Hudson Street and this has indicated that levels of nitrogen dioxide in this area are currently well above the health based annual mean objective of 40ug/m³.

3.5 Regarding the facades of 23 and 25 Tanner Row, whilst concentrations of nitrogen dioxide are likely to fall off slightly compared with the George Hudson Street elevation, in the absence of site specific monitoring, Public Protection would recommend a precautionary approach with respect to mitigation.

3.6 With respect to mitigating exposure to pollution, City of York Council is obliged to consider 'relevant locations', that is, locations where members of the public are likely to be 'regularly exposed' to pollution. With respect to the annual mean objective for nitrogen dioxide, building facades of residential properties would be considered relevant locations, but hotels would not be considered relevant locations (ref: DEFRA Guidance LAQM.TG16). It is understood that the planning use class of the proposed development of serviced apartments is 'C3'. The comments below are provided on the basis that these apartments could become standard residential dwellings in the future without additional permission.

3.7 City of York Council's existing monitoring is undertaken at approximately 3m above ground floor level. Whilst it is generally acknowledged that pollutant concentrations may fall off with height, it is considered that there is still the possibility of the annual mean nitrogen dioxide objective being breached at the first and second floor levels at the proposed development. Public Protection recommends that measures to reduce exposure of future residents of the apartments are implemented for all habitable rooms (living areas and bedrooms) up to and including second floor level to both the George Hudson Street and Tanner Row Facades.

3.8 To minimise ingress of pollutants into the building and potential exposure of occupants of the accommodation to poor air quality, it is recommended that a ventilation strategy is provided for any habitable room (bedroom / living area) facing onto George Hudson Street / Tanner Row up to and including second floor level.

EXTERNAL

Micklegate Planning Panel

3.9 No response

Historic England

3.10 No response

York Civic Trust

3.11 No response

4.0 REPRESENTATIONS

Ward Councillors Crawshaw and Kilbane

4.1 Please ensure that Local Plan Policy D3 - protecting cultural venues - is correctly applied and afforded appropriate weight. We have previously established that nightclubs and music venues are to be considered cultural facilities and therefore sufficient mitigation and/or alternative space must be provided if their loss/curtailment is to be considered acceptable.

5.0 APPRAISAL

5.1 The key issues for consideration are:

- The principle of the proposed uses
- Impact upon heritage assets
- Amenity of existing and future occupants
- Highways and Servicing of the premises
-

PRINCIPLE OF THE SERVICED APARTMENT USE AND THE PART LOSS OF THE EXISTING NIGHT CLUB

5.2 The application site is located within the City Centre as designated in the draft local plan. Policy SS3 states that York City Centre is the economic, social, and cultural heart of York and that it is vital to the character and future economic success of the wider city. It will be the principal location for the delivery of economic growth in the tourism, leisure and cultural sectors.

5.3 Policy SS3 goes on to state that Hotels (C1) are an acceptable development type within the City Centre. Change of use of existing leisure, entertainment and cultural uses will be resisted.

5.4 Policy EC4 states that tourism in York will contribute to a diverse economy. The policy supports improving the choice and quality of visitor accommodation to encourage overnight stays. The explanation to the policy states that tourism developments should be directed towards the city centre. Further, the city centre is a sustainable location which is accessible by a range of transport modes. The policy is considered to have moderate weight.

5.5 Policy D3 "Cultural Provision" references that cultural well-being is identified as one of the twelve core planning principles underpinning decision-making in the National Planning Policy Framework. Development proposals will be supported where they are designed to sustain, enhance, and add value to the special qualities and significance of York's cultural character, assets, capacity, activities, and opportunities for access. Development proposals will be supported where they do not cause the loss of venues or spaces that deliver cultural opportunities, activities, or services.

Serviced Apartments

5.6 The proposals will provide 17no. serviced apartments, which will increase the number of city centre holiday lettings. It is understood the accommodation will be managed in a similar way to a hotel in so far it there will be some supervision by an “in house” management/facilities team. The use is considered to be within the C1 (Hotels) use class rather than the C3 (Dwellinghouses) use class. As with the previous application, the applicant has indicated that they envisage the use would likely require 5-6 full time employees covering functions such as reception staff, housekeeping, and back office/administrative functions. Further employment will be generated by periodic maintenance. This would make a modest contribution towards economic development. The apartments are predominately laid out with between one and two bedrooms, with open plan living dining and separate bathroom, 2no three-bedroom duplex apartments will be laid out above the shops on George Hudson Street. The serviced apartments are considered to be in accordance with policy EC4.

Impact upon Cultural Venues

5.7 The proposal has been amended since its submission and now proposes to retain a smaller nightclub use at basement and ground floor levels. The application states that “the existing nightclub has capacity for around 800 persons with 500 being accommodated at ground floor level and 300 persons upstairs, thus with the closure of the first floor the capacity will be reduced to 500 persons. Originally the nightclub used to be open 5/6 nights a week but, after the government allowed bars to have late licenses there has been a steady decline. The dynamic of York has also changed considerably with many premises over the river been granted alcohol licences in the addition to late licenses, this in turn has diluted the customer base in the Rougier street area.”

“The owners tried to respond to the decline with cheap drink nights to try and keep the customers and eventually turned to attract a student customer base. This has been quite successful, however the expected cheap drinks eat into profit margins. The club charges approximately half the price of drinks elsewhere.”

“At present the club opens Wednesday, Friday and Saturday during term time, which equates to Wednesdays and Fridays for 26 weeks of the year and Saturdays for 50 weeks of the year, although out of term time the Saturdays are very much less busy and at Christmas they do not open at all. Most nights the first floor is closed off after a certain time and sometimes it doesn’t even get opened up. Therefore, having just one floor would make it more viable and have little impact on the club itself.”

5.8 When planning permission was granted for the previous application in 2019, policy D3 was considered to have limited weight in the decision making process. The policy is now considered to have moderate weight. SS3 is also considered to have moderate weight. Both policies resist the loss of venues and cultural facilities. Consideration has been given to the applicant’s justification for the part change of

use. The proposal will provide continued use for a smaller night-club, which, it appears would provide for a more viable venue retaining in part the existing use of the site providing for cultural social opportunities and late-night activity in a street with a predominantly night-time character with late-night opening restaurants and bars. The night club use will retain employment opportunities. The partial loss of the night club venue would be contrary to D3 and SS3 and this has been considered in the planning balance. The serviced apartments are considered acceptable in principle and would improve the choice of visitor accommodation in the city centre. On balance the loss of night club floorspace, while contrary to policy D3, would appear to create an opportunity with a smaller more viable night club use concentrated on the ground floor.

IMPACT ON DESIGNATED HERITAGE ASSETS

5.9 The application site is located within the Central Historic Core Conservation Area and part of the application site (No.27, 29 and 31 George Hudson Street) is designated as a Grade II Listed Building. There has been no material change in planning policy or site circumstances with respect to impact on the Conservation Area and Heritage Assets since the grant of the previous planning permission.

5.10 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 places a statutory duty on local planning authorities, when determining applications within conservation areas, to consider the desirability of preserving or enhancing the character and appearance of the area.

5.11 Paragraph 195 of NPPF states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 201 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) and should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

5.12 Paragraph 205 of NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset the greater the weight should be) irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 208 goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed

against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Character and Appearance of the Conservation Area

5.13 Draft Policy D4 (Conservation Areas) states that proposals will be supported where they:

- i. are designed to preserve or enhance those elements which contribute to the character and appearance of the Conservation Area;
- ii. would enhance or better its significance or would help secure a sustainable future for a building; and;
- iii. safeguard important views guided by existing evidence, including in the York.

5.14 Draft policy D11 states that proposals to extend, alter or add to existing buildings will be supported where the design:

- responds positively to its immediate architectural context and local character and history, in terms of the use of materials and detailing, scale, proportion, landscape design and the space between buildings;
- sustains the significance of a heritage asset and/or its setting and the character and appearance of conservation areas;
- positively contributes to the setting, wider townscape, landscape and views.

5.15 The Central Historic Core Conservation Area in the vicinity of the proposal is characterised by a mix of shop units with living accommodation above with larger grander formally residential properties dating from the late 18th Century onwards stretching back from the property frontages at a high density. The application site is situated adjacent to a main vehicle and pedestrian route with a mix of small scale retail, food and drink and leisure uses. Directly to the north the pattern, density and scale of buildings increases with a number of office developments and a hotel dating from the 20th Century. The site is within the Micklegate Character Area as set out in the Central Historic Core Conservation Area Appraisal. The Appraisal states that commercial buildings occur on a large scale mainly on George Hudson Street. The building facades are long and continuous with strong horizontal lines creating a well enclosed street.

5.17 The proposed development will result in the introduction of a third and fourth floor to No.23 Tanner Row. The accommodation at fourth floor level will be provided within the roof structure of the building. The provision of these additional floors will reinstate floor levels which were previously removed (believed to be in the 1960s). This would restore the proportions of the building to a level similar to those when the building was in use a hotel.

5.18 The ground floor frontage to No.25 would remain as it is at present. As a result the existing clear distinction between the ground floor commercial premises and more traditional upper floors will be retained.

5.19 The proposals would not harm the character and appearance of the conservation area and are considered to be in accordance with the NPPF and policy D4 and D11 of the Draft Local Plan.

Special Interest of the Listed Buildings

5.20 Nos 27, 29 and 31 George Hudson Street are three houses with shops dating from circa 1860 listed at Grade II for their Group Value. Draft policy D5 states that changes of use of listed buildings will be supported where it has been demonstrated that the proposed new use would not harm its significance. Harm to an element which contributes to the significance of a Listed Building or its setting will be permitted only where this is outweighed by the public benefits of the proposal.

5.21 The significance of the listed buildings is as houses with shops, c1860, their special interest deriving from the historic interest of the buildings embodied in the surviving 19th century fabric and their aesthetic, design interest. There are no substantive alterations to the basement floor of the listed buildings. On the ground floor of 31, a modern opening in the rear wall would be in-filled and rear portion of this floor would be partitioned off to form a refuse area. This floor has been gutted and consequently introducing the partition does not harm the significance of the building, and closing off the modern opening in effect reinstates the original form. On the first and second floors, only minor changes to some kitchen and bathroom layouts are indicated. On the third floor of No's 27 and 31, partitions would be inserted to form a lobby for fire separation and to provide bathrooms.

5.22 The alterations would not result in any harm to the significance of the assets, providing the routing of services and ventilation can be handled sensitively (precluding venting through the front elevation or roof slope). The proposed alterations result in no harm to the significance of the listed buildings, preserving their character and their setting. The proposals are considered to be in accordance with the NPPF and policy D5 of the Draft Local Plan.

AMENITY

5.23 In Paragraph 135(f) of the NPPF seeks to achieve a good standard of amenity for all existing and future occupants. DLP policies D1 and D11 seek to ensure that development proposals do not unduly affect the amenity of nearby residents in terms of noise disturbance, overlooking, overshadowing or from overbearing structures.

5.24 In terms of amenity, the area around the site mainly serves as night economy uses, with late night opening hours. In this context, being a busy street where there

are a mix of uses, normal comings and goings from the serviced apartment use should not result in such harm to any adjacent neighbours.

5.25 Policy ENV2: “Managing Environmental Quality” of the Publication Draft Local Plan states that development will not be permitted where future occupiers and existing communities would be subject to significant adverse environmental impacts such as noise, vibration, odour, fumes/emissions, dust, and light pollution without effective mitigation measures. NPPF paragraph 193 states that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities.

5.26 Harm was acknowledged to amenity for future occupants of the serviced apartments due to the location of the proposed development and the nature of the proposed development. It is considered that impacts exist in relation noise and air pollution. However the impacts can be mitigated using planning conditions to allow for a suitable level of amenity to be achieved which will safeguard future occupants of the building. Consideration has been given to the compatibility of the night club and the serviced apartment use, in terms of the future of the night club not being compromised by the serviced apartments above. A Noise Impact Assessment was carried out which has been considered by the Public Protection team. Subject to mitigation secured through planning conditions the two land uses should be compatible.

HIGHWAYS AND SERVICING OF THE PREMISES.

5.27 The NPPF advises that developments should:

- Provide safe and suitable access to the site for all people and minimise conflicts between traffic, cyclists, and pedestrians.
- Maximise sustainable transport modes and minimise the need to travel.
- Allow for the efficient delivery of goods and access by service and emergency vehicles.

5.28 The NPPF also states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.29 Policy T1 of the Draft Local Plan states that development will be permitted where it minimises the need to travel and provides safe, suitable and attractive access for all transport users such that it maximises the use of more sustainable modes of transport.

5.30 The application site lies within the city centre and has no on-site parking. The site currently appears to be serviced direct from both George Hudson Street and Tanner Row. There are public parking facilities within the immediate vicinity of the site and the application site is within walking distance of both the bus interchange on Rougier Street and the railway station. The serviced apartments are likely to require

some level of additional servicing (cleaning, laundry, refuse removal etc) over and above the existing use, however it is not considered that this would give rise to unacceptable highway safety issues, nor severe impacts on the safe and efficient flow of traffic on the surrounding highway network.

6.0 CONCLUSION

6.1 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.

6.2 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.

6.3 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.

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

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Proposed Basement Floor Plan - Drawing No.109 Rev P01

Proposed Ground Floor Plan - Drawing No. 110 Rev P01

Proposed First Floor Plan - Drawing No. 111 Rev P00

Proposed Second Floor Plan - Drawing No. 112 Rev P00

Proposed Third Floor Plan - Drawing No.113 Rev P00

Proposed Fourth Floor Plan 25 Tanner Row accessed from third floor 23 Tanner Row - Drawing No. 113.5 Rev P00

Proposed Fourth Floor Plan - Drawing No.114 Rev P00

Proposed Roof Plan - Drawing No.120 Rev P00

Existing and Proposed Ground Floor Plans - Drawing No.210 Rev P00

Existing and Proposed First Floor Plans - Drawing No.211 Rev P00

Existing and Proposed Second Floor Plans - Drawing No.212 Rev P00

Application Reference Number: 22/01718/FULM Item No: 4c

Existing and Proposed Third Floor Plans - Drawing No.213 Rev P00

Proposed Elevations - Drawing No. 130 Rev P00

Proposed Elevations - Drawing No. 131 Rev P00

Proposed Sections - Drawing No. 140 Rev P01

Proposed Section - Drawing No. 141 Rev P00

Dormer Elevations, Plan Section and Section - Drawing No. 17073-300 Rev P00

Proposed Demolition Basement Floor Plan - Drawing No. 049 Rev P00

Proposed Demolition Ground Floor Plan - Drawing No. 050 Rev P00

Proposed Demolition First Floor Plan - Drawing No. 051 Rev P00

Proposed Demolition Second Floor Plan - Drawing No. 052 Rev P00

Proposed Demolition Third Floor Plan - Drawing No. 053 Rev P00

Proposed Demolition Fourth Floor Plan - Drawing No. 054 Rev P00

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 No development shall take place until a detailed scheme of noise insulation measures for protecting the approved serviced apartments C1 use from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the insulation scheme works no part of the development shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: A pre-commencement condition is necessary to ensure that the amenity of occupants of the proposed serviced apartment use is suitably protected from externally generated noise and to accord with the National Planning Policy Framework.

4 No development shall take place until a detailed scheme of noise insulation measures for protecting the serviced apartment use above the retained night club use from noise internally generated by the night club use has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the insulation scheme works the approved serviced apartment use shall not commence until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: A pre-commencement condition is necessary to ensure that the amenity of occupants above the proposed night club use is suitably protected from internally generated noise and to accord with the National Planning Policy Framework.

5 All windows to habitable rooms (bedrooms / living areas) facing George Hudson Street and Tanner Row (up to and including second floor level) shall be non-opening,

with ventilation provided through continuous mechanical supply and extract to the rear of the building. The ventilation scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and shall be installed as so approved prior to the first occupation of the serviced apartments and retained thereafter.

Reason: To reduce exposure of future occupants of the serviced apartments to pollution levels currently exceeding health based standards

6 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the building envelope and the works shall be carried out in accordance with the approved details.

a) Cross Section through the wall head (indicated as 'brick corbelling' on the proposal plan) and stone string course in situ (scale 1:5).

b) Elevation and cross section drawings of new windows at 1:5 through window head, windows and sill including cross sections of joinery details at 1:1.

Reason: In the interests of the character and appearance of the conservation area.

7 Prior to the construction of the third and fourth floor extensions details of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Samples of the materials shall be provided at the development site for inspection by the local planning authority. The development shall be carried out using the approved materials.

Sample panels (1m x 1m) of the brickwork to be used shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the construction of the third and fourth floor extensions. The panel(s) shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their conservation area location.

8 All new window heads shall match the existing details on the front elevation in all respects including shape, colour, texture, finish and materials.

Reason: In the interests of the character and appearance of the conservation area.

9 Notwithstanding the proposed dormer details illustrated on drawing 17073-300 P00 prior to their construction elevation and cross section drawings at 1:5 scale shall be submitted to and approved in writing by the Local Planning Authority and the

dormers will then be constructed in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the details approved by the Local Planning Authority and in the interests of the character and setting of the Conservation Area.

10 A programme of post-determination archaeological mitigation, specifically an archaeological watching brief on all groundworks and archaeological excavation of the lift pit is required on this site. The archaeological scheme comprises 3 stages of work. Each stage shall be completed and approved by the Local Planning Authority before it can be discharged.

A) No demolition/development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by the Chartered Institute for Archaeologists.

B) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under part (A) of this condition and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report (and publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site lies within an Area of Archaeological Importance and the development may affect important archaeological deposits which must be recorded prior to destruction. This condition is imposed in accordance with Section 16 of NPPF.

11 A programme of archaeological building recording, specifically a written description and photographic recording of the standing building to Historic England Level of Recording 2 is required for this application. The archaeological scheme comprises 3 stages of work. Each stage shall be completed and approved by the Local Planning Authority before it can be discharged.

