



CITY OF
YORK
COUNCIL



Notice of a public meeting of Area Planning Sub-Committee

To: Councillors Hollyer (Chair), Crawshaw (Vice-Chair),
Fisher, Craghill, Webb, Perrett and Cullwick

Date: Thursday, 10 June 2021

Time: 4.30 pm

Venue: The George Hudson Board Room - 1st Floor West
Offices (F045)

AGENDA

1. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Minutes (Pages 3 - 6)

To approve and sign the minutes of the Area Planning Sub-Committee held on 13 May 2021.

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 have changed to 2 working days before the meeting, in order to facilitate the management of public participation at remote meetings. The deadline for registering at this meeting is **5:00pm on Tuesday 8 June 2021**.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill out an online registration form. If you have any questions about the registration form or the meeting, please contact the relevant Democracy Officer, on the details at the foot of the agenda.

Webcasting of Remote Public Meetings

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

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Plans List

To determine the following planning applications:

5. 37 Mitchell Way, York, YO30 4SW (Pages 7 - 24) [20/01662/FUL]

This application seeks retrospective permission for the change of use of 37 Mitchell Way from a dwellinghouse (use class C3) to a 5 bedroom house in multiple occupation (use class C4) for 6 individuals. [Rawcliffe And Clifton Without]

6. 25 Orchard Paddock, Haxby, York, YO32 3DW [20/02256/FUL] (Pages 25 - 42)

This application, as amended, seeks permission for a single storey extension to the side and rear of a single storey semi-detached dwelling in Haxby, along with the erection of dormers to the side and rear, and the installation of rooflights to the front and rear roofslopes. An existing garage at the site would be removed. [Haxby And Wigginton]

7. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:
Sarah White

Contact details:

- Telephone: (01904) 553631
- Email: sarah.white@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 własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

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Coronavirus protocols for attending Committee Meetings at West Offices

If you are attending a meeting in West Offices, you must observe the following protocols.

Windows must remain open within the meeting room to maintain good ventilation.

Furniture must not be moved from the designated safe layout.

If you're displaying possible coronavirus symptoms (or anyone in your household is displaying symptoms), you must follow government self-isolation guidance and must NOT attend your meeting at West Offices.

Testing

The Council encourages regular testing of all Officers and Members and also any members of the public in attendance at a Committee Meeting. Any members of the public attending a meeting are advised to take a test within 24 hours of attending a meeting, the result of the test should be negative, in order to attend.

Test kits can be obtained by clicking on either link: [Find where to get rapid lateral flow tests - NHS \(test-and-trace.nhs.uk\)](https://www.nhs.uk/conditions/coronavirus/coronavirus-test-kits/), or, [Order coronavirus \(COVID-19\) rapid lateral flow tests - GOV.UK \(www.gov.uk\)](https://www.gov.uk/order-coronavirus-rapid-lateral-flow-tests).

Alternatively, if you call 119 between the hours of 7am and 11pm, you can order a testing kit over the telephone.

Guidelines for attending Meetings at West Offices

You must:

- Not arrive more than 10 minutes early
- Wear a face covering when entering the building and in the 'common' areas of West Offices
- Visitors to enter West Offices by the customer entrance and Councillors to enter using the staff entrance only.
- Ensure your ID / visitors pass is clearly visible at all times
- Use the touchless hand sanitiser units on entry and exit to the building and within the Meeting room.
- Keep to the left and adhere to social distancing where possible when using staircases and walkways, giving way on the staircase landings
- You must sit at the dedicated spaces around the table and if screens are in place do not move them or lean around them.
- Bring your own drink if required
- Maintain social distancing of 2 metres within toilet areas and remain vigilant for other occupants
- Only use the designated toilets next to the Meeting room

Please note: If you intentionally, or repeatedly, breach any of the social distancing measures, or hygiene instructions, you will be asked to leave the building.

Developing symptoms whilst in West Offices

If you develop coronavirus symptoms during a Meeting, you should:

- make your way home immediately
- avoid the use of public transport where possible
- self-isolate for 10 days

You should also:

- Advise the Meeting organiser so they can arrange to assess and carry out additional cleaning

- Continue to observe social distancing
- Do not remain in the building any longer than necessary
- Do not visit any other areas of the building before you leave

If you receive a positive test result, or if you develop any symptoms before the meeting is due to take place, **you must not attend the meeting.**

City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	13 May 2021
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Cullwick, Fisher, Craghill, Webb and Perrett
Apologies	None

49. Declarations of Interest

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

50. Minutes

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 15 April 2021 be approved and then signed by the Chair as a correct record.

51. Public Participation

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

52. Plans List

Members considered a schedule of reports of the Assistant Director, Planning and Public Protection, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

53. Joseph Rowntree Housing Trust, Beverley House, 17 Shipton Road, Clifton, York [20/01084/FULM]

Members considered an application for the demolition of the existing side projection and conversion of existing office building to form 9 apartments, with development of land to side and rear to include erection of three detached buildings, to provide a total of 21 apartments for senior living. External alterations of main existing building and associated landscaping, cycle, parking and refuse storage.

Officers gave a presentation based upon slides on agenda pages 61-82 detailing existing and prospective site plans, floor plans and elevations. A correction was noted in paragraph 5.56 which referred to the loss of a pair of category B trees (T10 and T11). The latest revised drawing retains T11.

In response to Members questions it was confirmed that:

- The development was in the Clifton Conservation Area but it was not a listed building.
- The conservation officer did not consider it necessary for an angled end wall for the roof extension for aesthetic purposes.
- Car parking spaces were policy compliant.
- The conditions to protect the trees should be sufficient, and there are no other controls available to the LPA.
- The trees were not covered by TPO, however the member request would be passed to the conservation manager.
- There was a risk of harm with construction works close to trees, however the conditions should mitigate against the risk if the measures are monitored and maintained.
- An informative could be added for replacement tree planting to match the number of removed trees.
- 13 letters of support from 11 people had been received.

Public Speakers

Killian Gallagher (Planning Consultant) spoke in support of the application with Mark Andrews (Lead Architect) available to take questions, on behalf of the applicant. They stated the benefits of the conversion for over 55's in an ideal location, freeing up family homes within the city, retaining the aesthetic for the street scene, all car park spaces having electrical charging points and the general positive feedback from the local community. In response to Member's questions it was confirmed that car park

spaces at the front were reduced to minimise loss to the trees and Highways Network Management agreed the parking provision was sufficient.

There were no further questions from Members to the officers.

After debate, Cllr Cullwick moved, and Cllr Crawshaw seconded that the application be approved due to an out of use building being utilised and developed to provide homes for the over 55 community, electric charging points and detailed consideration of planning policies with the condition of replacing any trees that are lost.

Resolved: That the application be approved subject to:

- (i) S106 agreement
- (ii) Additional informative in respect of condition 12 – replacement tree planting to at least match the numbers of trees removed.

Cllr Hollyer, Chair

[The meeting started at 4.35 pm and finished at 5.12 pm].

