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| Meeting | Planning Committee B |
| Date | 14 June 2023 |
| Present | Councillors B Burton (Chair), Baxter, Clarke, Melly, Vassie, Warters, Waudby, Fisher (Substitute for Cllr Hollyer) and Fenton (Substitute for Cllr Orrell) |
| Apologies | Councillors Hollyer and Orrell |

The Chair noted the apologies from Cllrs Hollyer and Orrell and asked for nominations for the Vice-Chair. Cllr Fenton proposed Cllr Fisher, this was seconded by Cllr Waudby and following a unanimous vote, Cllr Fisher was appointed Vice Chair for the meeting.

1. Declarations of Interest (4.35 pm)

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

In relation to item 4e (41, Milton Street, York, YO10 3EP) Cllr Clarke noted for transparency reasons that he jointly owned a property in the same street but he did not consider this prejudicial and he was not predetermined. On the same item, Cllr Fenton declared that the applicant was his Ward Council colleague, therefore he would not take part in the consideration of that item and would leave the meeting at that point. Cllr Fisher, together with several other members of the Committee, also noted that the applicant was a Councillor and therefore known to the Committee.

In relation to Items 4c and 4d (Mudd and Co, 5 Peckitt Street, York, YO1 9SF) in the interest of transparency, Cllr Melly noted that the Applicant had contacted her direct, she did not consider this to affect her ability to approach the Application with an open mind and did not feel that it created any conflict of interest.

2. Minutes (4.37 pm)

Resolved: That the minutes of the last meeting held on 13 April 2023 were approved as a correct record.

3. Public Participation (4.37 pm)

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

4. Plans List (4.38 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.

5. 42 Bootham Crescent, York, YO30 7AH [22/02220/FUL] (4.39 pm)

The committee considered a full application by Mrs Mika Coulson for a single storey rear extension and internal alterations to increase from 7 to 8 bed House in Multiple Occupation at 42 Bootham Crescent, York, YO30 7AH.

The Development Manager gave a presentation on the plans and responded to questions from Members as follows:

- The applicant had provided a written response to objections and stated that rubbish and/or furniture on the street had been temporary whilst renovations had been carried out. They had no plans for this property to form part of their holiday let business, which was a separate business.
- The current HMO license for the property was for 7 people; the owners would need to apply for a new license to increase this number.
- There had been no comments received from neighbourhood enforcement regarding noise nuisance at the property.
- There were no planning minimum standards for shared amenity space in HMO's, however, this did form part of the HMO license application.

Public Speaker

Cllr Danny Myers spoke as Ward Councillor in opposition to the application. He questioned whether planning permission would be required for a change of use to a short-term let. He also expressed concerns that an

increase in occupants at the property would lead to an increase noise levels in an area that mainly consisted of family homes.

In response to questions from Members, he emphasised the that large HMO's and short-term holiday lets were not in the best interests of the neighbourhood.

The Development Manager confirmed that use of the property for holiday lets would require planning permission. He noted that HMO's formed part of the housing offer for those living, working or studying in the city.

Following debate, Cllr Fisher proposed the officer recommendation to approve the application. This was seconded by the Chair. Members voted in favour of the recommendation, with five votes for and four against. It was therefore:

Resolved: that the application be approved.

Reason: The proposals are small scale and are not considered to result in harm to residential or visual amenity. As such the proposal is considered to comply with NPPF policy, Policy D11 of the emerging Local Plan and guidance within the SPD.

6. Land Adjacent To 141 Broadway, York [22/01122/FUL] (5.14 pm)

Members considered a full application by Gordon Harrison for the variation of condition 2 of permitted application 18/02129/FUL to omit footpath across the front of houses, alter position of fences between properties and erect a shed between plots 2 and 3 (retrospective) at Land adjacent to 141 Broadway, York.

The Development Manager gave a presentation on the plans and the Development Management Officer provided an update containing an additional condition as follows:

Within 6 months of this permission, details shall be submitted to the Local Planning Authority indicating the proposed boundary treatment between the private garden of plot 4 (Number 149) and the amenity open space to the front of the garden. The boundary treatment shall be provided in accordance with the approved details within three months of that approval and thereafter retained as approved.