A) No demolition/development/alteration shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards set by the Chartered Institute for Archaeologists.

B) The programme of recording and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under part (A) of this condition and the provision made for analysis, publication and dissemination of results and archive deposition (ADS) will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report and archive images shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The buildings on this site are of archaeological interest and must be recorded prior to demolition, alteration or removal of fabric. This condition is imposed in accordance with Section 16 of NPPF.

12 The 17.no apartments shall be used as serviced apartments for short term occupation only within use class C1 and for no other purpose, including any purpose in Class C3 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order. For the purpose of this condition short term occupation means letting to a person, group of persons or family for period(s) not exceeding a total of 28 days in any one calendar year.

Reason: The use of the upper floors as C3 dwellinghouses would have implications in terms of noise and air quality, waste and refuse storage and the provision of cycle storage which would impact on residential amenity and have a potential impact on the retention of the night club use.

13 Prior to the development being brought into first use a management plan shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented as approved.

The Management plan shall relate to the following areas:

- a) the management of deliveries and collections (such as waste and laundry) from the premises including the frequency and timing of such movements.
- b) the management of the refuse and recycling facilities.

Reason: In the interests of the proper management of the premises and of highway safety to ensure that the development can be suitably serviced without significant risk to highway safety, the safe and efficient flow of the highway network and the environmental qualities of the area.

14 Except in case of emergency no demolition and construction works or ancillary

operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason. To protect the amenity of local residents

8.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

2. CONDITION 3 - NOISE INSULATION - EXTERNAL NOISE

The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and LAFMax level during the night (23:00-07:00 hours) should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A). These noise levels shall be observed with all windows open in the habitable rooms or if necessary windows closed and other means of ventilation provided.

3. CONDITION 4 - INSULATION INTERNAL NOISE NIGHTCLUB USE

The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and LAFMax level during the night (23:00-07:00 hours) should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A). The airborne sound insulation should be capable of achieving NR25 within the residential accommodation based on the music bar source noise level.

4. CONDITION 5 - VENTILATION PROVIDED THROUGH CONTINUOUS MECHANICAL SUPPLY AND EXTRACT

This type of system does not rely on openable windows. Other ventilation systems,

including basic mechanical extract, still rely on windows for background ventilation and thus would not be suitable in this location. The continuous mechanical supply and extract ventilation system should incorporate heat recovery (MVHR), and should be designed to meet current Building Regulations with respect to the provision of fresh air and the extraction of stale air.

5. As this application relates to a business that will sell or supply food and/or drink (including alcohol), the proprietor of the business should contact by email at public.protection@york.gov.uk or by telephone on 01904 551525 at their earliest opportunity to discuss registering the business as a food premises (a legal requirement) and to obtain advice on food hygiene and standards, health & safety, odour extraction etc.

6. INFORMATIVE:

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 formal 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 08.00 to 18.00

Saturday 09.00 to 13.00

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 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 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 the site

Contact details:

Case Officer: Sharon Jackson

Tel No: 01904 551359

Club Salvation George Hudson Street YO1 6JL

22/01718/FULM



Scale : 1:1005

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| | |
|---------------------|----------------------|
| Organisation | City of York Council |
| Department | Directorate of Place |
| Comments | Site Location Plan |
| Date | 08 May 2024 |
| SLA Number | Not Set |

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Planning Committee B

22/01718/FULM and 22/01719/LBC

Club Salvation and 27, 29 and 31 George Hudson Street

Block Plan



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LOCATION PLAN

P00 202419 Issued for planning
 revision date description

dc-architecture
 Studio 13, Millersburgh Business Park
 5th-6th Floor, Millersburgh, York, YO3 2DD
 t: 01904 700661 e: studio@dc-architecture.com



project
 27 - 31 George Hudson St & 23 - 25 Tanner Row
 York

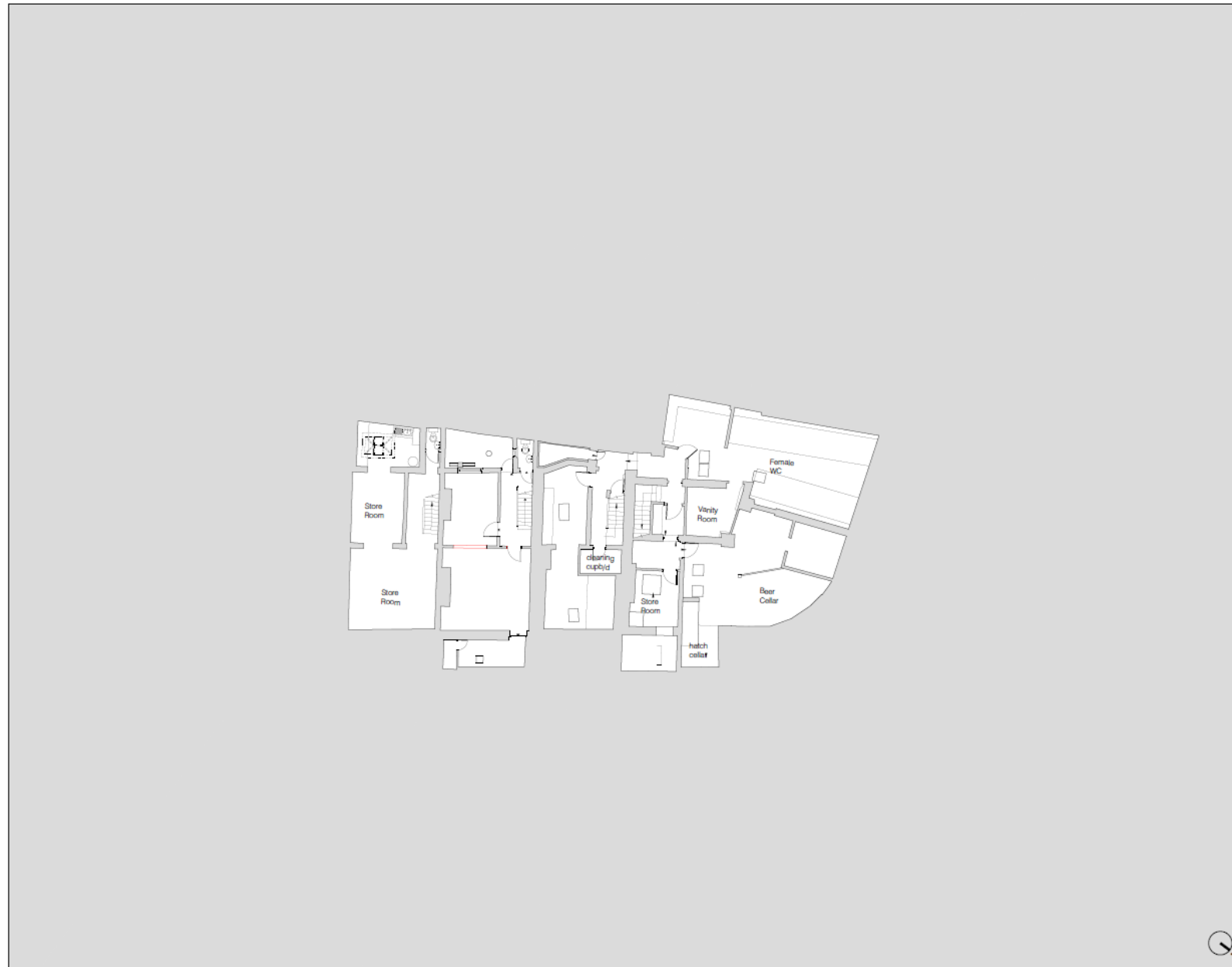
drawing
 Location Plan
 29 George Street

scale
 1:1250 @ A3

0 25 50
 drawing number revision
 17073 20.02.19 Planning 001 P00



Existing basement



Existing Walls

EXISTING BASEMENT FLOOR PLAN

| NO | DATE | DESCRIPTION |
|-----|----------|---------------------|
| P00 | 23/04/19 | Issued for planning |

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Studio 12, Middlemore Business Park
21st Bell Lane, Bishops Cleeve, York YO23 2SD
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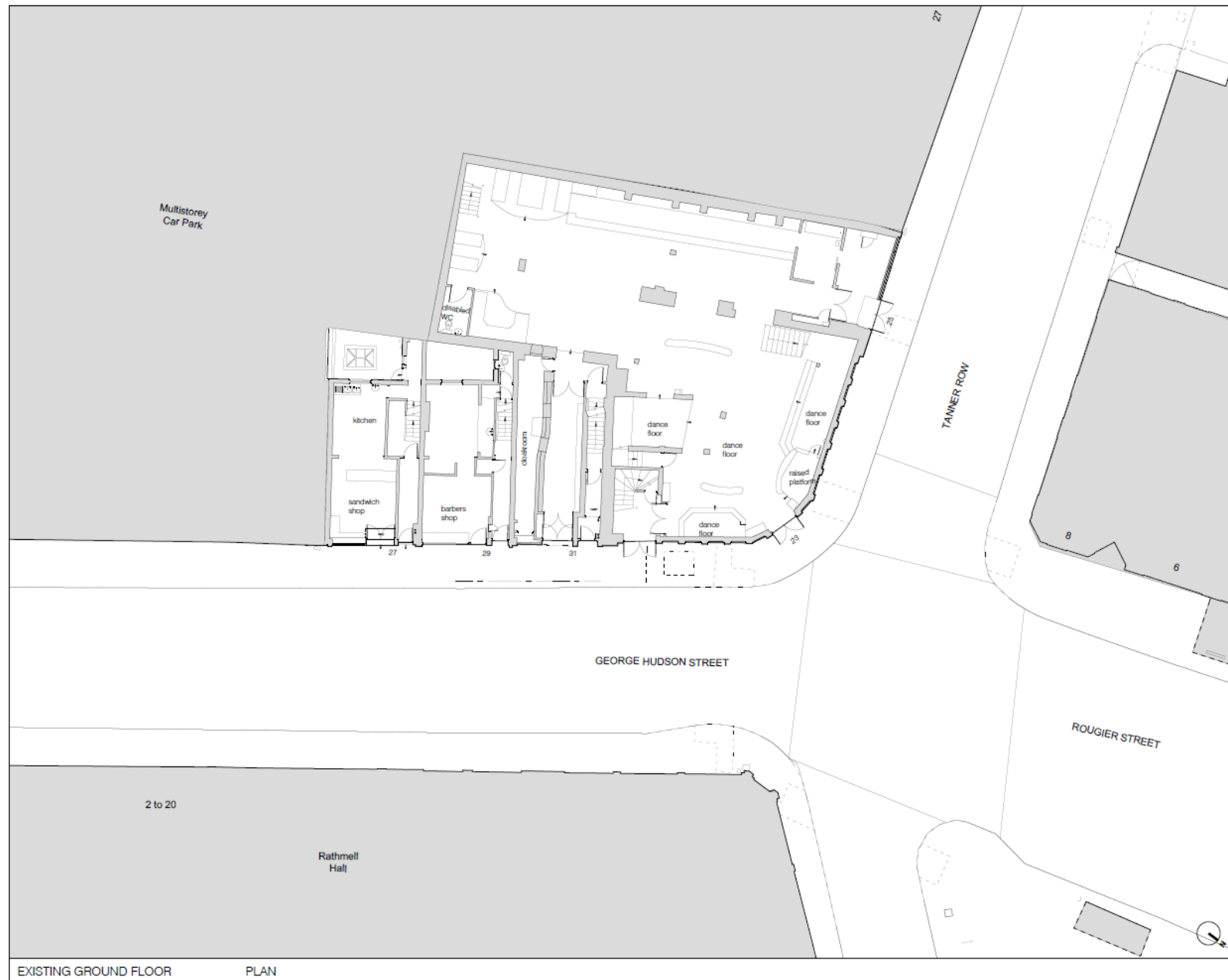
project
27 - 31 George Hudson St & 23 - 25 Tanner Row
York

drawing
Existing Basement Floor Plan



| NO | DATE | DESCRIPTION | DRAWING NUMBER | ISSUED |
|-------|----------|-------------|----------------|--------|
| 17073 | 20.02.19 | Planning | 009 | P00 |

Existing ground floor



EXISTING GROUND FLOOR PLAN

Existing Walls

P00 230419 Issued for planning
 revision date description

dc-architecture
 Studio 12, Millershop Business Park
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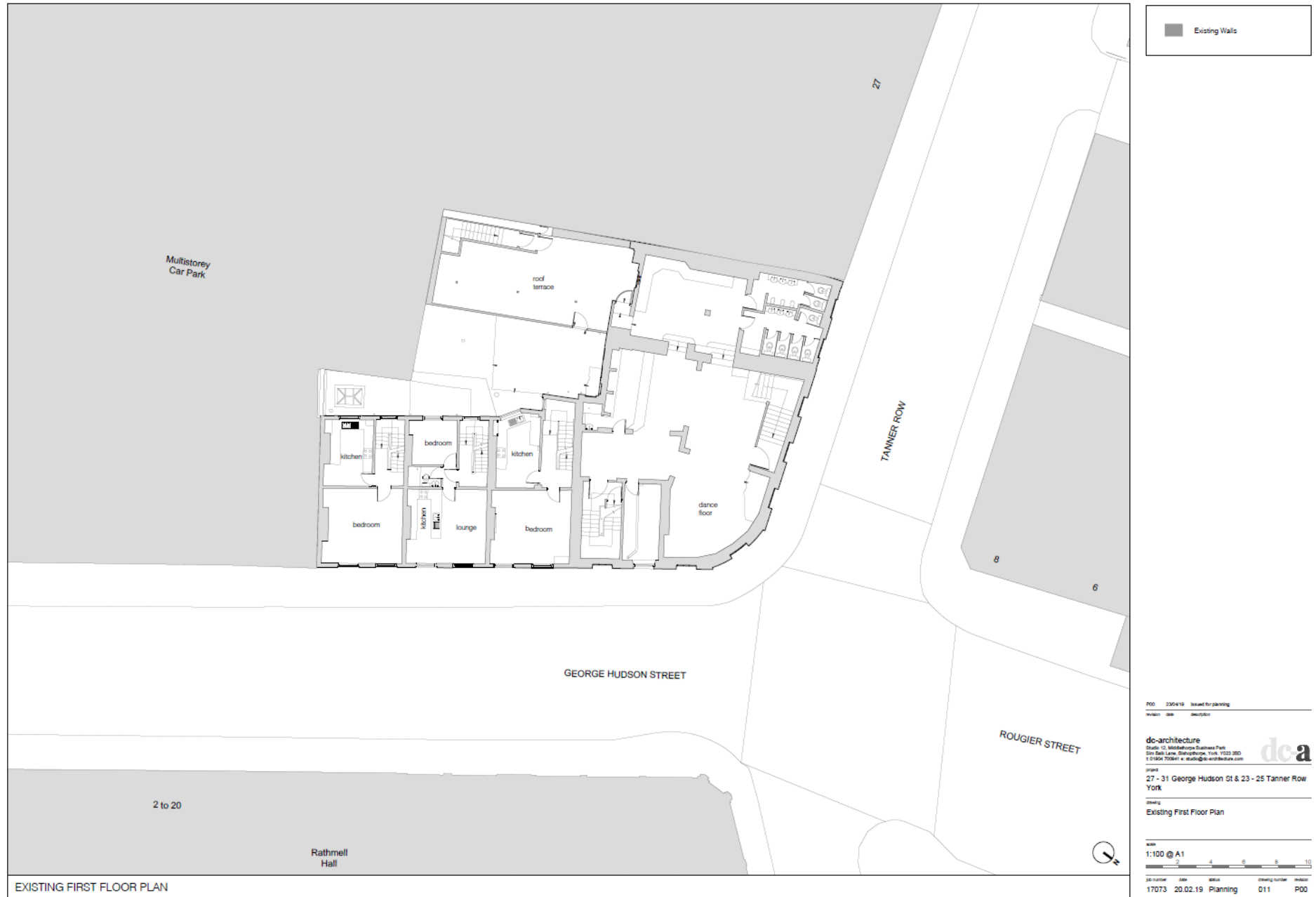
project
 27 - 31 George Hudson St & 23 - 25 Tanner Row
 York

drawing
 Existing Ground Floor Plan

scale
 1:100 @ A1

| job number | date | status | drawing number | release |
|------------|----------|----------|----------------|---------|
| 17073 | 20.02.19 | Planning | 010 | P00 |

Existing first floor



Existing second floor



Existing Walls

P00 230419 Issued for planning
 revision date description

dc-a
 Studio 10, Middlebrook Business Park
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 t 01504 70041 w studio@dc-architecture.com