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COMMITTEE REPORT

Date: 10 June 2021 **Ward:** Rawcliffe And Clifton
Without

Team: West Area **Parish:** Rawcliffe Parish Council

Reference: 20/01662/FUL
Application at: 37 Mitchell Way York YO30 4SW
For: Change of use of dwellinghouse (use class C3) to House in
Multiple Occupation (use class C4) (retrospective)
By: Mr Ali Gumusier
Application Type: Full Application
Target Date: 30 June 2021
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks retrospective permission for the change of use of 37 Mitchell Way from a dwellinghouse (use class C3) to a 5 bedroom house in multiple occupation (use class C4) for 6 individuals.

1.2 The property is a modern three storey semi-detached townhouse situated in an established residential estate in close proximity to Clifton Moor. The property has two off street car parking spaces to the front of the dwelling and there are two visitor bays opposite. The original integral garage has been previously converted to a habitable room.

1.3 The application has been called to committee by Cllr Smalley on the grounds of the impact on the streetscene, proposals in the development plan and previous planning decisions and precedents on Mitchell Way.

2.0 POLICY CONTEXT

Publication Draft Local Plan 2018

CYH8 - Conversion to flats/HMO/student accom

Development Control Local Plan 2005

CYGP1 – Design

CYP4a – Sustainability

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CYH8 - Conversion to flats/HMO/student accom

3.0 CONSULTATIONS

INTERNAL

Forward Planning

3.1 Street Calculation (100m): $0 / 38 = 0\%$ therefore under threshold.

Neighbourhood Calculation: $3/1079 = 0.3\%$ therefore under threshold.

EXTERNAL

Rawcliffe Planning Panel

3.3 The Panel objects on the grounds of insufficient parking spaces provided for residents and visitors. It is believed that the continued use as a HMO will create further parking issues in this and surrounding streets.

4.0 REPRESENTATIONS

4.1 Objections from 10 neighbouring properties have been received. The following issues have been raised:

- Inconsistency with number of parking spaces – application states 3, actually only two in front of the property
- Significant number of vehicles associated with property – up to 9 including a commercial vehicle which cause significant access and parking issues
- Highway safety issues associated with excessive numbers of vehicles and lack of access for emergency vehicles
- Numbers of tenants is stated as 5, however there appears to be at least 7 plus adults residing at the address
- The property has been used as a HMO since 2017 not since 2020
- Application states other HMOs in the area however this is not the case
- Granting permission will set a precedent for similar changes of use
- Property potentially used for business use

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5.0 APPRAISAL

KEY ISSUES

5.1 The key issues in the assessment of this proposal are the impact upon the amenity of neighbours and whether the car and cycle parking and refuse storage arrangements are acceptable.

POLICY CONTEXT

National Planning Policy Framework

5.2 The National Planning Policy Framework, February 2019 (NPPF) sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development.

5.3 Paragraph 127 states that planning policies and decisions should ensure that developments will achieve a number of aims including:

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
- establish a strong sense of place
- optimise the potential of sites

Draft Local Plan Policies

Publication Draft Local Plan 2018

5.5 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

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5.6 Policy H8 states that applications for the change of use from dwelling house (Use Class C3) to HMO (Use Class C4 and Sui Generis) will only be permitted where:

- It is in a neighbourhood area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent or are known to the Council to be HMOs; and
- less than 10% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning permission or are known to the Council to be HMOs; and
- the accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

5.7 In Paragraph 5.53 it advises that in assessing planning applications for HMOs, the Council will seek to ensure that the change of use will not be detrimental to the overall residential amenity of the area. In considering the impact on residential amenity attention will be given to whether the applicant has demonstrated the following:

- the dwelling is large enough to accommodate an increased number of residents;
- there is sufficient space for potential additional cars to park;
- there is sufficient space for appropriate provision for secure cycle parking;
- the condition of the property is of a high standard that contributes positively to the character of the area and that the condition of the property will be maintained following the change of use to HMO;
- the increase in number of residents will not have an adverse impact on noise levels and the level of amenity neighbouring residents can reasonably expect to enjoy;
- there is sufficient space for storage provision for waste/recycling containers in a suitable enclosure area within the curtilage of the property; and
- the change of use and increase in number of residents will not result in the loss of front garden for hard standing for parking and refuse areas which would detract from the existing street scene.

Development Control draft Local Plan 2005

5.8 The Development Control draft Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is very limited. It is considered that the following policies/criteria are relevant:

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- Policy GP1 (a) requires development proposals to respect or enhance the local environment
- Policy GP4a (i) requires that development proposals make adequate provision for the storage and collection of refuse and recycling.
- Appendix E to the Local Plan outlines car and cycle parking standards for development and specifies that HMOs should provide 1 car parking space per 2 bedrooms and 1 cycle parking space per bedroom.
- Policy HE4 requires proposals to have no adverse effect on the character and appearance of the area.
- Policy H8 sets out the criteria by which conversions of houses to HMOs should be assessed including that the dwelling has a minimum of 4 bedrooms; adequate car and cycle parking is provided; there would be no adverse impact on neighbouring amenity by virtue of the conversion alone or cumulatively with a concentration of such uses.

Draft Supplementary Planning Document (SPD): Controlling the Concentration of Houses in Multiple Occupancy (2014)

5.9 This Guidance was prepared in connection with an Article 4 Direction which the Council made in respect of houses within the defined urban area. It has the effect of bringing the change of use of dwellings (Class C3) to small HMO's occupied by between 3 and 6 people (Class C4), which would otherwise be permitted development, within planning control. In Paragraph 5.15 the SPD recognises that concentrations of HMOs can impact upon residential amenity and can, in some cases, create particular issues with regard to:

- increased levels of crime and the fear of crime;
- poorer standards of property maintenance and repair;
- littering and accumulation of rubbish;
- noises between dwellings at all times and especially at night;
- decreased demand for some local services;
- increased parking pressures; and
- lack of community integration and less commitment to maintain the quality of the local environment.

5.10 In Paragraph 5.17 it outlines that in assessing planning applications for HMOs the Council will seek to ensure that the change of use will not be detrimental to the overall residential amenity of the area. In considering the impact on residential amenity, attention will be given to whether the applicant has demonstrated that the condition of the property is of a high standard that contributes positively to the character of the area and that the increase in number of residents will not have an

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adverse impact on noise levels and the level of amenity neighbouring residents can reasonably expect to enjoy.

5.11 Paragraph 5.7 of the SPD advises that applications for change of use from dwellings to HMO's will only be permitted where:

- a) The property is in a neighbourhood area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and
- b) Less than 10% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and
- c) The accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

ASSESSMENT

5.12 Under draft Local Plan Policy and the draft SPD, in consideration of a proposal to establish an HMO, there is a requirement to avoid adverse impact on neighbouring amenity through noise disturbance or residential character by virtue of the conversion alone or cumulatively with a concentration of such uses. In this respect, Paragraph 5.2 of the SPD states a 'threshold based policy approach' is considered most appropriate method for controlling the number of HMO's across the City, as this tackles concentrations and identifies a 'tipping point' when issues arising from concentrations of HMOs become harder to manage and a community or locality can be said to tip from balanced to unbalanced.