Reason: To ensure that there is clear demarcation between the private garden and separate non-garden amenity open space to the front.

In response to questions from members, officers clarified that the retrospective aspect of the planning application referred specifically to the shed and the fence to the front of the properties. They also confirmed that the footpath which is in private ownership, ran in front of the houses and did not link with any public footpath and was not required to do so.

Public Speakers

Peter Huxford spoke in objection to the application on behalf of the Fishergate Planning Panel. He raised concerns that a precedent would be set if private individual overrode planning decisions. He questioned the loss of open landscaped space and stated that an opportunity to improve access to Walmgate Stray and traffic safety would be lost.

Mary Urmston spoke in objection to the application on behalf of Fulford Parish Council. She requested that the application be deferred until an accurate site plan could be submitted. She also stated that the additional conditions from the original planning application had not been met and that the Planning Authority would not have any control over the space should the application be approved.

Officers reported that conditions with regard to landscaping had previously been discharged as agreed.

Jeremy Fong spoke in support of the application as one of the homeowners. He stated that the land is privately owned, evenly divided between the four properties and is maintained as gardens by each household. There were no rights of way over the land or access to the Stray.

In response to questions from members, he confirmed the area of land to which he referred and stated that the gardens were maintained individually, and they were to remain undeveloped.

Officers confirmed the details of the previous planning applications and explained that for a section 73 application, consideration was to be given to the conditions the applicant sought to amend but decisions relating to previous applications could not be reconsidered. It was also highlighted that further changes to the footpath which had been built to the 2018 amendment could not be made.

In response to questions from Members, it was confirmed that the gardens could not extend to the boundary and the 2018 plans were current.

Officers noted that prior to the land being developed it was open land within the urban area and not designated public land. It remained open land with planning conditions that did not allow for the erection of buildings or other development. They confirmed that should the planning conditions be breached that would be a matter for planning enforcement.

The Development Manager confirmed that condition 1 (commencement of development) of the report, did not apply to a section 73 planning application and would therefore be removed.

Following debate, Cllr Fisher proposed the officer recommendation to approve the application, this was seconded by Cllr Vassie. Members voted seven in favour and two against the motion and it was therefore:

Resolved: that the application be approved, subject to the removal of condition 1 of the report and the addition of the tabled condition contained within the update and outlined above.

Reason: The proposed development of four homes was set to the back of the application site to enable the frontage to be soft landscaped to retain the open character of this part of the street. Car parking, external storage facilities and the access road are to the rear and largely screened by the houses. The houses were designed to appear to front Heslington Lane, however, the main entrance is to the rear and what appears as the front gardens are the properties main garden space. Planning conditions exist for the site that allows the Local Planning Authority to control the erection of walls, fences and garden buildings.

It is not considered that the absence of a path along the front gardens detracts from any necessary planning need such as providing suitable private access to the 4 homes or public access to Walmgate Stray. Although the path is shown on the approved drawings and should be provided, no planning conditions exist that require it to be retained once provided. It is not considered that the lack of the provision/retention of the path would have a significant impact on the future use and appearance of the land within the application site that fronts Heslington Lane.

The proposals are considered to comply with the National Planning Policy Framework and the relevant policies of the emerging Local Plan.

7. Mudd and Co, 5 Peckitt Street, York, YO1 9SF [22/02603/FUL] (6.16 pm)

Members considered an application from Mr T Mudd at Mudd and Co, 5 Peckitt Street, York, YO1 9SF for the change of use from office to residential (use class C3), single storey rear extension following demolition of existing single storey rear extension, and dormer to rear (resubmission).

The Development Manager gave a presentation on the plans and the planning history of the application and highlighted the legal requirements as described in paragraphs 5.2 to 5.9 of the report.

At the request of Members, the plans were clarified in relation to the changes in the plans from the previous submission.

The Conservation Officer confirmed that the roof was considered integral to the building, as such, a dormer would cause significant harm to the original character of the property.