27 - 31 George Hudson St & 23 - 25 Tanner Row
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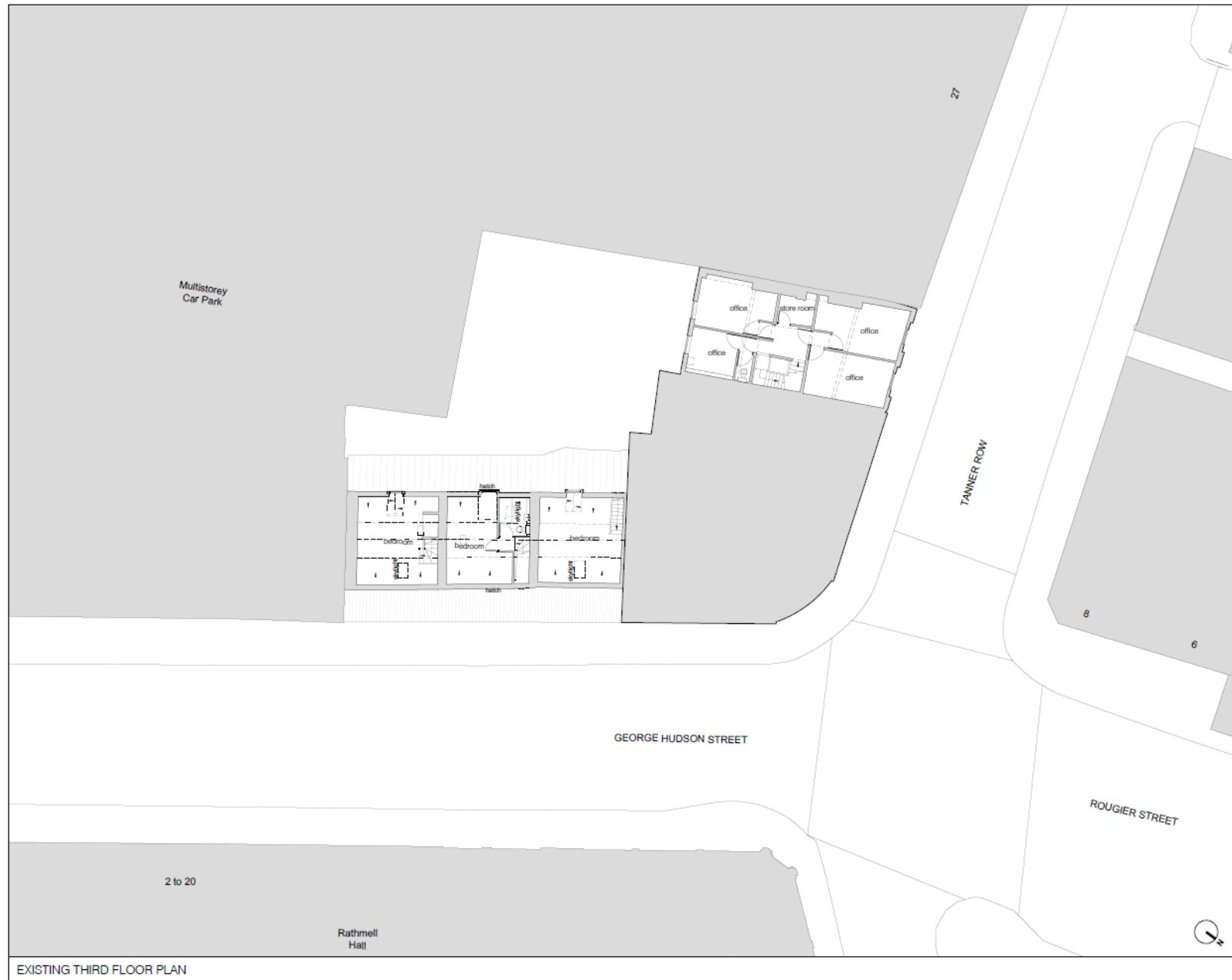
Existing
 Existing Second Floor Plan

Scale
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| job number | date | status | drawing number | revision |
|------------|----------|----------|----------------|----------|
| 17073 | 20.02.19 | Planning | 012 | P00 |

EXISTING SECOND FLOOR PLAN

Existing third floor



Existing Walls

P00 230419 Issued for planning
 revision date description

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 t 01504 7000 e studio@dc-architecture.com



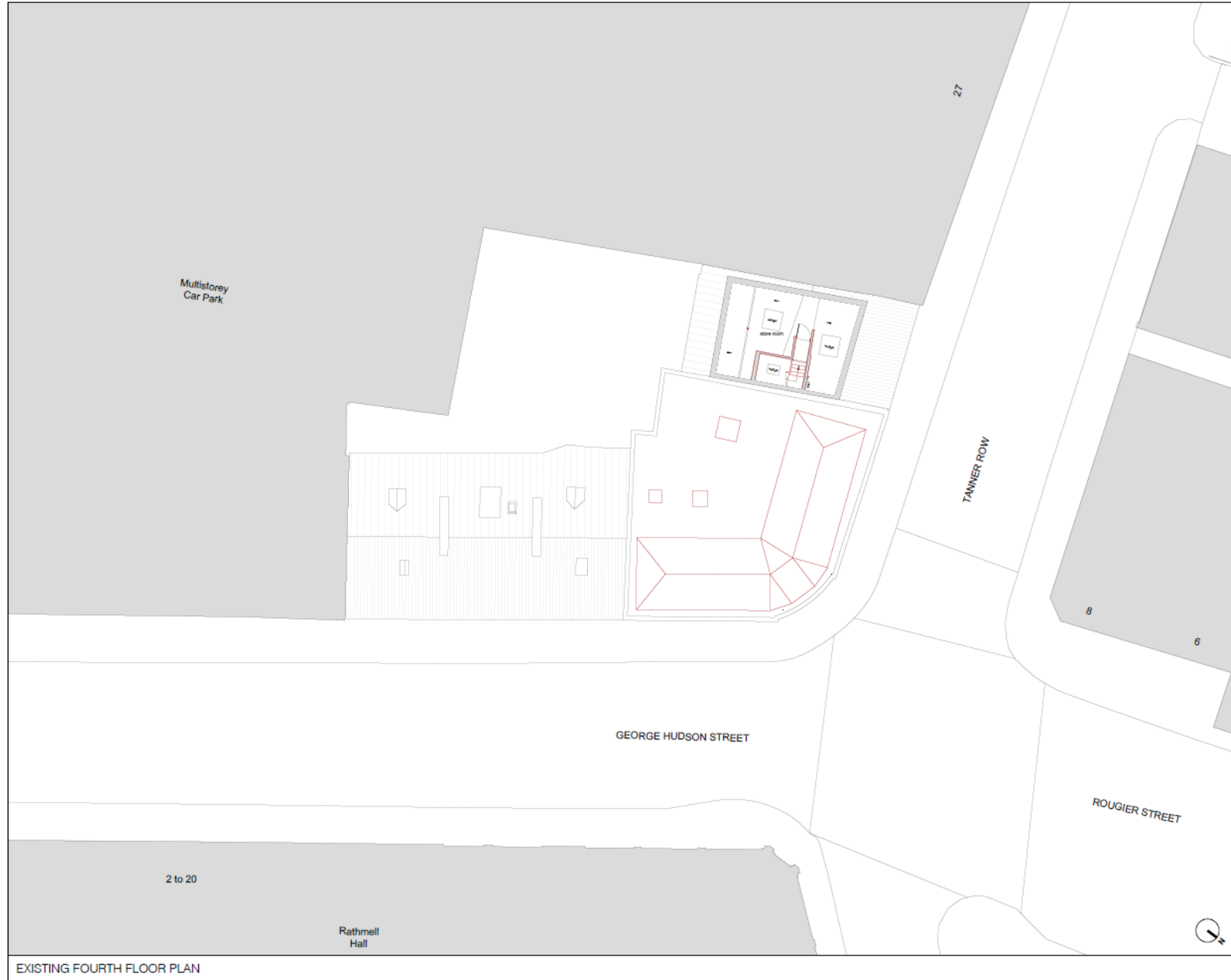
27 - 31 George Hudson St & 23 - 25 Tanner Row
 York

Existing Third Floor Plan

Scale
 1:100 @ A1

17073 20.02.19 Planning 013 P00

Existing fourth floor



EXISTING FOURTH FLOOR PLAN

Existing Walls

POD 230419 Issued for planning
revision date description

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5th-6th Lane, Bishops Cleeve, York YO23 2SD
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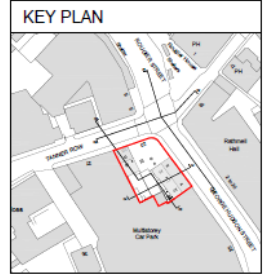
project
27 - 31 George Hudson St & 23 - 25 Tanner Row
York

drawing
Existing Fourth Floor Plan

scale
1:100 @ A1

drawing number revision
17073 20.02.19 Planning 014 POD

Existing elevations



P00 230419 Issued for planning
 Revision: 001 Date: 20/02/19

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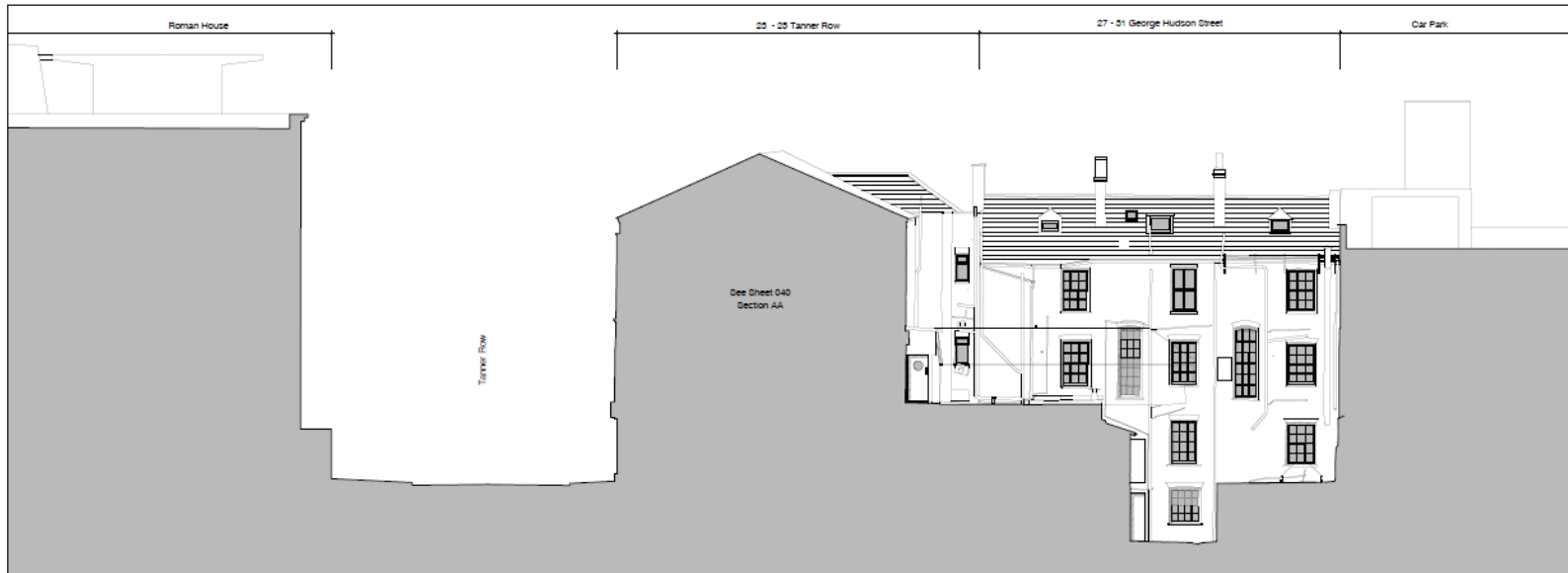
Project:
 27 - 31 George Hudson St & 23 - 25 Tanner Row
 York

Drawing:
 Existing Elevations

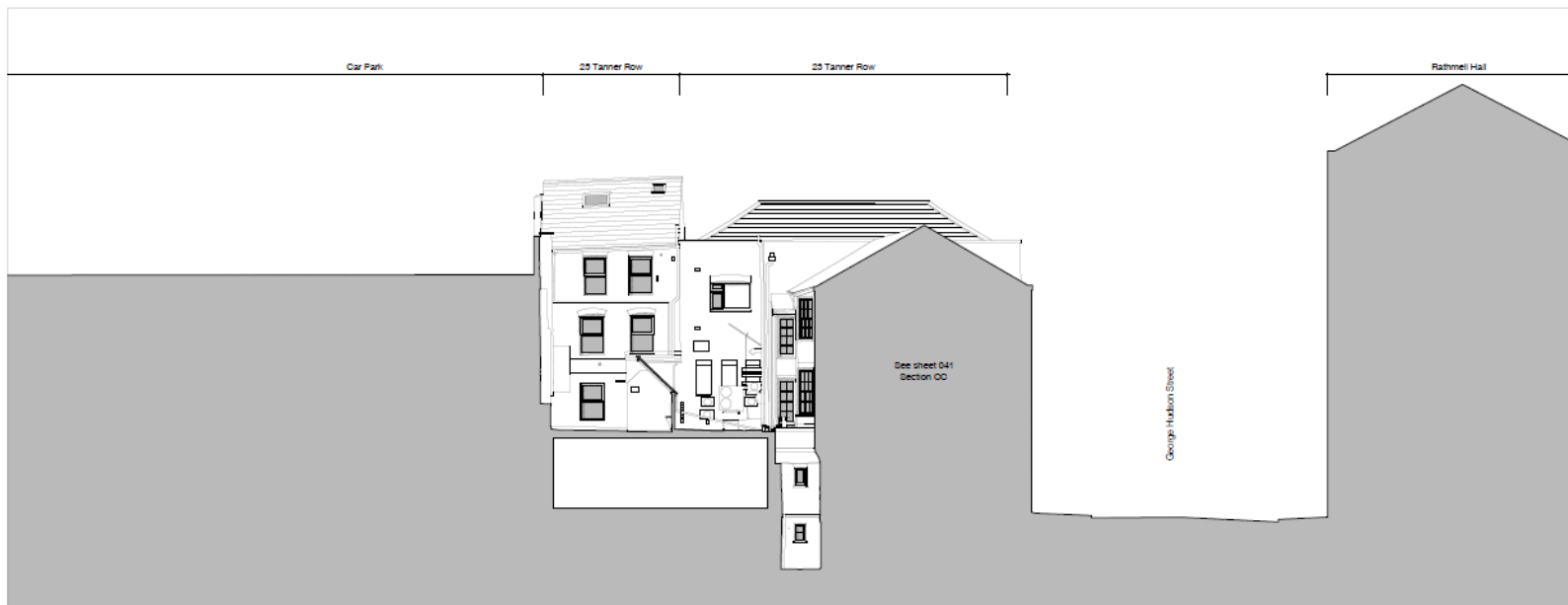
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Job number: 17073 Date: 20.02.19 Area: Planning Drawing number: 030 Author: P00

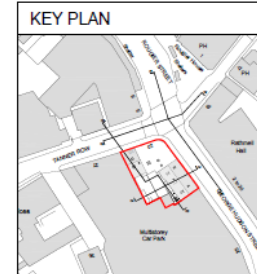
Existing rear elevations



EXISTING ELEVATION 03

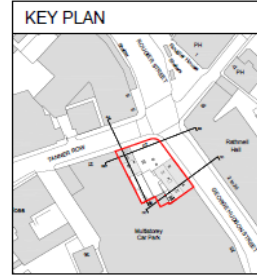
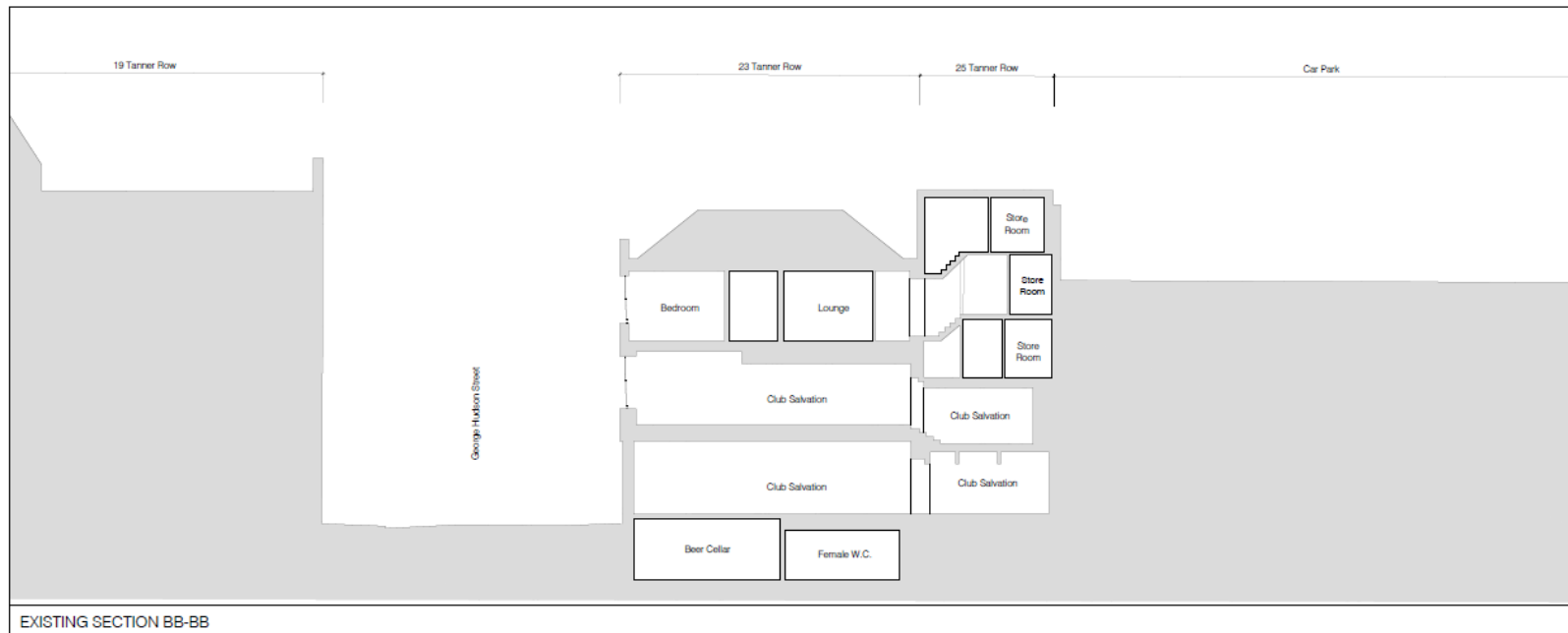
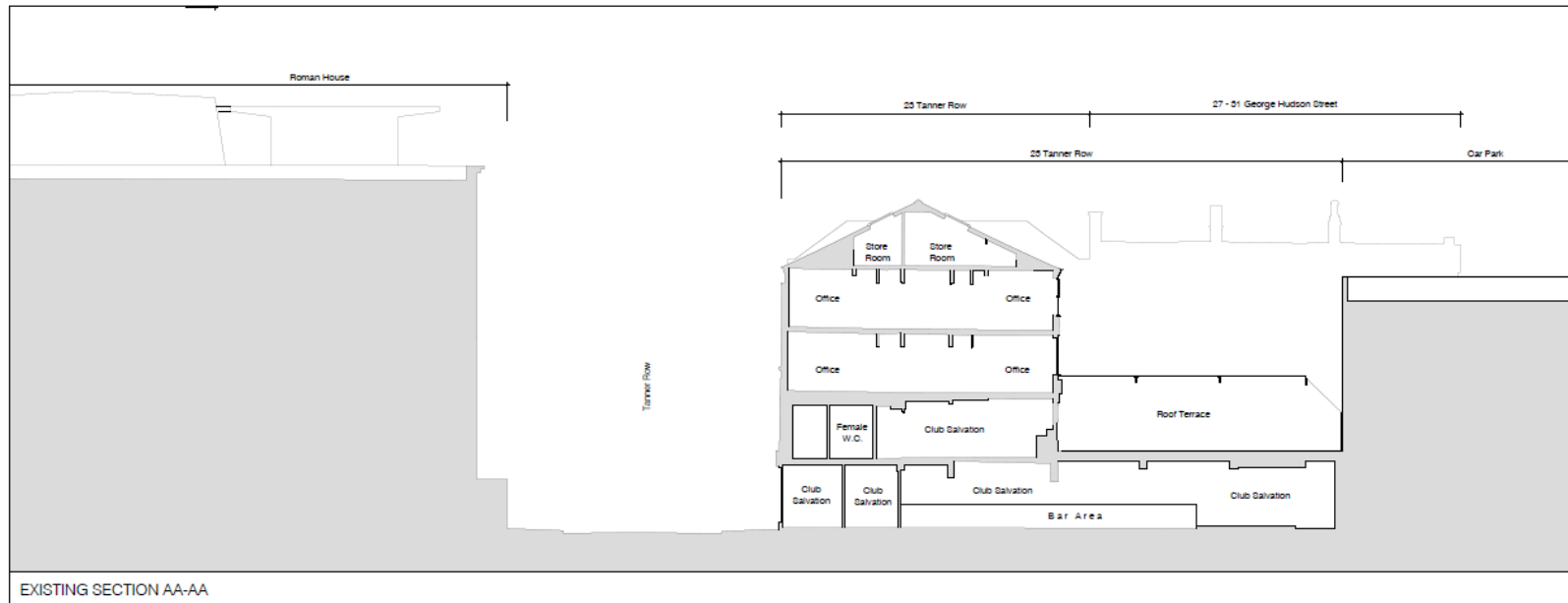