5.13 Council data indicates that within 100m (Street level) of the site that there are currently no known HMOs out of 38 properties - 0.00%. At the neighbourhood level there are currently 3 known HMOs out of 1079 properties – 0.3%. Neither of the thresholds have been breached and as such, the proposed change of use to a HMO is unlikely to significantly affect the balance of the community or the stock of family sized dwellings. Whilst a family house would be lost in this instance, HMO properties are required to provide accommodation for non-family occupiers who also require accommodation throughout the city. By introducing the Article 4 Directive, it helps to balance York's housing market and ensure that communities are not unbalanced by large concentrations of HMO properties. The use of this particular property as a HMO is considered to be acceptable in this instance as it meets the requirements for adequate accommodation and facilities for the occupiers.

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Car Parking

5.14 The Development Control draft Local Plan 2005 (DCLP) contains a car parking standard of 1 space per 2 HMO bedrooms. This is a maximum, which the DCLP states should be assessed downwards depending on the individual characteristics of each site. Whilst the application site is in a sustainable location, it would not be considered unusual for a family dwelling of this size to have at least two cars. The maximum requirement for a 5 bed roomed HMO would be for 2 or 3 car parking spaces. Significant concerns have been raised by neighbouring residents with regard to car parking provision. A number of residents have reported that currently up to 9 vehicles are associated with the host property, causing significant highway safety and access issues.

5.15 In response to the neighbour objections, the applicant has written to confirm that his tenants currently have 6 vehicles, 2 parked on the drive/in front of the house, 2 occupying visitor car parking spaces opposite the drive and 2 on the street. One of these vehicles is a large van as one of the tenants works as a delivery driver.

5.16 Mitchell Way is a modern cul-de-sac with limited on street car parking. Most properties have one parking space on the drive with another space in the garage, where the garage is retained. Cars parking on the street appear to often straddle the road and pavement.

5.17 The applicant has advised that the two visitor car parking spaces opposite his property are also used by tenants of the property. Although it is understood that these visitor spaces were laid out as part of the original planning permission for the estate, they are not part of the adopted highway and there are no planning conditions controlling their use. The 2005 draft Local Plan requirement for a 5 bed HMO would be two or three car parking spaces, applied flexibly depending on the nature of the area. Two spaces are provided off street, the remaining one space within the visitor car parking space is considered to meet the published standards. Further information has been sought regarding the ownership status of the visitor spaces and will be reported verbally to Members.

5.18 The agent has stated that if parking proved to be an issue in granting consent that the tenancy agreements could be altered to limit parking to 2 vehicles. It is noted however that car ownership by tenant would be unenforceable and as such could not be conditioned.

5.19 This is a retrospective application. The issues raised by neighbours with regard to parking provision are based on observations rather than perceived parking issues and as such the multiple comments about parking would suggest that the current use is posing a considerable issue for neighbours. The nature of a House in Multiple Occupation use means that the parking situation will fluctuate over time as tenants change. The application has to be considered on its own merits, rather than

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wholly on the basis of current occupants. It is not considered reasonable to require parking provision over the maximum standards outlined in the draft Plan.

Cycle Storage

5.20 Cycle Standards require provision of 5 no covered and secure spaces for a 5 no bedroom HMO. An existing cycle store for 5 bicycles is located in the rear garden accessed from the side passageway.

Amenity of Occupants

5.21 The property appears to be well-maintained, both internally and externally, and this was confirmed by the internal inspection carried out by the Housing team. There is an open plan kitchen/diner to the rear of the ground floor. Both of the original living rooms (ground and first floor) have been converted to bedrooms. Therefore the arrangement of bedrooms is one on the ground floor, two to the first floor with a communal bathroom and two further bedrooms (one en-suite) on the second floor plus a small box room for storage. Bin and recycling box storage is provided in the rear garden as per the previous arrangements for the house. Despite the lack of a separate living room, the property is considered to provide a good level of accommodation.

Impact on the Amenity of the Occupants of Neighbouring Properties

5.22 Objections have been received from multiple neighbouring residents in relation to the impact of the existing use of this property as a HMO, mainly in relation to the multiple comings and goings by occupants and the number of vehicles and associated parking/ highway issues. The adverse impact is suggested by objectors to be because there are more than 6 occupants currently residing at the property. If planning permission is granted for a C4 use, this limits the occupancy within the use class to no more than 6 residents. Occupation by more than 6 residents may be a material change of use requiring a further planning permission.

5.23 Given the very low numbers of HMOs in the neighbourhood, it is not considered that the use would unbalance the community. In addition, it is considered that the occupation of the property as an HMO would not individually or cumulatively result in significant harm to the amenity of neighbouring residents. As part of all consents approving a HMO use, a 'management plan' is required to be conditioned to address issues which can arise in properties in multiple occupation. This plan is required to be provided to existing and future tenants and would relate to property maintenance, acceptable behaviours to help prevent anti-social behaviour and noise nuisance. However it is noted that anti-social behaviour, noise, disturbance etc can occur anywhere in the city and there are agencies and legislation to deal with this, should it happen.

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6.0 CONCLUSION

6.1 On balance and subject to conditions, it is considered that the use of the property as a HMO within the C4 use class is acceptable in terms of the balance of the community, highways impact and local amenity. The application accords with the requirements of the NPPF, Policy H8 of the Publication Draft York Local Plan 2018 and Policies GP1 and H8 of the Development Control Local Plan 2005.

7.0 RECOMMENDATION: Approve

1 A detailed written management plan for the property shall be submitted to the Local Planning Authority within 3 months of the date of this permission for approval in writing and shall thereafter be implemented as approved unless otherwise agreed in writing by the Local Planning Authority. The Management plan shall relate to the following matters:

- i) Information and advice to occupants about noise and consideration to neighbours
- ii) Garden maintenance
- iii) Refuse and recycling facilities
- iv) Property maintenance

Reason: In the interests of the proper management of the property and the amenity of adjacent residents.

2 The cycle store as shown on the approved site plan shall be retained solely for such use unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate cycle storage provision.

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:

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Officers sought additional information regarding numbers of tenants and parking arrangements.

