
Meeting	Planning Committee B
Date	17 October 2024
Present	Councillors B Burton (Chair), Cullwick (Vice-Chair), Baxter (from 5.38 pm), Coles, Melly, Orrell, Vassie, Warters and Waudby (Substitute for Cllr Fenton)
Apologies	Councillor Fenton
Officers Present	Gareth Arnold, Development Manager Erik Matthews, Senior Planning Officer Ruhina Choudhury, Senior Lawyer Jodi Ingram, Lawyer

26. Declarations of Interest (4.32 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.

The Chair noted, in relation to Item 4c, that although he knew the applicant, he did not consider himself to be pre-determined in the matter.

27. Minutes (4.32 pm)

Resolved: That the minutes of the last meeting held on 26 September 2024 were approved as a correct record, subject to the removal of the sentence 'Objections are on the grounds that the EA project does not fully protect Cell B15.' at minute 20.

28. Public Participation (4.34 pm)

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

29. Plans List (4.34 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.

**30. 102 Tadcaster Road, Dringhouses, York, YO24 1LT
[24/00404/FUL] (4.34 pm)**

Members considered a full application by Bootham Developments (York) Ltd for the erection of 4no. dwellinghouses to rear of 102 Tadcaster Road with associated access and landscaping works.

The Development Manager gave a presentation on the plans and provided an update, this included two additional conditions (21 and 22) which covered the landscape proposals for the boundary of the site to 104 and 108A Tadcaster Road and ensured that the planting will be covered for the lifetime of the development respectively. Also included was an amendment to the wording of condition 9 to include 'and hedgerow' following 'existing trees' and 'tree works'.

Responding to questions from Members on the plans, Officers reported that EV charging points were a requirement of building regulations and therefore not covered by planning. The applicant would choose an appropriate building control body to evidence adherence to building regulations. The boundaries between the properties were not specified in the plans, part of the development would have room for either a hedge or fence.

Public Speakers

Cllr Widdowson, Ward Cllr for Dringhouses and Woodthorpe Ward, spoke on behalf of local residents. She welcomed the reduction in the number of dwellings for the proposed development and raised a number of concerns including hedge protection, road safety, garden size for family homes and the parking of construction and landscaping vehicles.

In response to questions, she stated that, in her opinion, the amendment to condition 9 did not go far enough.

Joe Flanagan, the agent for the applicant, spoke in support of the application. He noted the changes that had been made to plans and the applicant's agreement to the amendment of condition 9.

In response to questions from Members, it was confirmed that all properties would have photovoltaic panels and heat pumps.

Officers responded to further questions from Members, and reported that:

- Conditions 5, 6 and 7 were standard conditions and the planning authority was responsible for ensuring that they were enacted to the required standard.
- The plan for the hedge, covered in the amended condition 9, would require approval from officers to ensure that the hedge was protected as far as reasonably possible.
- The target emission rates related to the draft local plan requirements; these were based on the 2013 building regulations.
- In relation to conditions 14 and 15, provision for hedgehog holes could be included. Swift bricks had not been recommended by the ecologist and they were not necessarily appropriate for every site.
- A s106 contribution was not required due to the size of the development; payments for education provision could be specified for developments that met the threshold. The application was received prior April 2024 which was when the biodiversity net gain requirements came into effect.
- Conditions 2 and 9 covered the Public Protection concerns relating to the construction site.
- The grass areas at the entrance to Hunters Way were part of the adopted highway, Highways should therefore take any action necessary to prevent parking on these areas.

Following debate, Cllr Vassie proposed the officer recommendation to approve the application, subject to the amendment to conditions for development to include hedgehog holes and swift boxes. This was seconded by the Chair.

On being put to a vote, with seven Members in favour and one against, it was:

Resolved: That officers be given delegated authority to approve the application as per the officer report and tabled update, subject to an amendment to condition 4 to include hedgehog holes and, following consultation with the CYC Ecologist, a possible amendment to condition 14 for the provision of swift bricks. The exact wording of this amendment to be agreed by the Chair and Vice-Chair.

Reason: The proposal as amended was considered to be appropriate in terms of its relationship to the pattern of development in the wider area. It is felt to be appropriate in highways and access terms and the proposed drainage strategy is acceptable. Subject to appropriate conditions attaching to any planning permission, it was felt that it

would not give rise to undue harm to the residential amenity of neighbouring properties or the landscape and biodiversity value of the site.