EXISTING ELEVATION 04



P00 23/04/19 Issued for planning
 Revision Date Description
 dc-architecture
 Studio 10, Rathmell Hall Business Park
 5th Bell Lane, Rathmell Park, York YO23 2DD
 T: 01904 733661 e: studio@dc-architecture.com
 Project:
 27 - 31 George Hudson St & 23 - 25 Tanner Row
 York
 Drawing:
 Existing Elevations
 Scale:
 1:100 @ A1
 0 2 4 6 8 10
 Job Number Date Status Drawing Number Revision
 17073 20.02.19 Planning 031 P00

Existing sections



| | | |
|---|----------|---------------------|
| P00 | 23/04/19 | Issued for planning |
| revision | date | description |
| <p>dc-a dc-architecture Studio 13, Middlehope Business Park 205 Salford Lane, Salford, Greater Manchester, M6 6PU t: 0161 709 4111 e: studio@dc-architecture.com</p> | | |
| <p>Project: 27 - 31 George Hudson St & 23 - 25 Tanner Row York</p> | | |
| <p>Issued: Existing Sections</p> | | |
| <p>Scale: 1:100 @ A1</p> | | |
| | | |
| job number | date | status |
| 17073 | 20.02.19 | Planning |
| drawing number | P00 | |

Proposed basement



Existing Walls
 Proposed Walls

| | | |
|----------|----------|------------------------|
| P01 | 06/03/24 | Room schedules updated |
| P00 | 23/04/19 | Issued for planning |
| revision | date | description |

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 Studio 12, Middlehope Business Park
 216 Ball Lane, Southampton, York, YO23 2BQ
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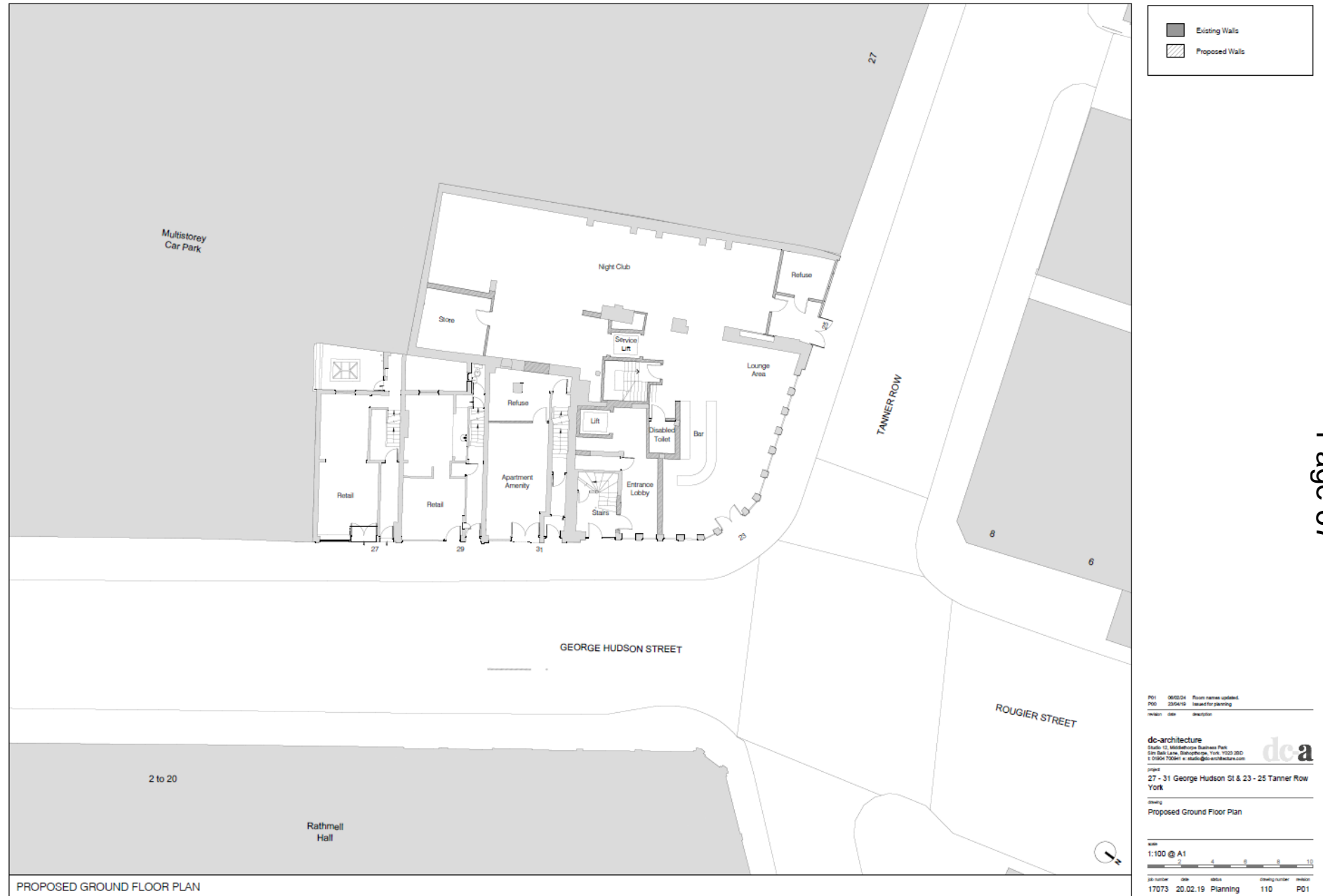
27 - 31 George Hudson St & 23 - 25 Tanner Row
 York

Proposed Basement/Floor Plan

Scale: 1:100 @ A1

| job number | date | status | drawing number | revision |
|------------|----------|----------|----------------|----------|
| 17073 | 20.02.19 | Planning | 109 | P01 |

Proposed ground floor



Proposed first floor



PROPOSED FIRST FLOOR PLAN

Existing Walls
 Proposed Walls

P00 220419 issued for planning
 Issue Date Description
 do-architecture
 Suite 13, Westchester Business Park
 5th-6th Lanes, Rathmell, York, YO23 3BD
 T: 01904 755411 w: studio@do-architecture.com
 Project
 27 - 31 George Hudson St & 23 - 25 Tanner Row
 York
 Drawing
 Proposed First Floor Plan
 Scale
 1:100 @ A1
 Job Number Date Status Drawing Number Section
 17073 20.02.19 Planning 111 P00

Proposed second floor



PROPOSED SECOND FLOOR PLAN

Existing Walls
 Proposed Walls

P06 23/06/19 issued for planning
 author: [redacted] date: [redacted] description: [redacted]

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 5th Bell Lane, Millthorpe, York YO13 9SD
 T: 01904 703611 or studio@dc-architects.com

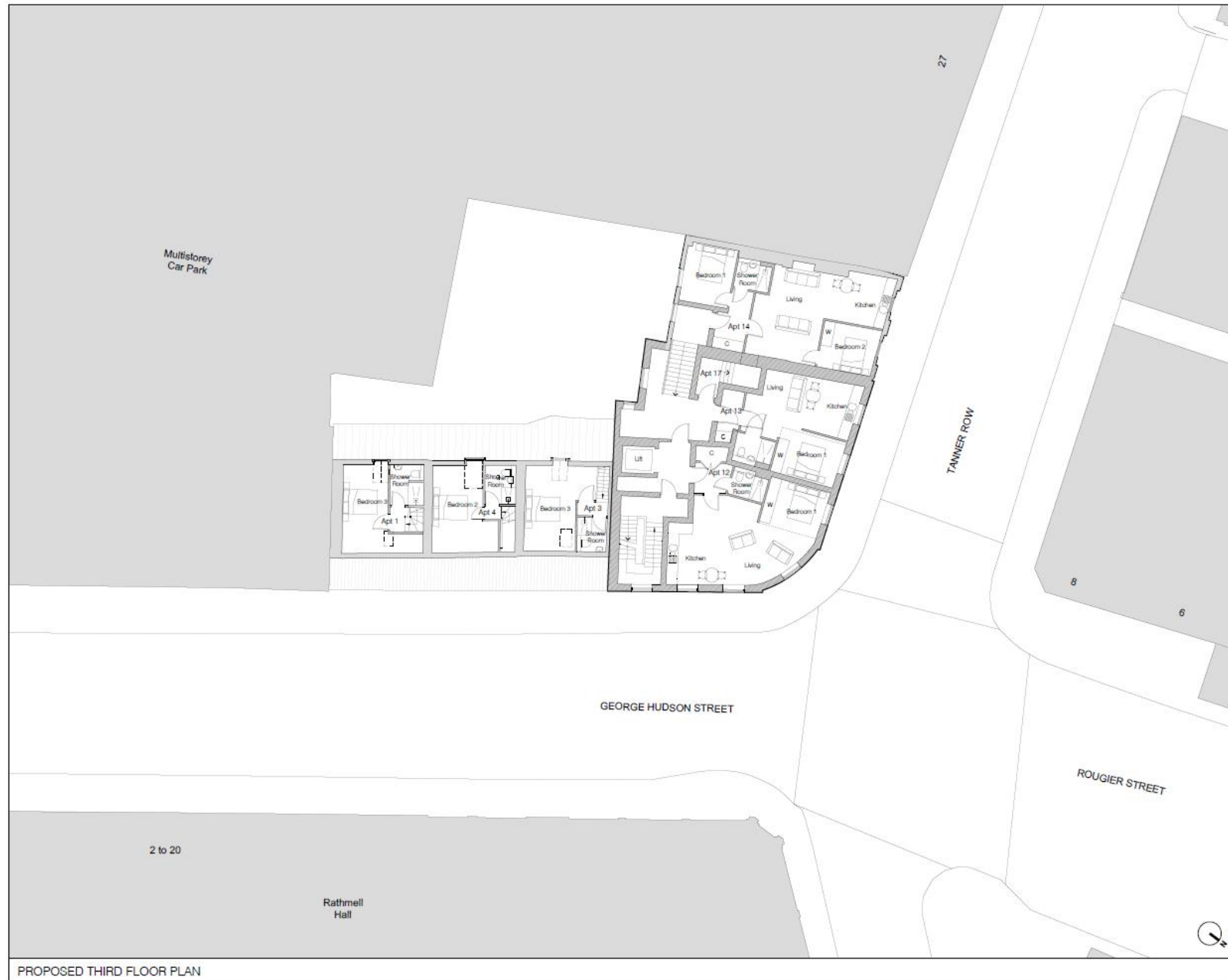
project:
 27 - 31 George Hudson St & 23 - 25 Tanner Row
 York

client:
 Proposed Second Floor Plan

scale:
 1:100 @ A1

job number: 17073 date: 20.02.19 sheet: 112 of 112 drawing number: P00

Proposed third floor

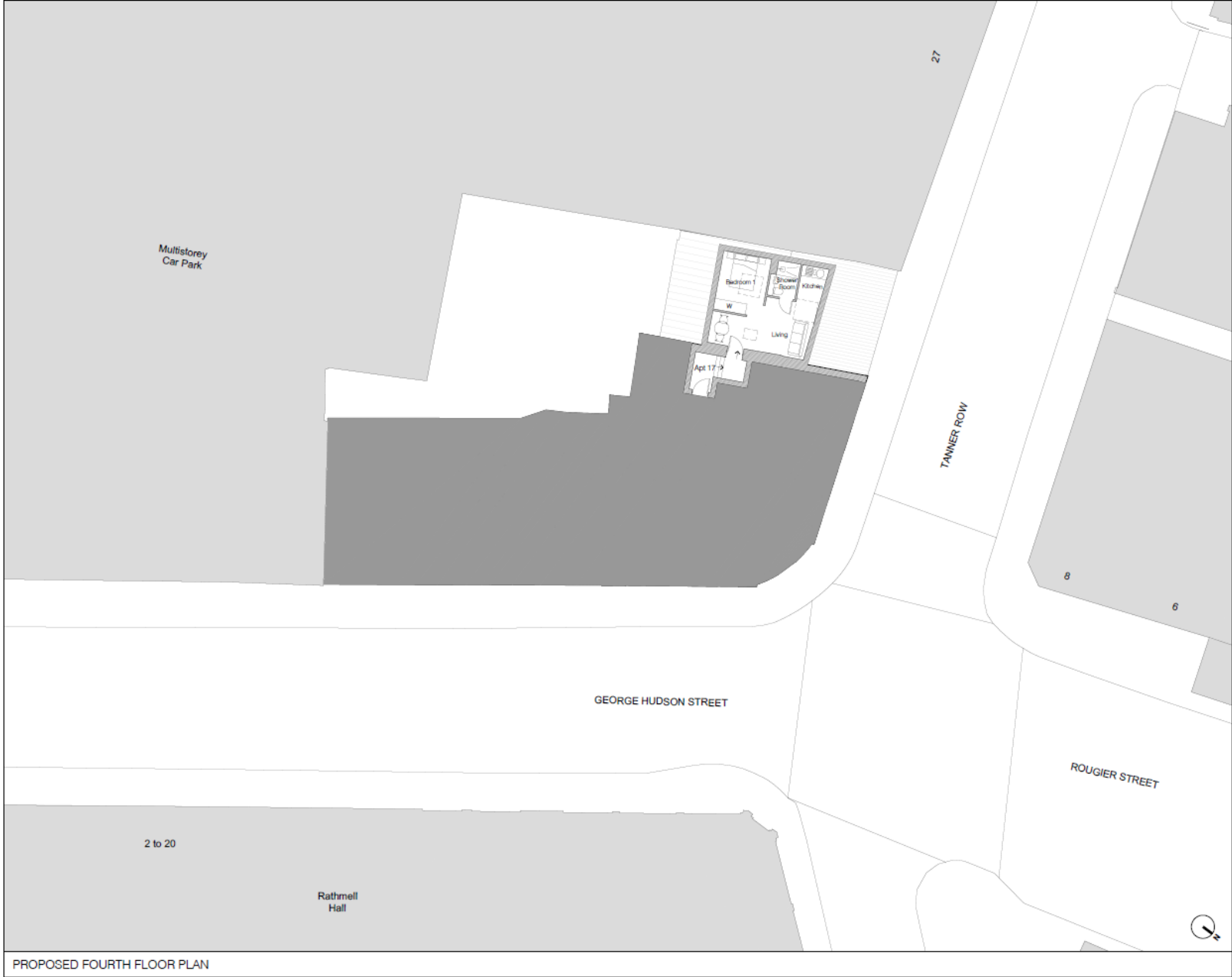


PROPOSED THIRD FLOOR PLAN



Existing Walls
 Proposed Walls

P06 250419 issued for planning
 revision date description
 do-architecture
 Studio 12, Middlehope Business Park
 Six Mile Cross, Edinburgh, York YO3 2SD
 T 01904 703641 W studio@do-architecture.com
 project
 27 - 31 George Hudson St & 23 - 25 Tanner Row
 York
 drawing
 Proposed Third Floor Plan
 scale
 1:100 @ A1
 0 2 4 6 8 10
 job number date title drawing number revision
 17073 20.02.19 Planning 113 P00