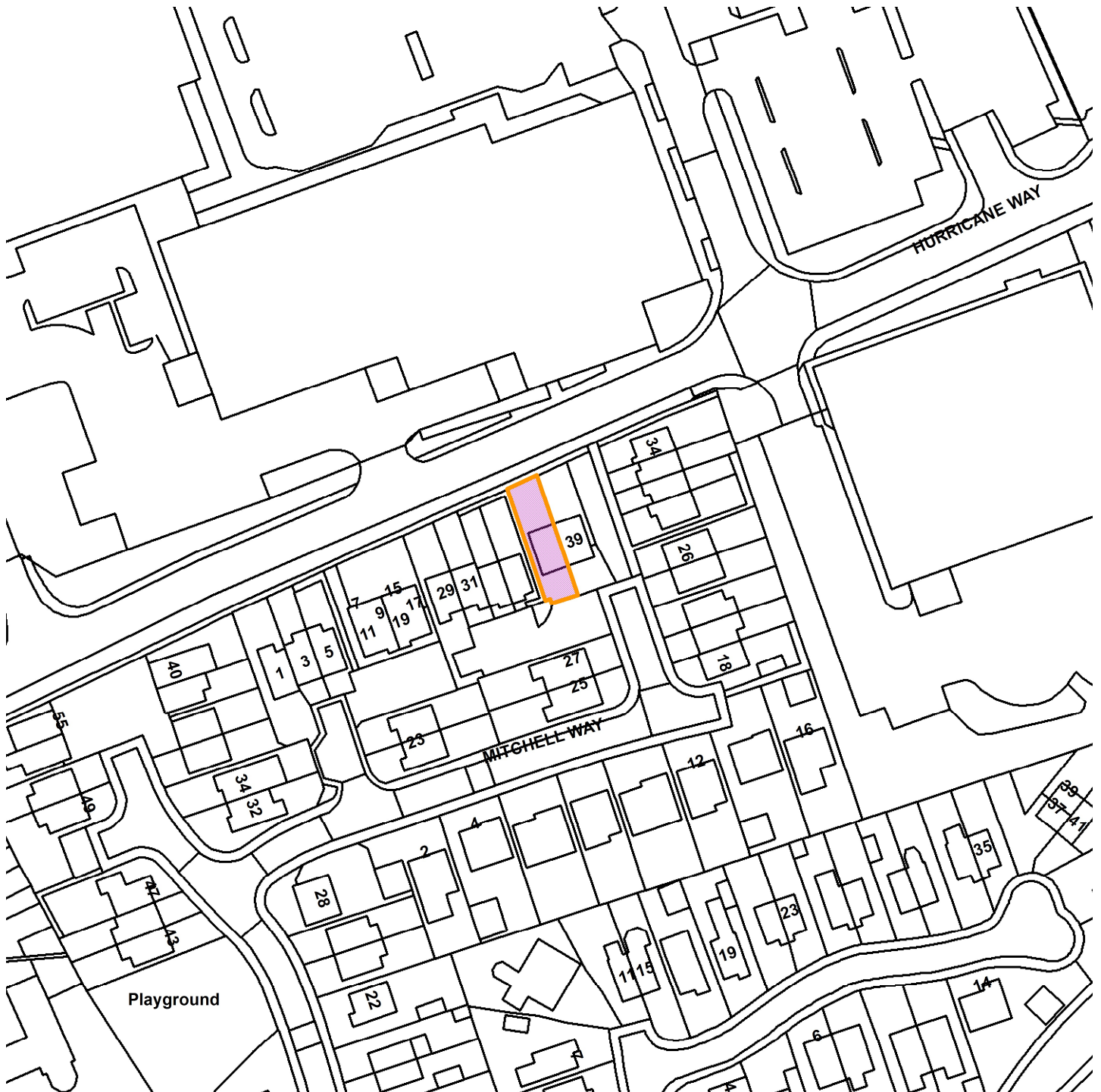
Contact details:

Case Officer: Elizabeth Potter

Tel No: 01904 551477

37 Mitchell Way, YO30 4SW

20/01662/FUL



Scale : 1:1150

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Organisation	City of York Council
Department	Economy & Place
Comments	Site Location Plan
Date	28 May 2021
SLA Number	

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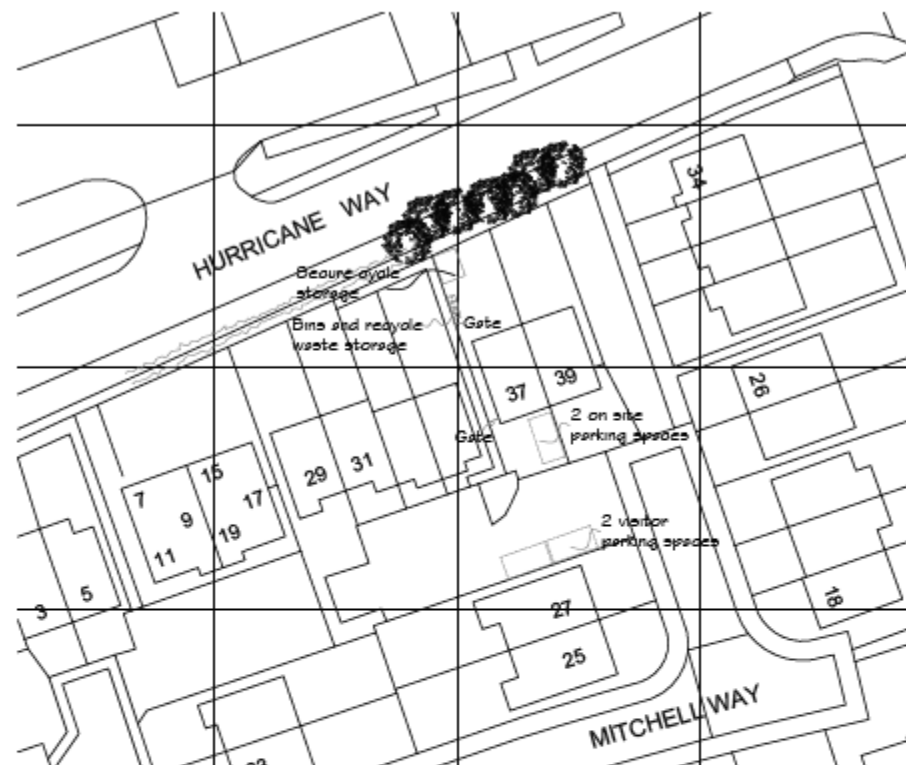


Area Planning Sub-Committee

20/01662/FUL

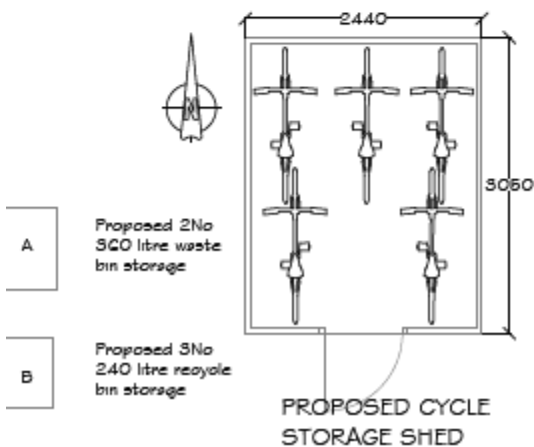
37 Mitchell Way

Site plan



Rev 0 On site and visitor parking spaces shown.
 Rev B Dimensions added to cycle storage
 Rev A Bins and recycle storage details added