Public Speakers

John Dench, known as Richard, spoke in support of the application as a neighbour. He stated that the plans were appropriate and long overdue and noted that other houses in the area had been similarly developed. He questioned how planning permission was granted for the extension at a neighbouring property.

Tim Mudd, the applicant, spoke in support of the application. He noted that he wished to live in the house and explained the plans in some detail. He noted that his neighbours supported his plans, and he requested that the committee defer their decision to allow for a site visit to take place.

In response to questions from Members, he explained that the second bedroom would be converted into a bathroom. The dormer window would be of benefit to the property as it would provide light from the south; a conservation roof light would be a disappointment. He stated that he wanted to improve access on the ground floor by making the kitchen level with the dining room, it was possible to raise the kitchen floor but the ceiling height would be reduced.

The Conservation Officer clarified the following:

- The Senior Flood Risk Engineer had confirmed that flood prevention measures were now in place.
- The application at Peckitt Street was considered differently from the extension at the rear of Tower St as there had been no loss of an existing building for that extension.
- The removal of an integral part of an historic building would cause harm.
- The Planning Inspectorate had agreed at the appeal in relation to this property that the Dormer was of poor design, unsympathetic and excessive in scale. Due to changes in building regulations, it was now unlikely that a dormer window would be approved. A roof light was considered more suitable.
- The internal alterations were acceptable; the existing kitchen could be used in conjunction with the dining room, with the rear service range left in place.
- Maintenance issues were separate to the application; however it was recommended that maintenance was carried out to the neighbouring gutter and service range.

It was confirmed, in response to questions from Members, that the flood mitigation measures had been implemented subsequent to the 2015 floods.

Officers highlighted the report of the Planning Inspector at appeal and explained that the decision to list buildings was based on their inherent qualities, irrespective of how visible they are to the public. The subservient relationship between the extension and the main building was also emphasised, as a larger extension would not be as subservient to the original building.

During the debate some members noted their sympathy for the applicant but highlighted their concerns regarding the dormer and extension. Members recommended that the applicant work with council officers to move the application forward in the future.

Following debate, Cllr Warters moved the officer recommendation to refuse the application, and this was seconded by Cllr Fenton. Members voted unanimously in favour of the recommendation, and it was therefore:

Resolved: that the application be refused.

Reason: The proposal would have an adverse impact on the historic character of the application property and the

character of the conservation area and be in conflict with paragraphs 130, 134, 189, 197 and 199 of the NPPF, and emerging Local Plan Policy D4 and Policy D5.

**8. Mudd and Co, 5 Peckitt Street, York, YO1 9SF
[22/02604/LBC] (6.16 pm)**

Members also considered the application for Listed Building Consent at 5, Peckitt Street, York, YO1 9SF alongside item 4c.

Cllr Fenton moved to approve the officer recommendation, and this was seconded by Cllr Fisher. On being put to the vote, Members voted unanimously in favour of the motion, and it was:

Resolved: that the application be refused.

Reason: The proposal would have an adverse impact on the historic character of the application property and be in conflict with the NPPF and, emerging Local Plan and Policy D5.

9. 41 Milton Street, York, YO10 3EP [22/01892/FUL] (7.27 pm)

[Cllr Fenton left the meeting at 19:26]

Members considered a full application by Ashley Mason for the partial conversion of outbuilding to habitable space and the reopening of existing bricked up doorway at 41 Milton Street, York, YO10 3EP.

The Development Manager gave a presentation on the plans and noted that application covered the outbuilding in its entirety, not solely the first floor.

Further to the clarification of plans for Members, it was reported that condition four had been included to restrict the use of the property, it was not a separate unit of residence and would not require additional waste and storage solutions.

Following debate, Cllr Warters moved the officer's recommendation to approve the application. This was seconded by Cllr Melly. Members voted unanimously in favour, and it was:

Resolved: that the application be approved.

Reason: The proposal is considered to comply with National Planning Policy Framework (2021), policy D11 of the emerging Local Plan, and advice contained within Supplementary Planning Document 'House Extensions and Alterations' (Dec. 2012).

Cllr B Burton, Chair

[The meeting started at 4.30 pm and finished at 7.38 pm].

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