Proposed fourth floor – 25 Tanner Row

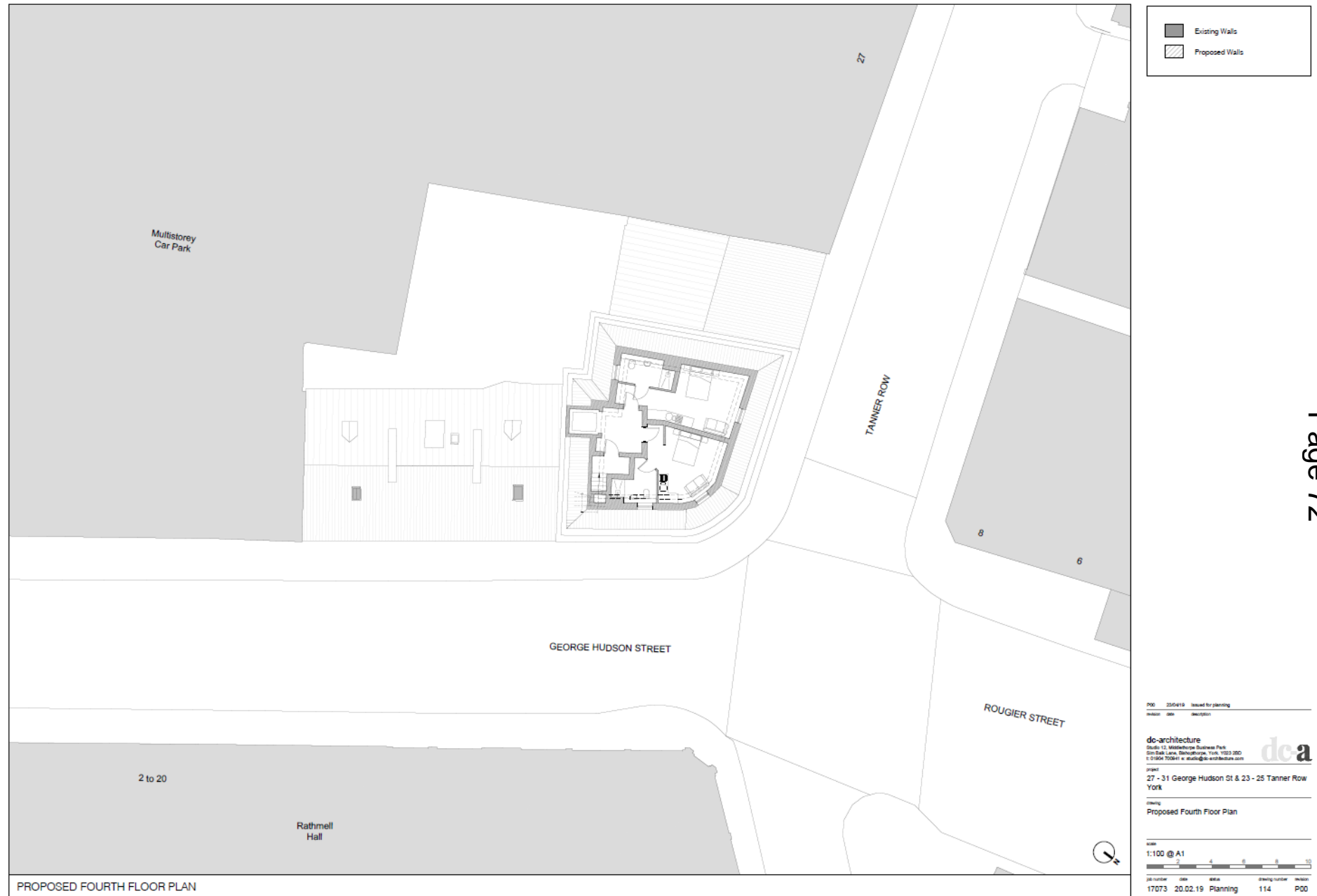


PROPOSED FOURTH FLOOR PLAN

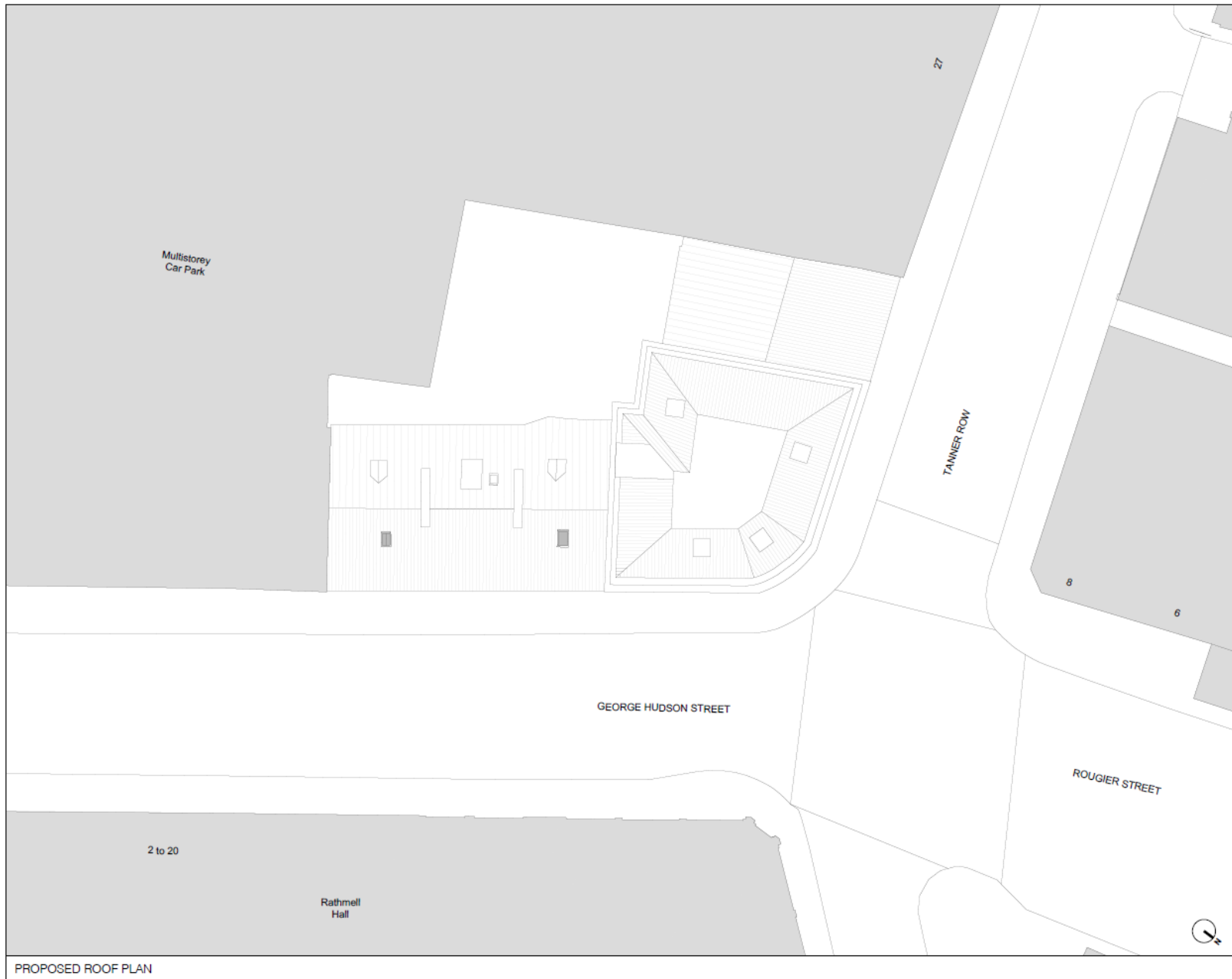
| | |
|---|----------------|
|  | Existing Walls |
|  | Proposed Walls |

| | | |
|--|--|---------------------|
| PO | 25/02/19 | Issued for planning |
| revision | date | description |
| dc-architecture Studio 12, Middlebury Park 200 Ball Lane, Southport, Merseyside, L35 5JF t 01904 700411 e studio@dc-architecture.com | | |
| project | 27 - 31 George Hudson St & 23 - 25 Tanner Row York | |
| drawing | Proposed Fourth Floor Plan 25 Tanner Row accessed from third floor 23 Tanner Row | |
| scale | 1:100 @ A1 | |
| job number | date | sheet |
| 17073 | 20.02.19 | Planning 113.5 |
| | | P00 |

Proposed fourth floor – 23 Tanner Row



Proposed roof plan



PROPOSED ROOF PLAN

| | | |
|----------|----------|---------------------|
| NO | 20.02.19 | Issued for planning |
| revision | date | description |

dc-architecture
 Studio 12, Millersbrook Business Park
 200 Bath Lane, Bathampton, York, YO13 9BD
 t: 01904 702841 e: studio@dc-architecture.com

project
 27 - 31 George Hudson St & 23 - 25 Tanner Row
 York

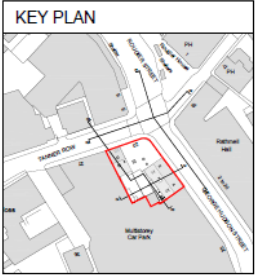
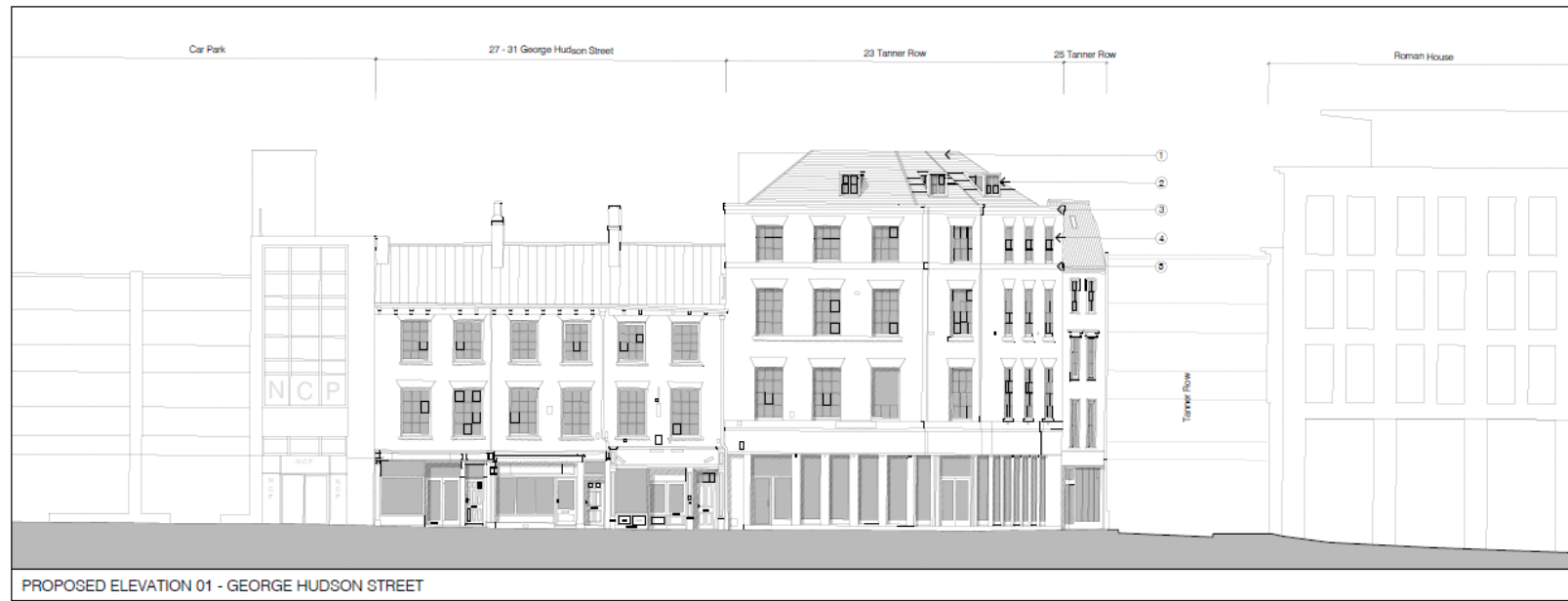
drawing
 Proposed Roof Plan

scale
 1:100 @ A1

10 0 5 10 15 20 25 30 35 40 45 50 55 60 65 70 75 80 85 90 95 100

| | | | | |
|------------|----------|----------|----------------|----------|
| job number | date | sheet | drawing number | revision |
| 17073 | 20.02.19 | Planning | 120 | P00 |

Proposed elevations



MATERIALS KEY

- ① Natural slate roof tiles
- ② Dormer as detail drawing
- ③ Brick corbelling
- ④ Brickwork to match existing
- ⑤ New stone string course

P00 230419 Issued for planning
 revision date description

do-architecture
 Studio 12, Middlemore Business Park
 250 Bell Lane, Bishops Cleeve, York YO23 3DD
 t 01904 700641 e studio@do-architecture.com

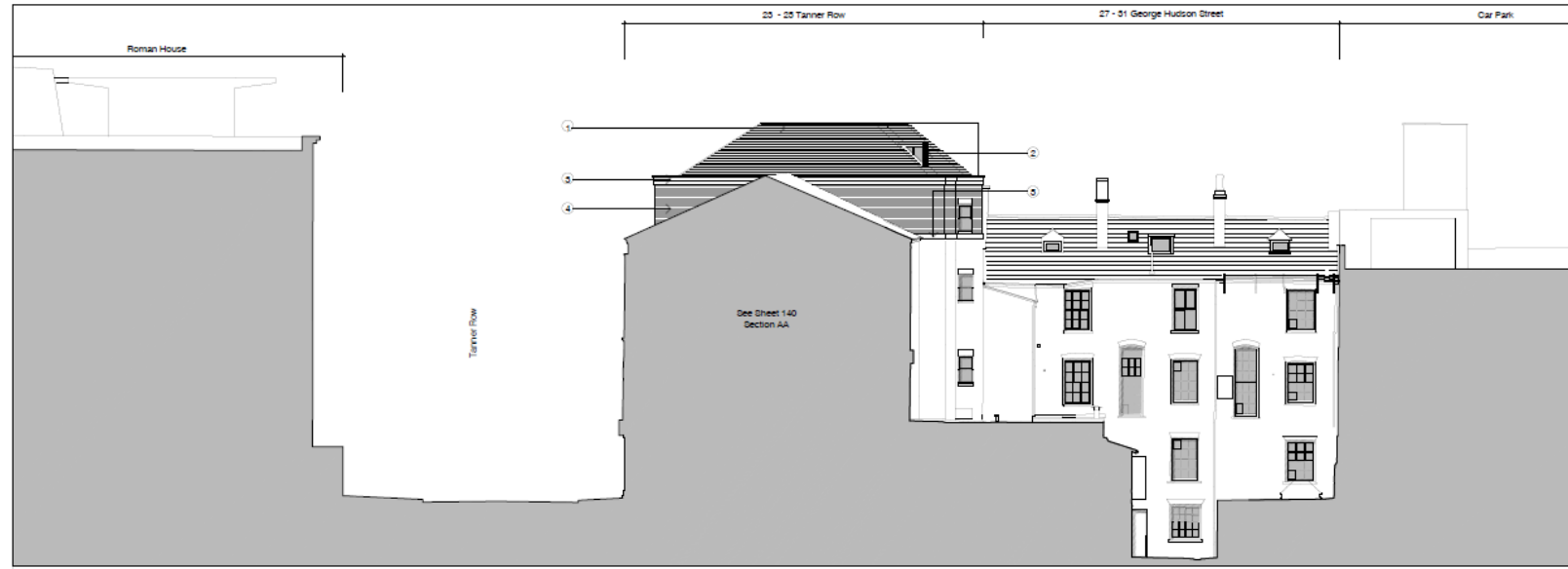
project
 27 - 31 George Hudson St & 23 - 25 Tanner Row
 York

drawing
 Proposed Elevations

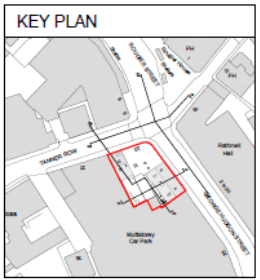
scale
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sheet number date title drawing number revision
 17073 20.02.19 Planning 130 P00

Proposed rear elevations

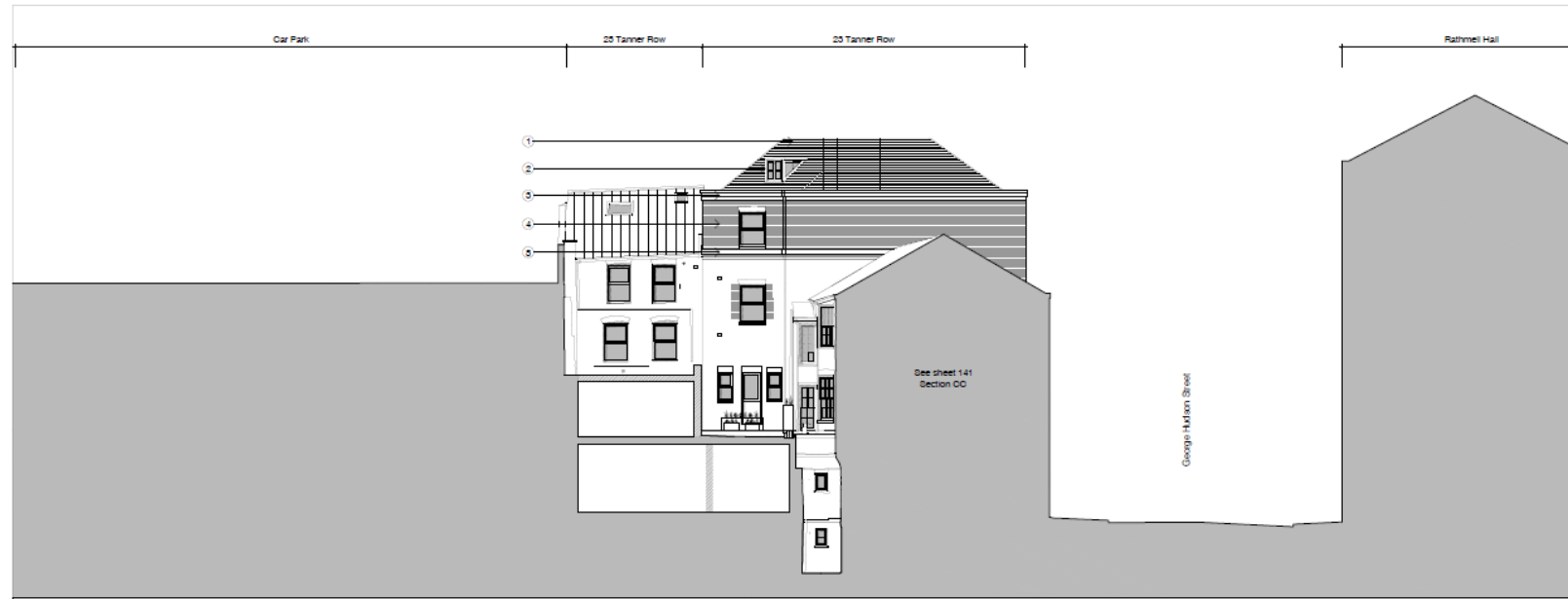


PROPOSED ELEVATION 03



MATERIALS KEY

- ① Natural slate roof tiles
- ② Dormer as detail drawing
- ③ Brick corbelling
- ④ Brickwork to match existing
- ⑤ New store sining course