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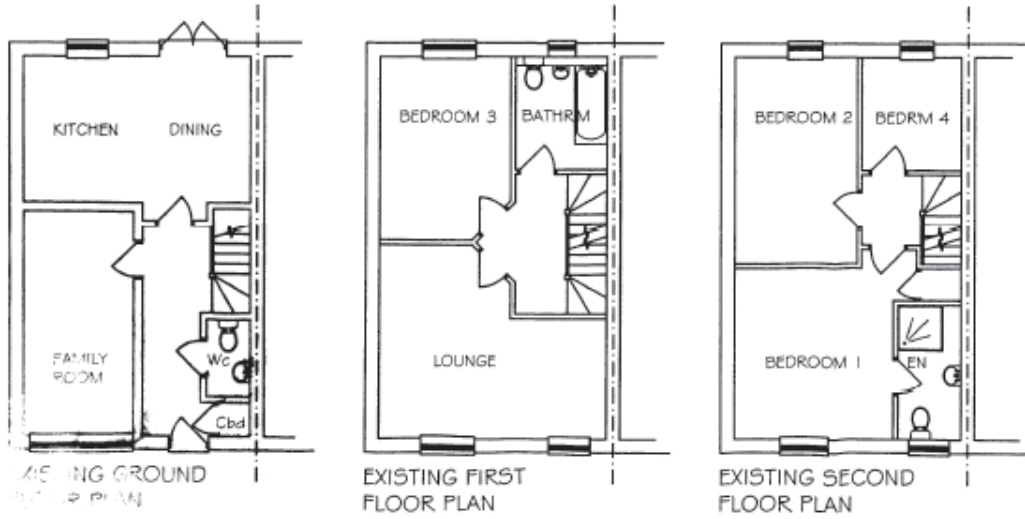
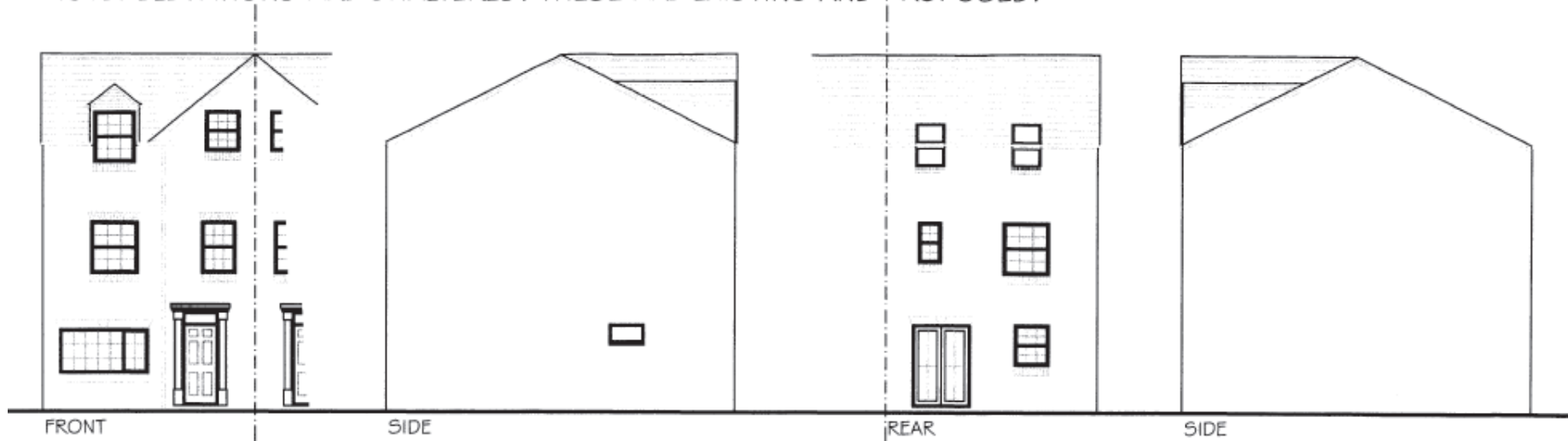
M.T.S. Architectural Services
 60 Bendyoc Avenue
 Clifton
 York
 YO30 6JW
 Tel 01504 626394

project
**PROPOSED CHANGE OF USE
 OF EXISTING DWELLING TO
 HOUSE IN MULTIPLE OCCUPANCY
 AT 37 MITCHELL WAY
 CLIFTON MOOR
 YORK**

PROPOSED SITE PLAN

des. no. **AGMW/02/C** date August 2020
 scale 1:50 1:500 @ A4

NOTE. ELEVATIONS ARE UNALTERED. THESE ARE EXISTING AND PROPOSED.



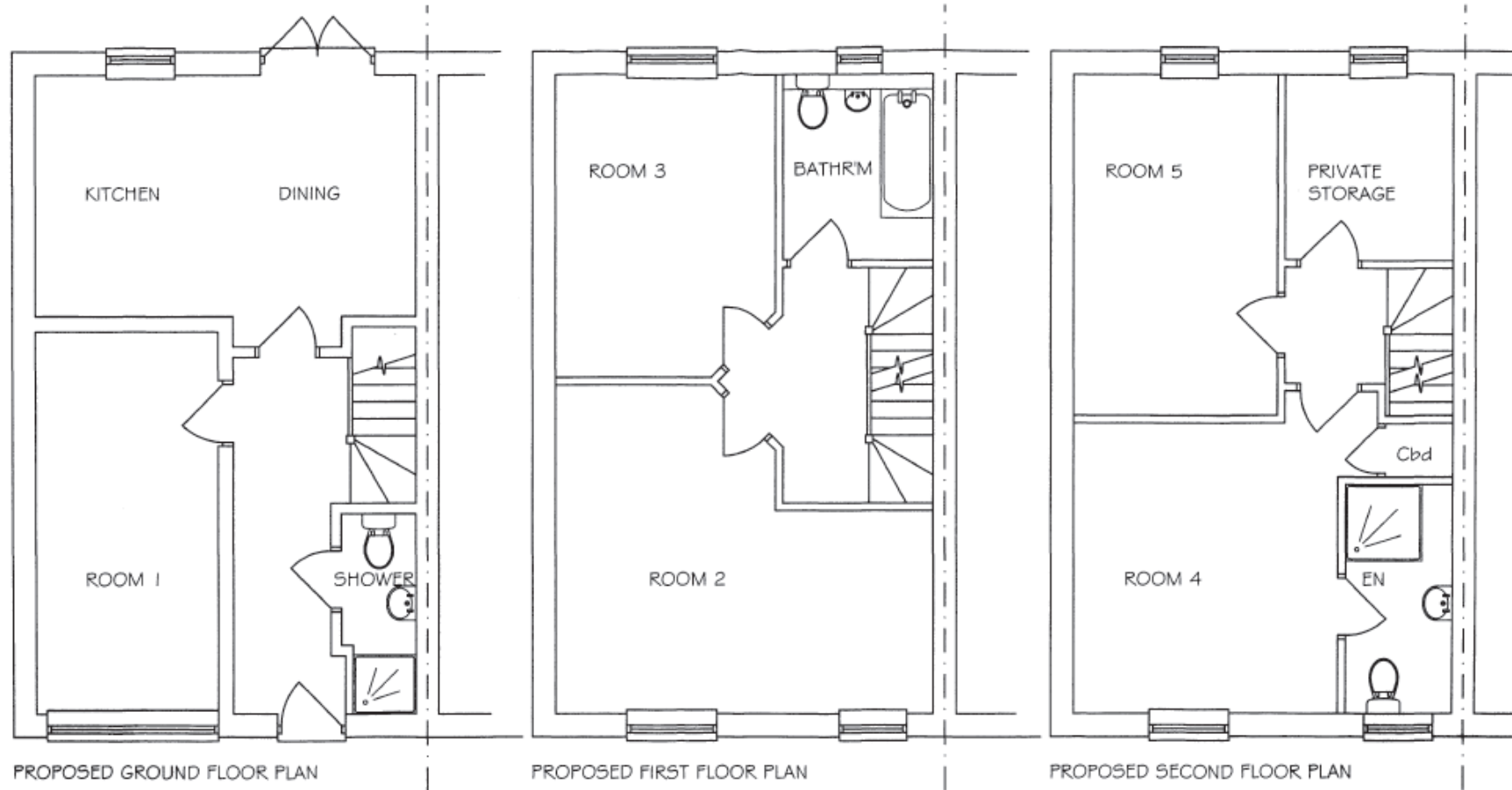
M.T.S Architectural Services
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Project
**PROPOSED CHANGE OF USE
 OF EXISTING DWELLING TO
 HOUSE IN MULTIPLE OCCUPANCY
 AT 37 MITCHELL WAY
 CLIFTON MOOR
 YORK**

