

Meeting	Area Planning Sub-Committee
Date	10 June 2021
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Fisher, Craghill, Webb, Perrett and Daubeney

1. 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.

Cllr Hollyer and Cllr Fisher declared a prejudicial interest in agenda item 6 [25 Orchard Paddock]. Cllr Hollyer as a friend of the applicant and Cllr Fisher as a relative of the applicant, confirmed they would leave the meeting before consideration of the application and not take part in the vote. Cllr Crawshaw substituted for Cllr Hollyer as Chair for item 6.

2. Minutes

Resolved: That the minutes of the meeting held on 13 May 2021 be approved, to be signed by the Chair at a later date.

3. 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.

4. 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.

5. 37 Mitchell Way, York, YO30 4SW [20/01662/FUL]

Members considered a retrospective application 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 up to 6 individuals.

Officers gave a presentation based upon the slides on agenda pages 19-24 detailing the site plans, floor plans and elevations.

In response to Members' questions it was confirmed that:

- 2 car parking spaces were acceptable under planning requirements.
- Access for bin storage was sufficient.
- Garden space to rear of property was sufficient.

Public Speakers

Anne-Marie Richards spoke in objection of the application with concern over parking issues, restriction of vehicles including emergency services and safety concerns for pedestrians. She stated that 7 people currently resided in the property, noise issues from the current residents, commercial vehicles wrongfully parked and the street scene and exterior of the building in deterioration.

Carlton Owen spoke in objection of the application stating the change began in 2017 and since then there was parking issues, overcrowding of the street space making it difficult to walk on the pavement, commercial vehicle parked wrongfully. He added that the house was not made for HMO and the current residents were loud and causing stress to the neighbours. In response to Member's questions it was confirmed that neighbourhood protection and highways had not been involved, the police had been involved in a parking related incident hitting an exterior wall.

Cllr Smalley spoke in objection to the application as the local ward and parish councillor. He referenced paragraph 5.3 ensuring changes not detrimental to the residents and could see the negative impact to the area. He stated the visitor parking does not belong to the property and the property is not suitable for HMO. In response to Member's questions it was confirmed that ResPark, Highways, Neighbourhood Protection had not

been sought to find resolutions to issues but that the police had been involved in the parking related incident.

In response to further questions from Members, officers confirmed:

- The covenant in the property deeds and commercial vehicle issue did not fall under Planning authority remit.
- That 2 allocated parking spaces was sufficient for a HMO of this size.
- That additional parking issues/ parking on the street would fall under the Highways authority.
- Street width access for emergency services was acceptable as the property was already in residential use.
- A parking restriction for the property owner may not be enforceable, as the 2 parking spaces provided would be acceptable.
- If there were 7 residents occupying the property then an investigation would be required and a new application would need to be created for large HMO.
- That the street visitor spaces did not belong to the applicant or the owner of the property.

After debate it was moved by Cllr Fisher and seconded by Cllr Daubeney that the application be refused on the grounds of inadequate car parking spaces, which would be detrimental to highway safety and the amenity of neighbours. On being put to the vote, the motion was not carried.

Cllr Webb then moved, and Cllr Crawshaw seconded, that the application be approved as recommended due to HMO application standards being adhered to and parking issues not considered under the Planning authority remit.

Cllr Fisher requested his vote to refuse the application be noted.

Resolved: That the application be approved, subject to the conditions listed in the report.

Reason: 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.

**6. 25 Orchard Paddock, Haxby, York, YO32 3DW
[20/02256/FUL]**

[17:40 Cllr Hollyer and Cllr Fisher left the meeting]

Members considered an amended application 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.

Officers gave a presentation based upon the slides on agenda pages 35-42 detailing existing and prospective site plans, floor plans and elevations. An Additional Condition was noted that the side facing window in the south elevation of the side dormer be obscurely glazed and non-opening in the interest of the amenity and privacy of the occupants of the adjacent property.

In response to Members' questions it was confirmed that:

- The side dormer was acceptable for this type of extension and in style for the streetscape.

Public Speakers

There were no public speakers for this item.

After debate, Cllr Webb moved, and Cllr Daubeney seconded that the application be approved with the Additional Condition.

Resolved: That the application be approved subject to the conditions listed in the report and the following additional condition:

Additional Condition

The side facing window in the south elevation of the side dormer hereby approved shall be obscurely glazed to a standard of Pilkington Level 3 or above (or the equivalent standard) and shall be thus maintained. The window should be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason: In the interests of the amenity and privacy of the occupants of the adjacent property.

Reason: The proposal is considered to be 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).

Cllr A Hollyer, Chair

[The meeting started at 4.32 pm and finished at 5.45 pm].