PROPOSED ELEVATION 04

| Revision | Date | Description |
|----------|----------|---------------------|
| P00 | 23/04/19 | Issued for planning |

do-architecture
 Studio 10, Middlebush Business Park
 200 Park Lane, Harrogate, York, YO23 2SD
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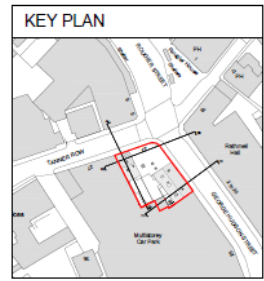
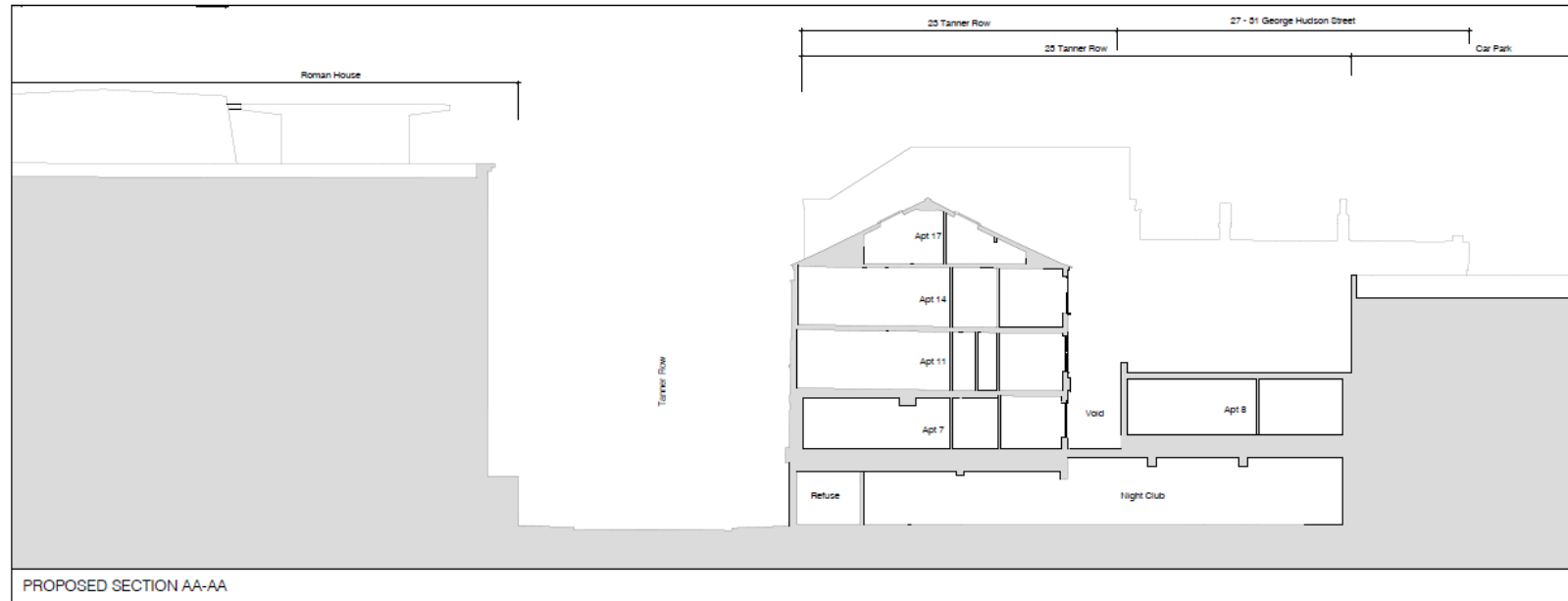
Project
 27 - 31 George Hudson St & 23 - 25 Tanner Row
 York

Drawing
 Proposed Elevations

Scale
 1:100 @ A1

| Sheet Number | Date | Scale | Drawing Number | Revised |
|--------------|----------|----------|----------------|---------|
| 17073 | 20.02.19 | Planning | 131 | P00 |

Proposed sections



| | | |
|----------|----------|--|
| P01 | 07/02/24 | Section updated at ground floor level. |
| P00 | 25/06/19 | Issued for planning |
| revision | date | description |

do-architecture
 Studio 12, Middlehope Business Park
 200-202 Leam Road, Bishops Cleeve, York YO13 2JG
 t 01904 700561 e studio@do-architecture.com

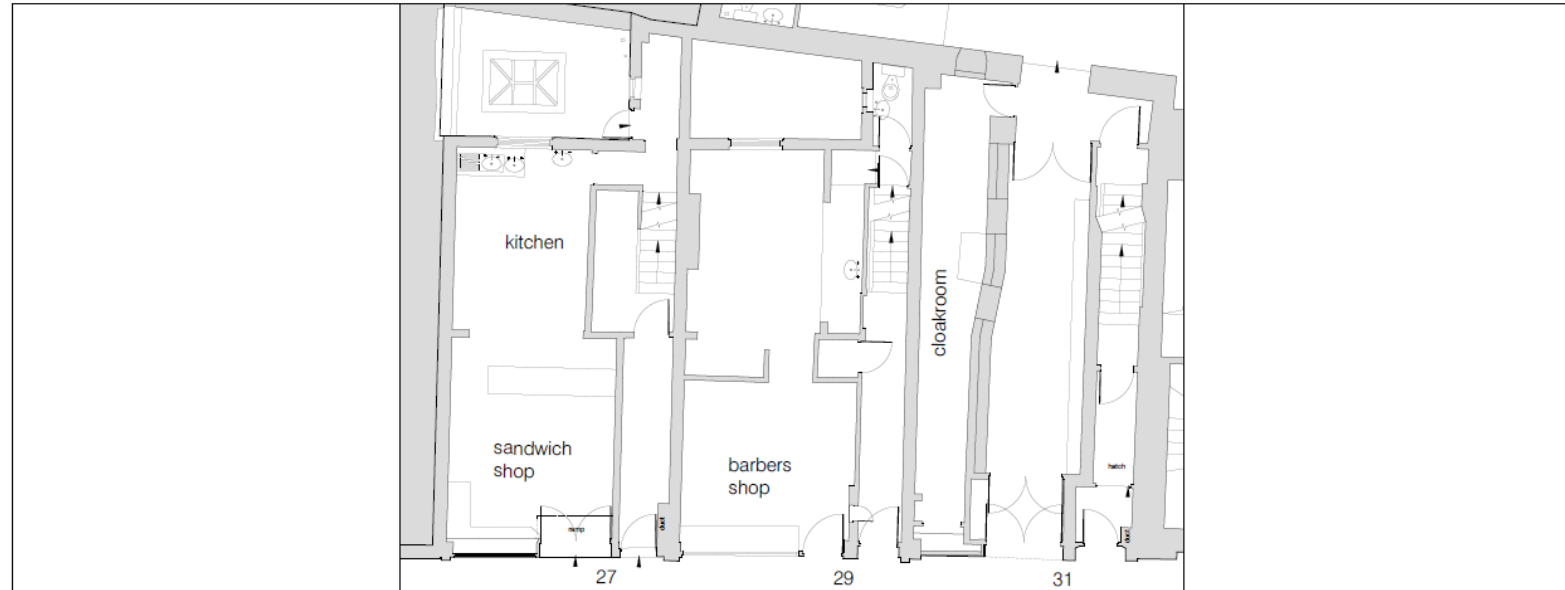
project
 27 - 31 George Hudson St & 23 - 25 Tanner Row
 York

drawing
 Proposed Sections

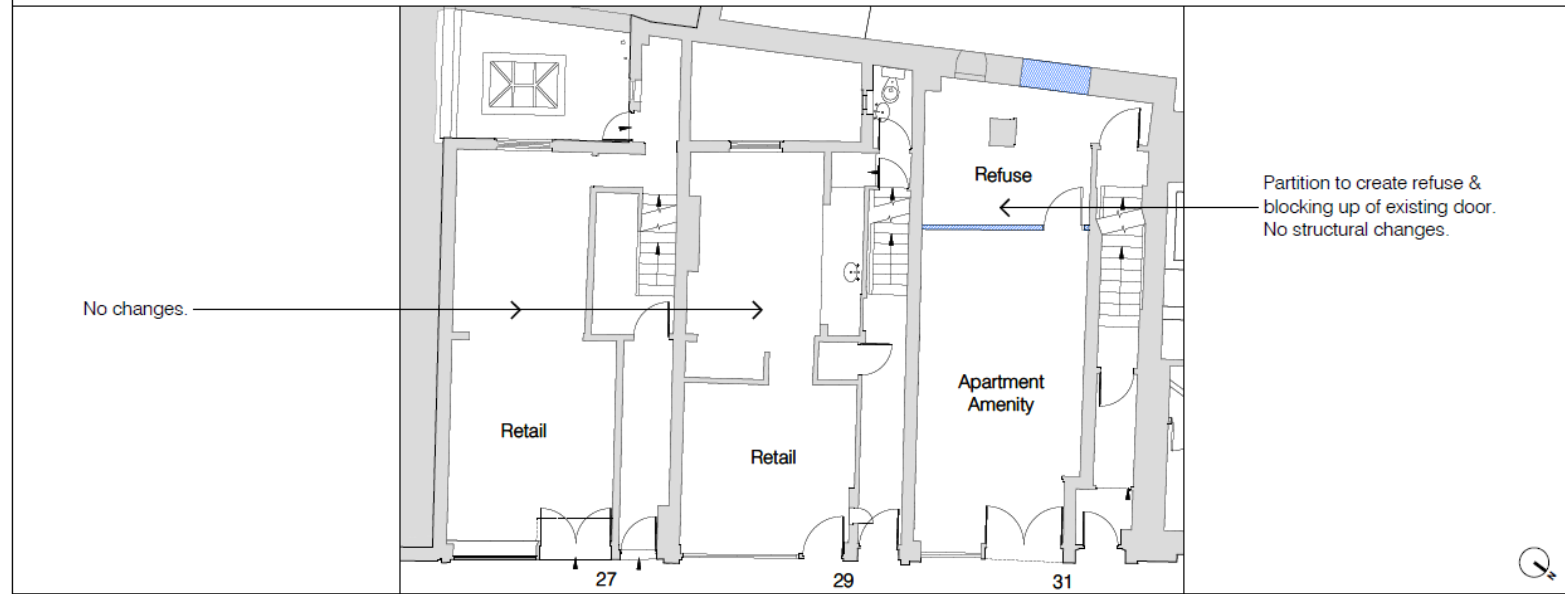
scale
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job number date status drawing number revision
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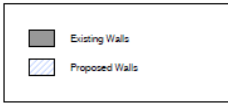
Existing and proposed
Ground floor plans – LBC
27, 29 and 31 George Hudson St



EXISTING GROUND FLOOR PLAN



PROPOSED GROUND FLOOR PLAN



P00 230419 issued for planning
 revision date description

dc-architecture
 Studio 12, Middlebrook Business Park
 One East Lane, Bishops Cleeve, York YO13 2ED
 t: 01904 700811 e: studio@dc-architecture.com



project
 27 - 31 George Hudson St & 23 - 25 Tanner Row
 York

drawing
 Existing & Proposed Ground Floor Plans

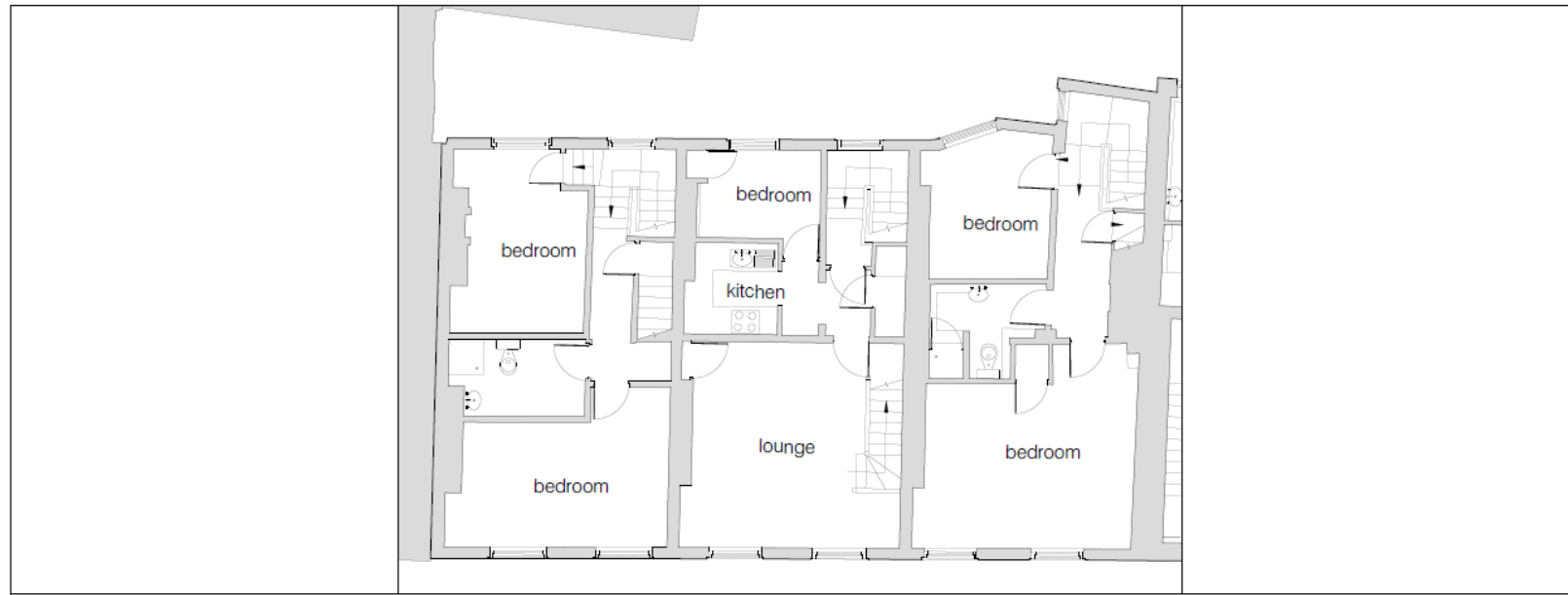
scale
 1:50 @ A1

sheet number date issue drawing number revision
 17073 11.10.17 Planning 210 P00

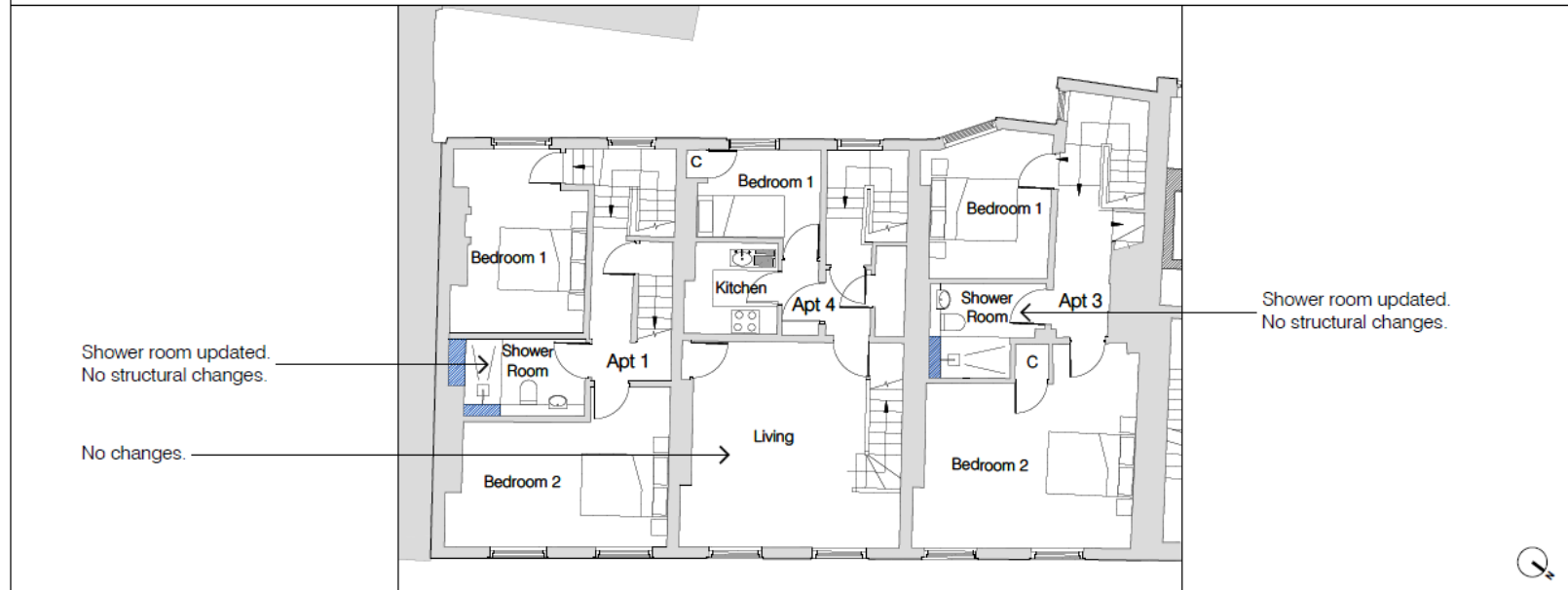
Existing and proposed first floor plans –
LBC
27, 29 and 31 George Hudson St