EXISTING FLOOR PLANS
 TOGETHER ELEVATIONS

dra. no. **AGMW/03**

As proposed



project
PROPOSED CHANGE OF USE
OF EXISTING DWELLING TO
HOUSE IN MULTIPLE OCCUPANCY
AT 37 MITCHELL WAY
CLIFTON MOOR
YORK

PROPOSED GROUND, FIRST
AND SECOND FLOOR PLANS

M.T.S Architectural Services
60 Burdette Avenue
Clifton
York
YO30 2AW
Tel: 01904 626394

dep. no.
AGMW/O21





COMMITTEE REPORT

Date: 10 June 2021 **Ward:** Haxby And Wigginton
Team: West Area **Parish:** Haxby Town Council
Reference: 20/02256/FUL
Application at: 25 Orchard Paddock Haxby York YO32 3DW
For: One and a half storey side and rear extensions after demolition of existing garage with dormers to side and rear, and rooflights to front and rear
By: Mr E Pearson
Application Type: Full Application
Target Date: 11 June 2021
Recommendation: Householder Approval

1.0 PROPOSAL

1.1 This application, as amended, seeks permission for a single storey extension to the side and rear of a single storey semi-detached dwelling in Haxby, along with the erection of dormers to the side and rear, and the installation of rooflights to the front and rear roofslopes. An existing garage at the site would be removed.

1.2 The application has been brought to Area Planning Sub Committee under 2.2(e) of the Scheme of Delegation as the applicant is a serving Councillor.

2.0 POLICY CONTEXT

Draft Development Control Local Plan 2005

H7 – Residential Extensions

City of York Publication Draft Local Plan 2018

D11 – Extensions and Alterations to Existing Buildings

3.0 CONSULTATIONS

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3.1 Haxby Town Council commented that they would like to see the development, as initially proposed, brought back into the building line and the proposed side dormer removed.

3.2 Public Protection – No objection providing that a condition relating to Electric Vehicle Charging be placed on any approval given

4.0 REPRESENTATIONS

4.1 The application was advertised by neighbour notification letter; 1 no. objection was received raising the following concerns:

- The proposed front elevation would reduce sunlight to the neighbouring property at no.23.
- The proposed front extension would not be in keeping with other properties on the street, as all other frontages are flush.

5.0 APPRAISAL

KEY ISSUES

5.1 Impact on the dwelling and character of the surrounding area; impact on neighbour amenity.

POLICY CONTEXT

5.2 The National Planning Policy Framework (NPPF) February 2019 sets out the Government's overarching planning policies, and at its heart is a presumption in favour of sustainable development.

5.3 Paragraph 38 of the NPPF (Chapter 4, 'Decision-Making') advises that local planning authorities should approach decisions on proposed development in a positive and creative way, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

5.4 Paragraph 127 (NPPF Chapter 12, 'Achieving Well-Designed Places') states that planning policies and decisions should ensure that developments will achieve a number of aims, including:

- ☐ that they will be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- ☐ that they are sympathetic to local character and history, including the surrounding built environment and landscape setting;
- ☐ that they will help create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users.

5.5 The NPPF also places great importance on good design. Paragraph 128 says that design quality should be considered throughout the evolution and assessment of individual proposals. Paragraph 130 says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

5.6 The Publication Draft Local Plan 2018 for the City of York ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the Draft Plan policy D11 can be afforded moderate weight.

5.7 Policy D11 (Extensions and Alterations to Existing Buildings) states that proposals to extend, alter or add to existing buildings will be supported where the design responds positively to its immediate architectural context, local character and history in terms of the use of materials, detailing, scale, proportion, landscape and space between buildings. Proposals should also sustain the significance of a heritage asset, positively contribute to the site's setting, protect the amenity of current and neighbouring occupiers, contribute to the function of the area and protect and incorporate trees.

5.8 The Development Control draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is very limited except when they are in accordance with the NPPF.

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5.9 Draft Local Plan Policy H7 concerns Residential Extensions, and states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality of the development; (ii) the design and scale are appropriate in relation the main building; (iii) there is no adverse effect on neighbour amenity; (iv) proposals respect the spaces between dwellings; and (v) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

5.10 The Supplementary Planning Document 'House Extensions and Alterations' (dated December 2012), provides guidance on all types on domestic type development. A basic principle of this guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the road/street-scene it is located on. Furthermore, proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook. Sections 12 of the SPD contains advice relating to side extensions, with paragraph 12.2 stating that, if not sensitively designed, side extensions can erode the open space within a street and create an incoherent and jumble environment. Unduly wide extensions should be avoided (paragraph 12.4), unless their width has been designed to harmonise with architectural features of the original property, and where spacing is an important characteristic of the street a clear gap should be retained between the extension and the side boundary (paragraph 12.6). Paragraph 12.8 states that a 0.9m gap should be retained to the rear garden for access. Section 13 concerns rear extensions; paragraph 13.2 advises that it is good practice to keep the eaves height of extensions as low as possible in relation to affected neighbouring gardens and rooms. Section 14 contains advice pertaining to dormers and roof extensions; if poorly located or designed, dormers can harm the balance, symmetry or proportionality of a building (paragraph 14.1), and such additions should be designed so that they do not dominate the roof and so that they relate to the appearance of the house in terms of style, materials and shape.

ASSESSMENT

The scheme

5.11 As initially proposed, the scheme included an extension of approximately 1.5 metres forward of the primary elevation of the existing dwelling, incorporating a

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render finish in common with other parts of the scheme. Following consultee responses and officer feedback, this element of the scheme was removed, with the amended addition proposed to be flush to the front elevation of the existing dwelling, incorporating a brick-built finish to the front wall to match the existing house. The height of the proposed side dormer was also reduced following officer feedback.

Impact on the dwelling and character of the surrounding area

5.12 The proposed extension to the side and rear of the house, as amended, would not be considered to cause undue harm to the character of the dwelling, or the wider street scene. When viewed from the front, the proposed extension would widen the existing dwelling, but would remain of a proportionate width and in keeping in terms of design and materials. Although not subservient, the extension to the main roof slope of the house would retain the proportionality of the existing dwelling and would not cause the house to be unduly prominent within the street.

5.13 The rear elements of the extension would be well screened from wider public view, and the render finish proposed to these elevations would not be considered to cause visual harm, given the lack of prominence within the street scene. The rear offshoot would be of a reasonable scale and design in the context of the existing dwelling.

5.14 The proposed side dormer, as amended, would sit below the main ridge of the extended roof slope and away from its forward plane, thereby remaining clearly subservient to the main part of the roof. The dormer would utilise matching materials and would not be considered to dominate the roof or cause the dwelling to be unduly 'top-heavy'. There are several examples of side additions at roof level within the surrounding area, and the dormer would not be considered out of character in this context.