[5.19 – 5.26 pm, the meeting adjourned. Cllr Baxter joined the meeting]

**31. 34 Fulford Place, Hospital Fields Road, York, YO10 4FE
[24/01242/FUL] (5.26 pm)**

Members considered a full application by Mrs Olivia Adams for the change of use from residential apartment (Use class C3) to House in Multiple Occupation (Use class C4).

The Development Manager gave a presentation on the proposal, there was no update to the officer report.

Three speakers had registered to speak in objection to the application.

Public Speakers

Kenneth Fox, a resident of Fulford Place, raised concerns about the internal work that had taken place and the subsequent mess that had been left in communal areas. He spoke against student accommodation, noting a shortage of family accommodation.

In response to questions from Members he stated that there were no HMO licenses at the building.

Philip Heaton, spoke on behalf of leaseholders and residents as a Director of Fulford Place residents' management company. He questioned the accuracy of the HMO information, stating that any HMO would breach the leasehold agreement and further stating that that HMOs have a negative effect on communities.

Brian Docherty, a resident of Fulford Place, raised concerns regarding possible breaches of the leasehold agreement and questioned the planning process.

The Development Manager responded to questions from Members and reported that approval of the application would give permission for a change of use under the planning legislation; leases were not material planning matters. The Senior Lawyer present also confirmed that leasehold covenants were private agreements and not a material consideration when determining planning applications. The application

before members was a planning application for a change of use class, not a licensing issue. Should the applicant go on to operate the property as an HMO, they would require an HMO additional licence from CYC to do so.

Internal work undertaken at the property did not require planning permission.

The method used to assess the number of HMOs in the vicinity was also described by the Development Manager. It was acknowledged that the figure was unlikely to be 100% accurate, due to the many variables involved, including differences in when figures were updated and the number of assumptions that needed to be made when interpreting data. It was, however, the best assessment that could be made.

Following debate, the Chair proposed the officer recommendation to approve the application, subject to the conditions contained within the report. This was seconded by Cllr Melly. On being put to a vote, with six in favour and three against it was:

Resolved: That the application be approved.

Reason: The application property was considered to be appropriate for the needs of future occupants as a 3no. bedroom HMO, with provision for parking and secure cycle storage acceptable within this context. The existing density levels of current HMOs was below the policy threshold (at both Street Level and Neighbourhood Level). The works will respect the general character of the building and area and the impact on the amenity of neighbouring residents would be acceptable. It was considered that the proposal complies with national planning guidance, as contained in the National Planning Policy Framework, City of York Council Draft Local Plan 2018, and the requirements of the City of York Council's Supplementary Planning Document: Controlling the Concentration of Houses in Multiple Occupancy.

[6.10-6.19 pm, the meeting adjourned.]

32. 43 Broadway West, York, YO10 4JN [24/01160/FUL] (6.19 pm)

Members also considered a full application for a first-floor rear extension, recladding of existing 2no. dormers and installation of solar panels to rear roof.

The Development Manager gave a presentation on the plans and confirmed that there was no additional update. He responded to questions on the plans and explained that there would be some impact on light levels to neighbouring properties, but it was not likely to be significant.

Public Speakers

Jamie Wood, the applicant spoke in support of the application and explained that the changes would allow him to be able to live at home.

It was confirmed that no objections to the application had been received and cladding was given as an example of what could be carried out under permitted development.

Following a brief debate, Cllr Warters moved the officer recommendation to approve the application, this was seconded by Cllr Waudby.

Members voted unanimously in favour, and it was therefore:

Resolved: That the application be approved.

Reason: The works proposed would respect the general character of the building and area and the impact on the amenity of neighbouring residents would be acceptable. It was considered it complies with national planning guidance, as contained in the National Planning Policy Framework, City of York Council Draft Local Plan 2018, and the City of York Council's Supplementary Planning Document (House Extensions and Alterations).

[6.32 pm Cllr Waudby left the meeting]

33. Planning Appeal Performance and Decisions (6.32 pm)

The Development Manager presented a report which provided information on the planning appeal decision determined by the Planning Inspectorate between 01 April and 30 June 2024.

He confirmed that there had been no costs awarded against the council during the reported time frame.

Resolved: That the report be noted.

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

Cllr B Burton, Chair

[The meeting started at 4.30 pm and finished at 6.40 pm].

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