Existing and proposed second floor plans –
LBC
27, 29 and 31 George Hudson St



EXISTING SECOND FLOOR PLAN



PROPOSED SECOND FLOOR PLAN



| Revision | Date | Description |
|----------|----------|---------------------|
| P00 | 23/04/19 | Issued for planning |

do-architecture
 Studio 12, Middlebrook Business Park
 200 East Lane, Bishops Cleeve, York YO12 2SD
 T: 01904 770841 • studio@do-architecture.com



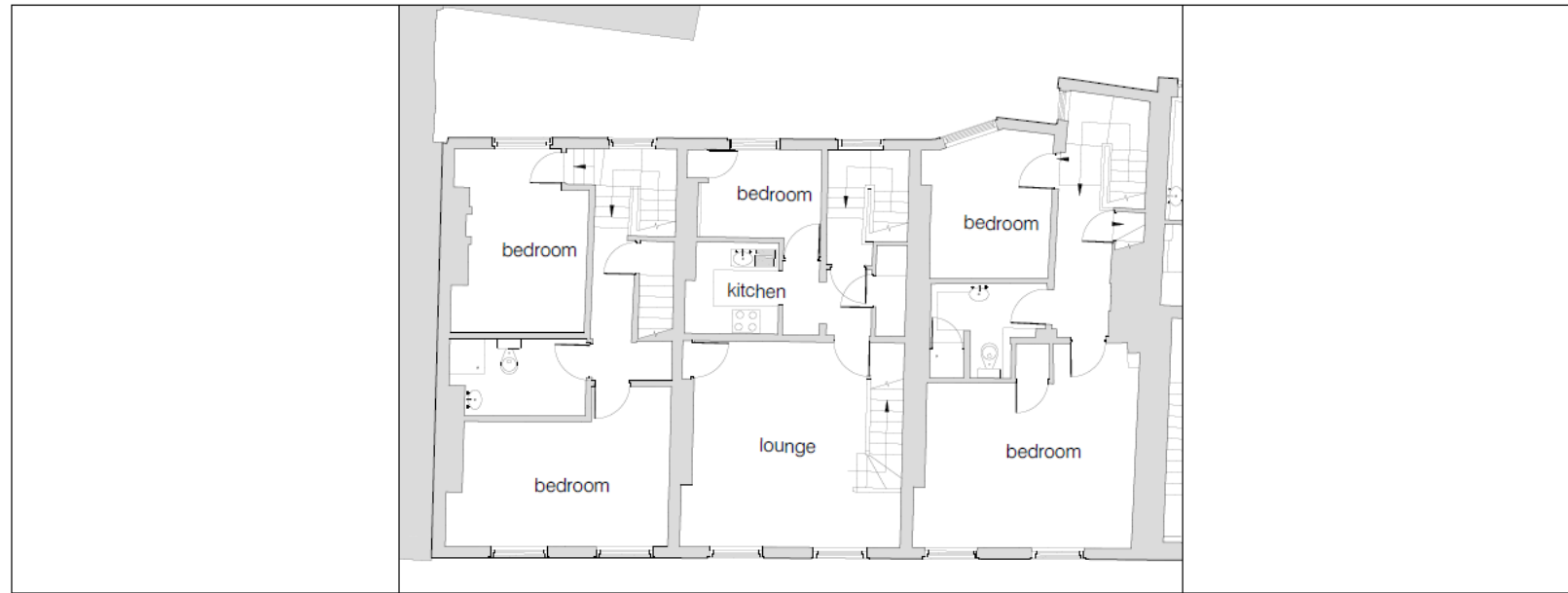
Project
 27 - 31 George Hudson St & 23 - 25 Tanner Row
 York

Drawing
 Existing & Proposed Second Floor Plans

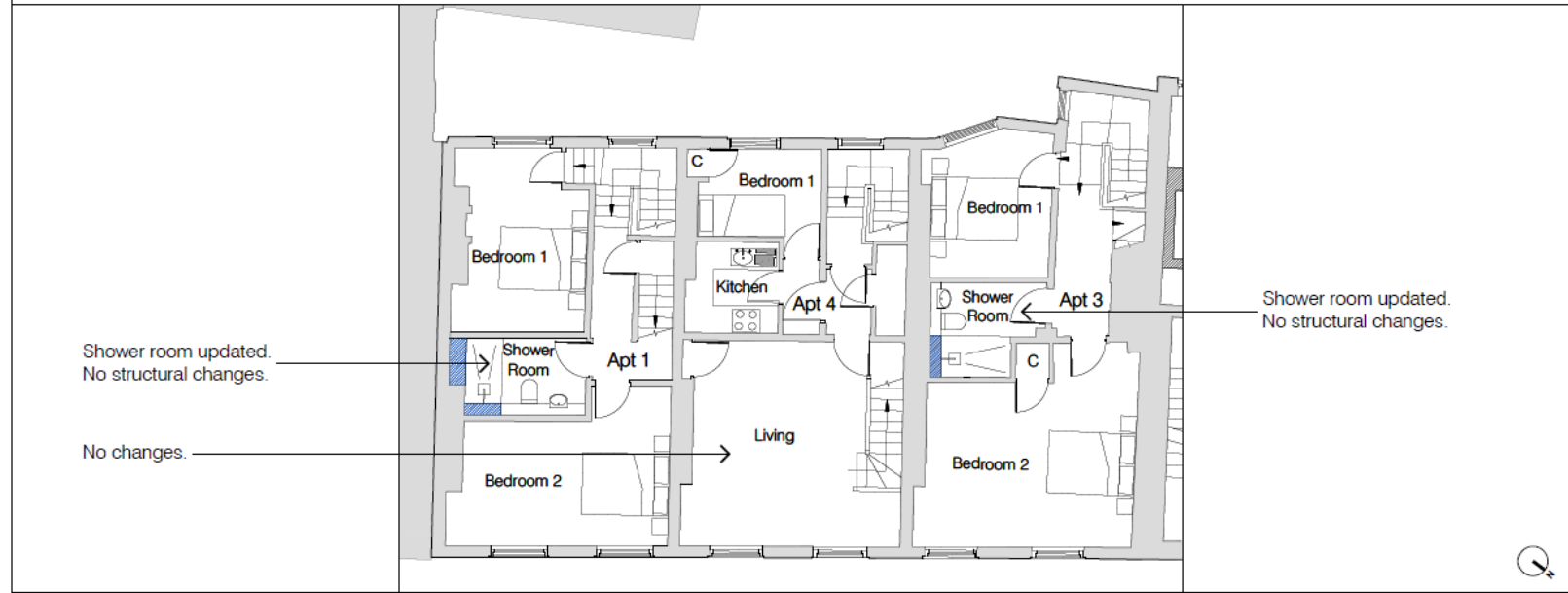


| Job Number | Date | Sheet | Drawing Number | Revision |
|------------|----------|----------|----------------|----------|
| 17073 | 11.10.17 | Planning | 212 | P00 |

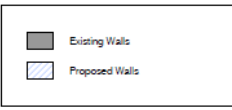
Existing and proposed second floor plans –
LBC
27, 29 and 31 George Hudson St



EXISTING SECOND FLOOR PLAN



PROPOSED SECOND FLOOR PLAN



Shower room updated.
No structural changes.

No changes.

Shower room updated.
No structural changes.

NO: 230419 Issued for planning
 revision: 001 04/03/2024

dc-architecture
 Studio 12, Middlehope Business Park
 200-202 Lakeside, Middlehope, York YO21 2ED
 T: 01904 705611 or studio@dc-architecture.com



project
 27 - 31 George Hudson St & 23 - 25 Tanner Row
 York

drawing
 Existing & Proposed Second Floor Plans

scale
 1:50 @ A1

| job number | date | area | drawing number | revision |
|------------|----------|----------|----------------|----------|
| 17073 | 11.10.17 | Planning | 212 | P00 |

permission should be granted unless policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

Draft Local Plan 2018

2.2 The Draft Local Plan 2018 was submitted for examination in 2018, Hearing Sessions have taken place and the examination is on-going. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

2.3 Key relevant policies of the Plan are:

D5 Listed Buildings

3.0 CONSULTATIONS

Internal

Design, Conservation and Sustainable Development (Conservation)

3.1. Officers request the same conditions as previously advised.

REPRESENTATIONS

4.1 No comments received.

5.0 APPRAISAL

5.1 The Key Issue is the impact on special architectural or historic interest of the listed building.

5.2 Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant listed building consent for any works, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5.3 Paragraph 195 of NPPF states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 201 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage

asset) and should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

5.4 Paragraph 205 of NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset the greater the weight should be) irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 208 goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.5 Nos 27, 29 and 31 George Hudson Street are three houses with shops dating from circa 1860 listed at Grade II for their Group Value. Draft policy D5 states that changes of use of listed buildings will be supported where it has been demonstrated that the proposed new use would not harm its significance. Harm to an element which contributes to the significance of a Listed Building or its setting will be permitted only where this is outweighed by the public benefits of the proposal.

5.6 The special interest of the buildings derives from their simple form and group value as integral shop units with living accommodation for the shop owner above with the survival on upper floors of original features including partitions on the upper floors with the result that the historic plan form largely remains. The significance of the buildings is as houses with shops c.1860.

5.7 There are no substantive alterations to the basement floor of the listed buildings. On the ground floor of 31, a modern opening in the rear wall would be in-filled and rear portion of this floor would be partitioned off to form a refuse area. This floor has been gutted and consequently introducing the partition does not harm the significance of the building, and closing off the modern opening in effect reinstates the original form. On the first and second floors, only minor changes to some kitchen and bathroom layouts are indicated. On the third floor of No's 27 and 31, partitions would be inserted to form a lobby for fire separation and to provide bathrooms.

5.8 The alterations would not result in any harm to the significance of the assets, providing the routing of services and ventilation can be handled sensitively (precluding venting through the front elevation or roof slope). The proposed alterations result in no harm to the significance of the listed buildings, preserving their character and their setting.

6.0 CONCLUSION

6.1 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.

7.0 RECOMMENDATION: Approve

1 TIMEL2 Development start within 3 yrs (LBC/CAC)

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Existing and Proposed Ground Floor Plans - Drawing No.210 Rev P00

Existing and Proposed First Floor Plans - Drawing No.211 Rev P00

Existing and Proposed Second Floor Plans - Drawing No.212 Rev P00

Existing and Proposed Third Floor Plans - Drawing No.213 Rev P00

Proposed Elevations - Drawing No. 130 Rev P00

Proposed Elevations - Drawing No. 131 Rev P00

Proposed Sections - Drawing No. 140 Rev P01

Proposed Section - Drawing No. 141 Rev P00

Proposed Demolition Basement Floor Plan - Drawing No. 049 Rev P00

Proposed Demolition Ground Floor Plan - Drawing No. 050 Rev P00

Proposed Demolition First Floor Plan - Drawing No. 051 Rev P00

Proposed Demolition Second Floor Plan - Drawing No. 052 Rev P00

Proposed Demolition Third Floor Plan - Drawing No. 053 Rev P00

Proposed Demolition Fourth Floor Plan - Drawing No. 054 Rev P00

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Prior to the commencement of construction works full details of all drainage and other service runs including locations and trunking shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved details.

Reason: To safeguard the architectural and historic interest of the listed building.

4 Prior to the commencement of construction works full details of the location, scale, materials and design for all external vents and flues shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved details.

Reason: To safeguard the architectural and historic interest of the listed building.

Contact details:

Case Officer: Sharon Jackson

Tel No: 01904 551359

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Planning Committee B

20 May 2024

Planning Appeal Performance and Decisions

- 1 This report informs Members of planning appeal decisions determined by the Planning Inspectorate between 1 January and 31 March 2024. Appendix A is a list of the appeals decided, a summary of each decision is provided in appendix B and a list of outstanding planning appeals in appendix C.
- 2 Appeal statistics are collated by the Planning Inspectorate (PINs) on a quarterly and annual basis. The Government use the statistical returns as one of a number of measures to assess the performance of local planning authorities. To assess the quality of decisions, this is based on the total number of decisions made by the Local Planning Authorities that are subsequently overturned at appeal. The threshold whereby a Local Planning Authority is eligible for designation as under-performing is 10% of the Authority's total number of decisions on major, non-major and "county-matter" (generally minerals and waste proposals) applications made during the assessment period being overturned at appeal.
- 3 Table 1 shows results of planning appeals decided by the Planning Inspectorate for the quarter for all types of planning appeals such as those against the refusal of planning permission, listed building applications and lawful development certificates. In the corresponding quarter the Planning Inspectorate allowed 28% of appeals determined in England. Appeals against conditions of approval do not form part of the PINs statistics but are used in tables 1 and 2 for information.

Table 1: CYC Planning Appeals Last Quarter Performance

| | 01/04/23 to 30/06/23 |
|------------------|-----------------------------|
| Allowed | 3 |
| Split decision | 0 |
| Dismissed | 8 |
| Total Decided | 11 |
| % Allowed | 27% |

- 4 There were two appeal decisions received during the quarter relating to applications for “major” development.

| Appn No. | Site | Proposal | Appeal Decision |
|---------------|--|---|------------------|
| 23/00608/FULM | Chocolate Works Residents Parking Bishopthorpe Road | Erection of extra care accommodation including no.72 apartments and decked car park with associated private amenity space, landscaping, substation and vehicular access alterations | Allowed |
| 23/00091/FULM | Erection of 2no. blocks comprising 10no. apartments, associated parking and ancillary buildings for refuse and cycle storage after demolition of buildings (amended plans received). | The Wilberforce Trust Wilberforce House 49 North Moor Road Huntington York YO32 9QN | Appeal Dismissed |

- 5 For the 12 months period 1 April 2023 to 31 March 2024, 34% of CYC appeals decided were allowed. In England 29% of appeals were allowed over the same period. The CYC figure includes appeal decisions that would not be used in Planning Inspectorate returns.

Table 2: CYC Planning Appeals 12-month Performance

| | 01/04/23 to 31/03/24 | 01/04/22 to 31/03/23 |
|------------------|----------------------|----------------------|
| Allowed | 21* | 17 |
| Dismissed | 40* | 29 |
| Total Decided | 61* | 46 |
| % Allowed | 34%* | 37% |

*includes appeal decisions relating to a condition of approval. These appeals are not used by PINs when collating their statistics.

- 6 The latest available figures from the Department of Levelling Up Housing and Communities (the assessment criteria set out in paragraph 2 above) show that, over the 2-year rolling assessment period, 0.7% of the total CYC decisions made in respect of non-major applications and 0% of total decisions made in respect of major applications were overturned at appeal. The comparison figures for England are 0.9% and 2.2% respectively. There were no appeals in respect of “county-matter” applications during the period.
- 7 A list of the planning appeals determined between 1 January and 31 March 2024 are included in Appendix A. Summaries of the decisions are included in Appendix B.
- 8 None of the appeals determined followed a decision to refuse permission made by the Planning Committees.
- 9 The list of outstanding appeals is attached at Appendix C. There are 11 appeals of all types awaiting determination. None of the appeal decisions pending relate to a Major development or a committee decision.

Consultation

- 10 This is an information report for Members and therefore no consultation has taken place regarding its content.

Council Plan

- 11 The report is relevant to the “A health generating city, for children and adults,” “A fair, thriving, green economy for all,” Sustainable accessible transport for all,” “Increasing the supply of affordable good quality housing” and “Cutting carbon, enhancing the environment” city priorities of the Council Plan 2023-2027.

Implications

- 12 Financial – There are no financial implications directly arising from the report.
- 13 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information.
- 14 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 15 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

- 16 In compliance with the Council’s risk management strategy, there are no known risks associated with the recommendations of this report.

Recommendation

- 17 That Members note the content of this report.

Reason

- 18 To inform Members of the current position in relation to planning appeals against the Council’s decisions as determined by the Planning Inspectorate.

Contact Details

Author:

Gareth Arnold
Development Manager,
Development Management

Chief Officer Responsible for the report:

Becky Eades
Head of Planning and Development
Services

**Report
Approved**



Date 09.05.2024

Specialist Implications Officer(s) None.

Wards Affected:

All Y

For further information please contact the author of the report.