5.15 The proposed dormer to the rear roof slope would be set below the main ridge, and well screened from any public view. The proposed rear dormer would connect to the proposed side dormer in a slightly uncomfortable design, although its lack of prominence at the rear of the house would mean that structure and its relationship to the side dormer would have no undue impact on the visual amenity of the dwelling or wider street scene.

5.16 The proposed roof light to the front roof slope would not be considered to have an undue impact on the visual amenity of the property and could be implemented without the need for planning permission, under the permitted development rights afforded to the applicant.

Impact on neighbour amenity

5.17 The proposed rear and side extension are not be considered to have an undue impact on neighbour amenity. To the rear, it would have no level of impact above that of the existing garage, and would be screened by the garage and rear offshoot at no.27. The extension would be set well away from the side boundary with no.23 so as to have no undue impact on outlook or light from the rear of this neighbouring dwelling. To the side, the extension would occupy the existing driveway of the host property, and would project towards the side elevation of the dwelling at no.27, separated by the adjacent driveway and a gap of approximately 0.9 metres between the side boundary and the side elevation of the extension. The proposed structure would face 3no. small side windows of the neighbouring house. Although a layout of the neighbouring property has not been provided, it is likely that these serve non-habitable rooms, or larger rooms served by other larger openings, and the siting of the extension to the north of these would not be considered to have an undue impact on light or outlook. The ground floor side windows proposed to the extension would all be at a high level, approximately 1.5 metres from ground level, and would not be considered to have an undue impact in terms of privacy.

5.18 At roof level, the proposed side dormer would face the side elevation of the dwelling at no.27. The window in the face of this dormer would again not be considered to overlook any sensitive area of the neighbouring property, being screened from the main neighbouring amenity space by the existing rear offshoot at no.27. The rooflight to the rear of the dormer would be at a high level and would not significantly overlook any sensitive sections of neighbouring properties.

5.19 The proposed rear dormer would incorporate a Juliette balcony to serve a bedroom, and a small high level opening to serve a bathroom. Neither of these are be considered to introduce unacceptable overlooking of any neighbouring property. There would be an adequate separation distance between the dormer and the neighbour to the rear, and any overlooking of the neighbour at no.23 would be mitigated by the screening provided by the existing conservatory at the side

boundary. It is noted that a similar degree of overlooking could result from a dormer erected in the same position using permitted development rights.

Access

5.20 A gap of approximately 0.9 metres would be retained between the rear and side extension and the side boundary, which would be considered adequate in terms of access to the rear for bins and cycles, and provision for cycle storage has also been shown within the proposed garage.

6.0 CONCLUSION

6.1 The proposal is considered to acceptable in terms of impact on the character and appearance of the street scene and impact on neighbour amenity. It complies with National Planning Policy Framework (2019), policy D11 of the City of York Publication Draft Local Plan 2018, policy H7 of the 2005 City of York Draft Local Plan, and advice contained within Supplementary Planning Document 'House Extensions and Alterations' (Dec. 2012).

7.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years

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

Drawing No. 0433ACD01B Rev. 6 (Revision dated 10th May 2021) - Planning Drawing

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

3 The development shall incorporate sufficient capacity within the electricity distribution board for one dedicated radial AC single phase connection to allow the future addition of an Electric Vehicle Recharge Point (minimum 32A) within the garage space/parking area if desired.

Reason: To ensure future electric vehicle charge points can be easily added to the garage space/parking area in line with the National Planning Policy Framework and City of York Council's Low Emission Strategy.

Notes: Any future Electric Vehicle Charging Points need to be professionally
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installed. The installation process routinely involves wall mounting a charge point on an exterior wall or garage and connecting it safely to the mains electricity supply. All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation.

In the UK, there is a Government grant scheme available to help reduce the cost of installing a home EV charge point. For more information on the scheme see the OLEV website <https://www.gov.uk/government/collections/government-grants-forlow-emission-vehicles>.

The above requirement does not preclude the installation of an Electric Vehicle Charge Point from the outset, if desired.

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 and received revised plans to reduce the impact of the proposed development on the visual amenity of the dwelling and the character of the wider streetscene.

Contact details:

Case Officer: Sam Baker

Tel No: 01904 551718

25 Orchard Paddock, Haxby, YO32 3DW

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GIS by ESRI (UK)



Scale : 1:1150

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Organisation	City of York Council
Department	Economy & Place
Comments	Site Location Plan
Date	28 May 2021
SLA Number	

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Area Planning Sub-Committee

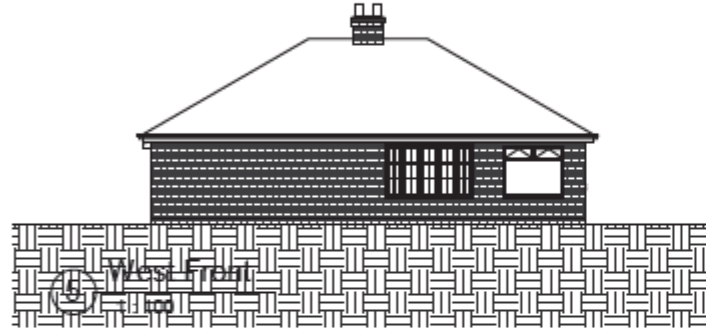
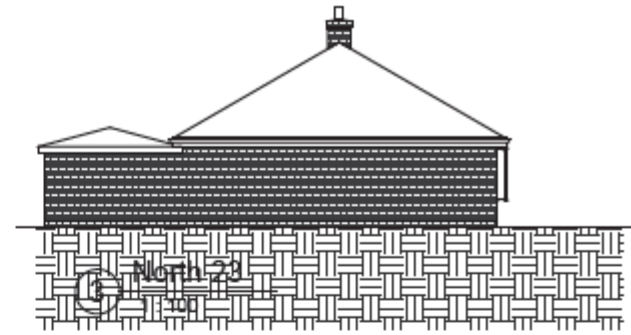
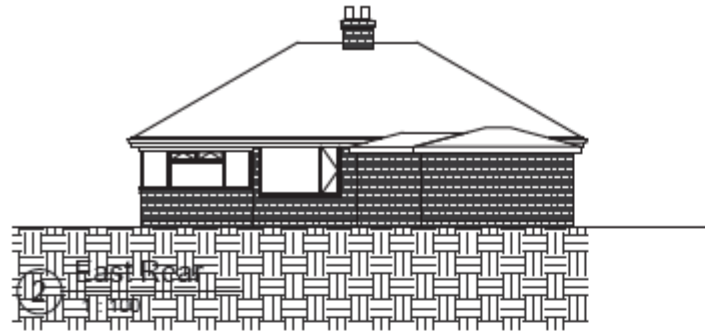
20/02256/FUL

25 Orchard Paddock Haxby

Existing site plan

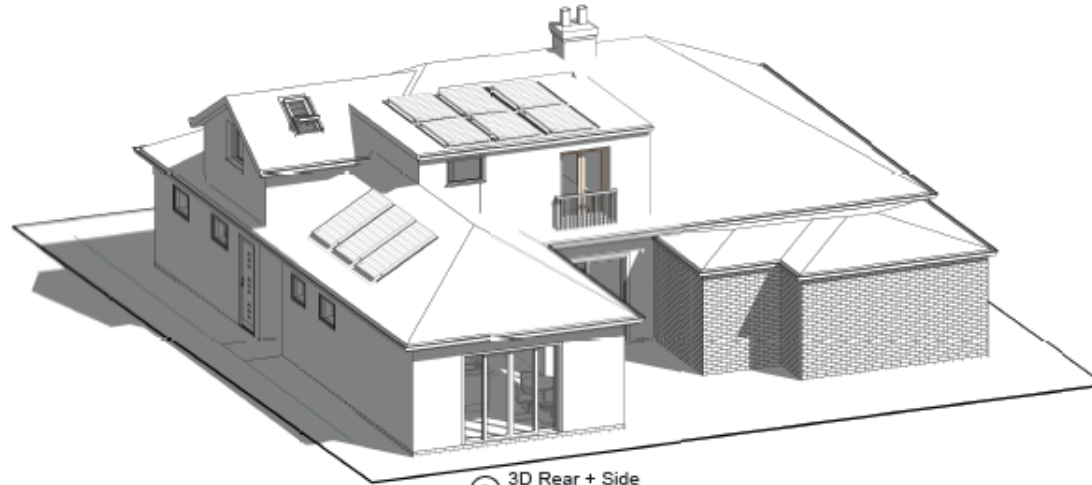


As existing

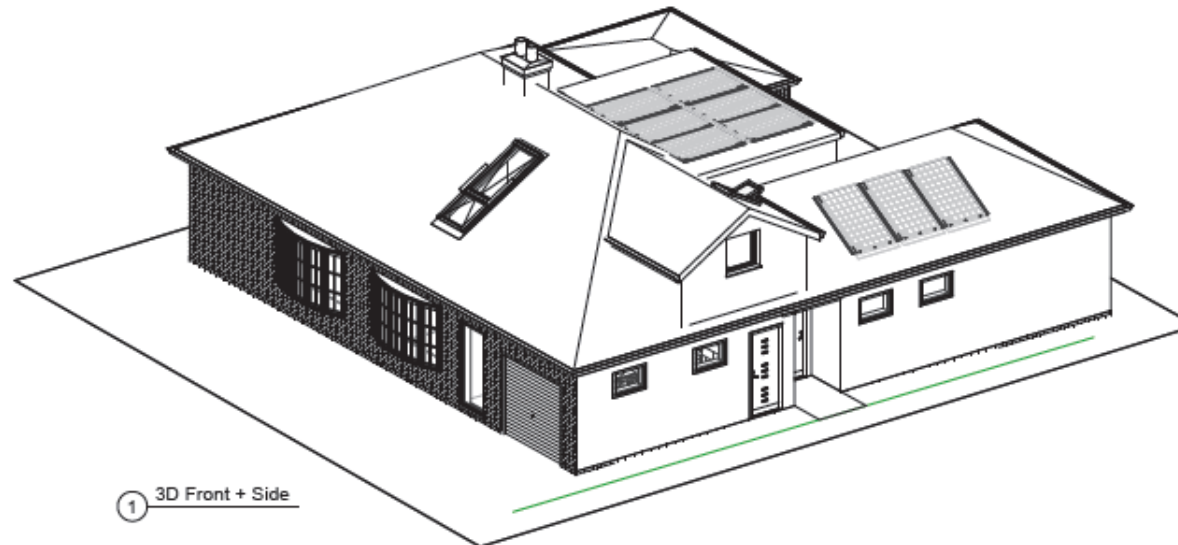


① Level 1 Ground Floor plan
1 : 100

As proposed
3D views



② 3D Rear + Side



① 3D Front + Side

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All Project Files to be read and understood before work commences and they are not the full extent of the works -
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All construction to Accredited Details. The Party Wall Act is to be implemented as required.
All works to comply with Parts L1A, L1B, L2A and L2B of the Building Regulations as applicable to the project. SAP 10/09/14 Calculations for new projects.

Rev	Description	Date
1	Layout Revised	24-06-20
2	Layout Revision	06-10-20
3	Layout Changes	15-10-20
4	Planning Requested	30-05-21
5	Layout Changes	30-04-21
6	Layout Revised	10-05-21

CODE	SUITABILITY DESCRIPTION
STATUS	PURPOSE OF ISSUE

PROJECT
Alterations +
Extensions

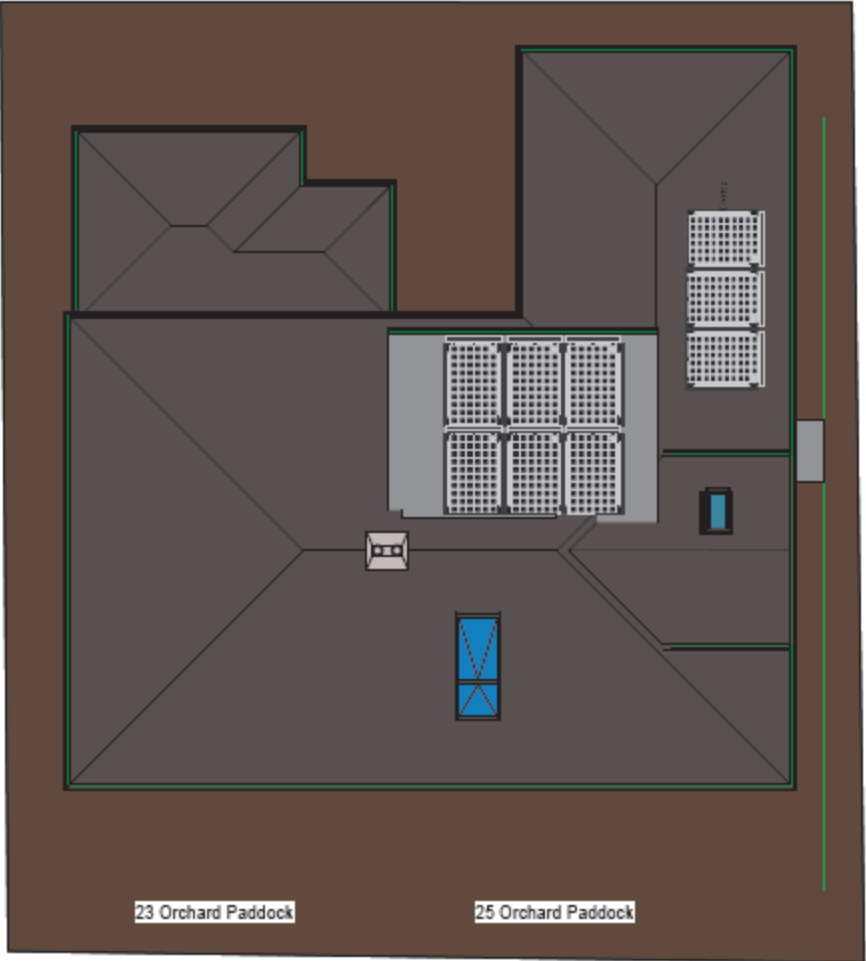
TITLE
3D Views Planning

CLIENT
Edward Pearson

DRAWN BY	CHECKED BY	DATE
Author	Checker	08/05/20
SCALE (B/A1)	PROJECT NUMBER	DRAWING NUMBER
	6430	0433ACD01C
		REV
		6

11/05/2021 08:30:23

As proposed - Roof plan



1 Site + Roof Plan
1:50