Appendices

Appendix A – Planning Appeals decided between 1 January and 31 March 2024

Appendix B - Summaries of Planning Appeals decided between 1 January and 31 March 2024

Appendix C - Planning Appeals Outstanding at 9 May 2024

Appendix A - Decided Appeals 1 Jan – 31 March 2024

Date report run: 09-May-2024

| Ward | Application number | Proposal | Address | Date decided | Decision |
|----------------------------|--------------------|--|---|--------------|------------------|
| Clifton | | Proposed development of 1 metre high inward opening gates on the highway to the front of 4 Government House Road | The Sleeping Bear 4 Government House Road York YO30 6LU | 19/01/24 | Appeal Dismissed |
| Copmanthorpe | 23/00403/FUL | Single storey side and rear extension | 9 Farmers Way Copmanthorpe York YO23 3XU | 30/01/24 | Appeal Allowed |
| Dringhouses And Woodthorpe | | | | | |
| | 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 | 26/01/24 | Appeal Dismissed |
| Guildhall | 22/02124/LBC | External alterations to include display of 2no. sets of halo-illuminated individual letters to existing front fascia signs, 2no. externally illuminated projecting signs, menu display case, and 2no. coach lanterns to alleyway entrance (retrospective). | Social8 13 High Ousegate York YO1 8RZ | 16/01/24 | Appeal Dismissed |
| | 22/02121/ADV | Display of 2no. sets of halo-illuminated individual letters to existing front fascia signs, and 2no. projecting signs (retrospective). | Social8 13 High Ousegate York YO1 8RZ | 16/01/24 | Appeal Dismissed |
| | 23/01417/FUL | Single storey extension (resubmission) | 11 Claremont Terrace York YO31 7EJ | 18/01/24 | Appeal Dismissed |
| Hull Road | 22/00609/FUL | Change of use from small house in multiple occupation (HMO) (use class C4) to a large 7no. | 178A Hull Road York YO10 3LF | 18/03/24 | Appeal Dismissed |

| | | | | | |
|-------------------------------|---------------|--|--|----------|------------------|
| | | bedroom HMO, with two storey side extension, 1no. new dormer to front, and single storey rear extension (resubmission) | | | |
| Huntington/New Earswick | 23/00091/FULM | Erection of 2no. blocks comprising 10no. apartments, associated parking and ancillary buildings for refuse and cycle storage after demolition of buildings (amended plans received). | The Wilberforce Trust Wilberforce House 49 North Moor Road Huntington YorkYO32 9QN | 18/03/24 | Appeal Dismissed |
| Micklegate | 23/00608/FULM | Erection of extra care accommodation including no.72 apartments and decked car park with associated private amenity space, landscaping, substation and vehicular access alterations | Chocolate Works Residents Parking Bishopthorpe Road York | 15/03/24 | Appeal Allowed |
| Rawcliffe And Clifton Without | 22/02113/FUL | Change of use of existing garage to hair salon with associated external alterations. | 50 Green Lane CliftonYorkYO30 5QX | 19/01/24 | Appeal Dismissed |
| | 23/00439/FUL | Subdivision of 1no. dwelling into 2no. flats (resubmission) | 17 Landalewood RoadYorkYO30 4SX | 25/03/24 | Appeal Allowed |

Appendix B - Appeals summaries between 01/01/24 and 31/03/24

| Case number | | Description | Address | Outcome |
|--------------|--|---------------------------------------|--|----------------|
| 23/00403/FUL | | Single storey side and rear extension | 9 Farmers Way Copmanthorpe York YO23 3XU | Appeal Allowed |

Notes

The appeal related to the erection of a single storey side and rear wrap-around extension to a detached bungalow in Copmanthorpe. The application was refused on the grounds that the extension would, by virtue of its scale and position, result in an overly large and disproportionate addition, approximately doubling the host's overall footprint, and by developing immediately adjacent to a public footpath to the side boundary was considered to be overbearing when viewed from the footpath, having a negative impact upon the character of the area. The proposal was also considered to conflict with the household SPD, in that it developed to form a flush roofscape which lacked subservience to the existing dwelling. The inspector, however, concluded that the works, whilst acknowledged as having some conflict with the SPD in terms of subservience (lacking a set down from the existing ridge), would not present incoherently given the variety in bungalow forms and orientations noted more widely, and as such would not read out of place, with the host's frontage already naturally wider than its most immediate neighbours. The Inspector acknowledged that the addition would reflect a sizeable scale relative to the existing dwelling, although did not place much weight to this given that much of its mass would not be read holistically from the public realm. It was noted the addition would be most noticeable from the adjacent public footpath. However, whilst the roof was higher than the existing flat roofed garage at this boundary, the Inspector considered the hipped roof form to provide satisfactory relief and subservience as to not dominate in appearance or unacceptably enclose the footpath.

| Case number | Description | Address | Outcome |
|--------------|--|--|---------------------|
| 22/02121/ADV | Display of 2no. sets of halo-illuminated individual letters to existing front fascia signs, and 2no. projecting signs (retrospective). | Social8 13 High OusegateYorkYO1 8RZ | Appeal Dismissed |

Notes

Retrospective application for advertisements, including festoon lights, lanterns, associated wiring, menu boxes which obscured architectural detailing, and modern signs with halo lighting. Appeals dismissed (listed building and advertisement consents). Although some shop signs in street acknowledged as harmful, not justification for further harmful works. Harm arising compounded by the number of advertisements, with large modern menu boxes obscuring the chamfered archway, along with crudely placed lanterns and associated surface mounted electrical wiring. The decorative cornice and pleasant multi-paned sash windows at upper floors are obscured by modern hanging festoon lighting. The proposal would fail to preserve the special interest of the listed building and the character and appearance of the conservation area. The harm arising would be less than substantial in the terms of the NPPF but is nevertheless of considerable importance and weight.

| Case number | Description | Address | Outcome |
|--------------|--|--|---------------------|
| 22/02124/LBC | External alterations to include display of 2no. sets of halo-illuminated individual letters to existing front fascia signs, 2no. externally illuminated projecting signs, menu display case, and 2no. coach lanterns to alleyway entrance (retrospective). | Social8 13 High OusegateYorkYO1 8RZ | Appeal Dismissed |

Notes

Retrospective application for advertisements, including festoon lights, lanterns, associated wiring, menu boxes which obscured architectural detailing, and modern signs with halo lighting. Appeals dismissed (listed building and advertisement consents). Although some shop signs in street acknowledged as harmful, not justification for further harmful works. Harm arising compounded by the number of advertisements, with large modern menu boxes obscuring the chamfered archway, along with crudely placed lanterns and associated surface mounted electrical wiring. The decorative cornice and pleasant multi-paned sash windows at upper floors are obscured by modern hanging festoon lighting. The proposal would fail to preserve the special interest of the listed building and the character and appearance of the conservation area. The harm arising would be less than substantial in the terms of the NPPF but is nevertheless of considerable importance and weight.

| Case number | Description | Address | Outcome |
|--------------|--|------------------------------------|------------------|
| 23/01417/FUL | Single storey extension (resubmission) | 11 Claremont Terrace York YO31 7EJ | Appeal Dismissed |

Notes

The appeal related to the erection of a single storey extension on a mid-terrace dwelling on Claremont Terrace. The host property has a rear off-shoot like many other surrounding properties. It was proposed to infill an existing gap between the off-shoot and the boundary with the neighbour (no.10). The projection of the single storey extension was 7m from the existing rear elevation with an eaves height of 2.4m and would rise to 3.3m where it met the existing off-shoot. The application was refused permission due to the projection, siting and height of the extension; the proposal would have a detrimental impact on the amenity and living conditions of the occupiers of the adjoining residential property at 10 Claremont Terrace by reason of introducing an over-bearing and over-dominant structure on the shared boundary. It therefore conflicted with paragraph 130 within the National Planning Policy Framework, Policy D11 of the Draft Local Plan 2018 and the Council's Supplementary Planning Document 'House Extensions and Alterations'. The Inspector agreed that the development would introduce a dominant structure that would notably and significantly worsen the existing situation. It would appear overbearing and create an increased sense of enclosure when viewed from no.10s habitable room windows. Therefore, due to the increase in height on the boundary, combined with the length of projection, the proposed development would cause significant harm to the outlook from

| Case number | Description | Address | Outcome |
|--------------|---|------------------------------|------------------|
| 22/00609/FUL | Change of use from small house in multiple occupation (HMO) (use class C4) to a large 7no. bedroom HMO, with two storey side extension, 1no. new dormer to front, and single storey rear extension (resubmission) | 178A Hull Road York YO10 3LF | Appeal Dismissed |

Notes

Change of use from small to large HMO. Located within the grounds of no. 178 which is also an HMO and with same operator. Main issues; impact on living conditions of neighbours; noise and disturbance. No increase in number of HMO's and therefore neutral effect on balance of housing stock. Although noise not evidenced as a statutory nuisance, representations from neighbours reported late night noise and disturbance. Complaints had been made to both CYC and the university. Cumulative impact combined with 178. The inspector found that although the level of disturbance could change depending on the nature of any occupants, this is not within the control of the planning system. Given the persistence of existing issues over a period of several years, there was no evidence that increasing the level of occupancy of the property would not further exacerbate these issues both

with regard to 178A itself, and more cumulatively, leading to increased and unacceptable noise and disturbance. Not satisfied that the appellant becoming part of the Council's accreditation scheme would represent an effective means of ensuring that further problems do not occur in the future. Refused due to impact on residential amenity, contrary to draft local plan policy D11. The inspector regarded policy H8 not applicable as this relates to conversions to HMO's, not the expansion of existing ones.

| Case number | Description | Address | Outcome |
|---------------|--|--|---------------------|
| 23/00091/FULM | Erection of 2no. blocks comprising 10no. apartments, associated parking and ancillary buildings for refuse and cycle storage after demolition of buildings (amended plans received). | The Wilberforce Trust Wilberforce House 49 North Moor Road Huntington York YO32 9QN | Appeal Dismissed |

Notes

The proposal sought the demolition of an existing office building and the erection of 10no. flats at 49 North Moor Road in Huntington. The main issues of concern were the loss of the employment land, the impact on the character and appearance of the area and the impact on residential amenity (proposed occupants). The Inspector agreed that the proposal would lead to the unacceptable loss of employment land, citing no evidence which indicates the site has been marketed for employment purposes. The Inspector noted its condition would not prohibit its future use for employment. There is no suggestion that the reuse of the site for employment use would be incompatible with adjacent uses. The Appellants argument regarding permitted development rights for conversion to residential use was afforded very modest weight. With regards to design and appearance, the Inspector agreed that the bin collection point (design and prominence) would be harmful to the character and appearance of the area. Alongside parking, cycle parking and refuse areas, it was concluded the proposal would be overly cramped. Concerns were also raised with access, no pedestrian routes and cycle parking areas being inconvenient. In terms of external amenity areas, the Inspector agreed that the communal spaces would not provide opportunities for private recreation and were of poor quality. Flats within the western block were deemed to have little outlook, a lack of privacy (due to proximity to shared spaces and vehicle headlights) and lead to rooms being oppressive and having an enclosed atmosphere. The Inspector did not explore the conflict with policy G16 and the absence of a draft S106 to secure off-site open space given the above matters raised. Paragraph 11(d) of the NPPF was engaged and the Inspector did afford substantial weight to the benefits of the scheme (10no. dwellings) however this did not outweigh the harm identified above which significantly and demonstrably outweighed the benefits.

| Case number | Description | Address | Outcome |
|---------------|---|--|----------------|
| 23/00608/FULM | Erection of extra care accommodation including no.72 apartments and decked car park with associated private amenity space, landscaping, substation and vehicular access alterations | Chocolate Works Residents Parking Bishopthorpe Road York | Appeal Allowed |

Notes

The appeal site comprises the former Terry's Car Park to the south of Bishopthorpe Road and the last remaining undeveloped section of the former Chocolate Works. It appears as a strategic allocation for housing within the Draft Local Plan. A previous proposal to develop 70 extra care apartments on the site for McCarthy and Stone was subject to an appeal and the appeal dismissed on narrowly focussed design grounds on the basis that the site failed to properly address the Bishopthorpe Road street frontage. Its public facing focus was aligned on the car park with a token pedestrian entrance facing on to Bishopthorpe Road. The scheme was resubmitted with the pedestrian street entrance widened and slightly relocated. It was felt that the redesign still did not adequately address the Bishopthorpe Road street frontage and appeared contrived with the principal public areas still focused on the car park. It was felt that the focus of the building should rather be re-orientated to face directly on to Bishopthorpe Road. The applicant appealed and the matter was considered at a hearing. The Inspector concluded that the re-design was sufficient to address the earlier dismissal reason and that the revised scheme created what was clearly a principal entrance off the street frontage notwithstanding that the main public facing activities remained focused on the car park. The appeal was allowed.

| Case number | Description | Address | Outcome |
|--------------|--|-------------------------------------|------------------|
| 22/02113/FUL | Change of use of existing garage to hair salon with associated external alterations. | 50 Green Lane Clifton York YO30 5QX | Appeal Dismissed |

Notes

The appeal relates to the conversion of an existing attached garage to a hair salon with external alterations. The converted garage and the garage of the neighbouring property are linked. The Inspector remarked that the disturbance generated by people accessing the proposal as well as the increase in traffic movements would exceed what neighbouring residents could reasonably expect in this residential setting. The Inspector gave significant weight to the fallback position that planning permission is not necessary to convert the garage to a habitable room, with the proposal having a significant effect on waste and cycle storage. The appeal proposal would allow through access to the rear garden and a utility area which would not be an undue hindrance to the movement of cycles, enabling cycle storage to the rear. For the same reasons waste storage to the rear would be possible, and the matter of stepped access could be addressed by a condition requiring the provision of a ramp. The Inspector also makes it

clear that even if no objections had been submitted in relation to the appeal, the Council's concerns would remain well-founded. The Inspector concluded that the proposal would lead to unacceptable harm to the living conditions of neighbouring residents in respect of disturbance.

| Case number | | Description | Address | Outcome |
|--------------|--|--|---|------------------|
| 23/00111/CPD | | Proposed development of 1 metre high inward opening gates on the highway to the front of 4 Government House Road | The Sleeping Bear 4 Government House Road York YO30 6LU | Appeal Dismissed |

Notes

The appeal relates to a Certificate of Lawfulness of proposed development for the erection of 1m high inward opening gates across a public highway. A separate application for a stopping up order for the affected highway had been submitted to Department for Transport. The stopping up order has not yet been granted. The Certificate was refused on the grounds that at the time the certificate was determined, the spur road remained an adopted public highway and the erection of a gate would cause an obstruction which would have a material effect on the public right to pass and re-pass. As such the erection of the gate was not deemed to be permitted development under the Town and Country Planning (General Permitted Development) Order. The Inspector stated that constructing the gates would have the consequence of effectively changing the land use of the part of the existing highway that would lie beyond the gates. It would, by being accessible only to one household, lose its necessary character of being a highway, in that the public would no longer have the ability to pass and re-pass over it. In addition, although the Class permits the construction of some means of enclosure, it does not permit any change in the use of the land to be enclosed. The inspector also stated that Class A of Part 2 of the 2015 Order is not intended to authorise the construction of any means of enclosure on the highway.

| Case number | | Description | Address | Outcome |
|--------------|--|--|------------------------------------|-------------------|
| 23/00439/FUL | | Subdivision of 1no. dwelling into 2no. flats (resubmission) | 17 Landalewood RoadYorkYO30 4SX | Appeal Allowed |

Notes

The application was refused on the grounds that it failed to demonstrate sufficient car parking space and, as a result, would likely result in additional parking on the street, which was not considered to be acceptable in this case. Furthermore, it was considered likely a car parked on the driveway would inhibit access to the entrance of the property and/or lead to overhanging of a vehicle on the highway, with its depth 1.2 metres shorter than that specified within the Council's Vehicle Crossing Policy (VCP) for a driveway space for 1no. vehicle fronting an opening. The works would also lead to the loss of landscaping and creation of an unduly long vehicle crossing, which would be detrimental to visual amenity. It was acknowledged by the LPA that a similar scheme had been approved in 2017, although since this, new highway guidance had been implemented, and so further weight was given to parking standards. However, the inspector concluded the space as formed, compliant with the spatial requirements for a parking space (4.8 x 2.4m) would provide sufficient space for two cars and for people to walk past, seeing no reason why the parking spaces would not be used or would lead to additional on-street parking, or a highway obstruction. No weight was given to the suspended Subdivision of Dwellings SPD or Highway Design Guide. Further, the inspector considered that the VCP (created under the Highways Act) would not be relevant here so far as this application was concerned, given it does not form part of the development plan. The inspector commented that the housing estate was characterised by driveways on the frontage of properties, and that whilst the parking arrangement would extend the width of the existing driveway, this would be very similar to other properties in the street and surrounding area and so would not materially detract from the appearance of the street or appear uncharacteristic.

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Appendix C - Outstanding Appeals

Date report run: 09-May-2024

| Ward | Appeal number | Proposal | Address | Date appeal lodged |
|------------------------|------------------------|--|---|--------------------|
| Acomb | APP/C2741/W/24/3339398 | Change of use from residential dwelling to short term holiday let | 14 Newlands Drive York YO26 5PQ | 13/03/24 |
| Fulford And Heslington | APP/C2741/W/23/3333593 | Change of use from public house (sui generis) to ground floor coffee shop (use class E), 3no. flats to first and second floor levels. Erection of a single storey rear extension following removal of conservatory with associated external works, boundary treatment and parking. | Bay Horse Public House105 Main Street Fulford York YO10 4PN | 14/09/23 |
| Guildhall | APP/C2741/W/23/3324215 | Change of use of footway to form seating areas to front and side, installation of awning to front and 2no. additional awnings to side and installation of folding glass doors to front (retrospective) | Il Paradiso Del Cibo 40 Walmgate York YO1 9TJ | 15/06/23 |
| Heworth | APP/C2741/X/22/3303954 | Certificate of lawfulness for use of building as a dwelling within Use Class C3 | 20B Asquith Avenue York YO31 0PZ | 26/07/22 |
| Micklegate | | | | |
| | APP/C2741/W/24/3338708 | Replacement windows and external doors throughout | Mount Court Holgate Road York | 13/02/24 |
| Osbalwick And Derwent | APP/C2741/W/24/3339173 | Change of use from office (use class E) to Large House in Multiple Occupation (sui generis) | 65 Osbalwick LaneYorkYO10 3AY | 21/02/24 |
| Strensall | APP/C2741/W/23/3335577 | Retention of hardstanding area | Country Park Pottery Lane Strensall York YO32 5TJ | 02/12/23 |

| | | | | |
|-----------|------------------------|---|--|----------|
| | APP/C2741/D/24/3337153 | Single storey side extension, first floor side extension and erection of detached garage following demolition of conservatory (retrospective) | The Granary Old Carlton Farm Sandy Lane To Boundary Stockton On The Forest York YO19 5XS | 18/01/24 |
| Wheldrake | APP/C2741/D/24/3337077 | Single storey side extension after removal of garage/pantry | Greenacres York Road Deighton York YO19 6EY | 17/01/24 |
| | APP/C2741/D/24/3338894 | Erection of summerhouse to side (retrospective) | Newstead Front Street Naburn York YO19 4RR | 16/02/24 |
| | APP/C2741/D/24/3341120 | Two storey front extension and single storey rear extension | Orchard Farm Wheldrake Lane Wheldrake York YO19 6BQ | 21/03/24 |