

Meeting	Area Planning Sub-Committee
Date	6 August 2015
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Carr, Craghill, Gillies, Hunter, Cannon, Looker, Mercer and Orrell
Apologies	Councillor Derbyshire

Site Visited	Visited by	Reason for visit
17 Tadcaster Road	Councillors Cannon, Carr, Galvin, Gillies, Hunter, Mercer and Shepherd.	At the request of Councillor Carr.

## 9. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests not included on the Register of Interests that they might have in the business on the agenda. Councillor Orrell declared a personal non prejudicial interest in plans item 5a (33 Upper Newborough Street) as he knew the applicant's agent who was Councillor Chris Cullwick.

## 10. Exclusion of Press and Public

Resolved: That the press and public be excluded during the consideration agenda Item 7 (Planning Enforcement Cases Update) should members need to discuss individual enforcement cases on the grounds that they are classed as exempt under Paragraphs 1, 2 and 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

## 11. Minutes

Resolved: That the minutes of the meeting of the Area Planning Sub Committee held on 9 July 2015 be signed and approved by the Chair as a correct record.

## **12. 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.

## **13. Plans List**

Members considered a schedule of reports of the Assistant Director (Development Services, Planning and Regeneration) relating to the following planning applications outlining the proposals and relevant policy considerations and setting out the views of consultees and Officers.

### **13a) 33 Upper Newborough Street, York. YO30 7AR (15/01033/CLU)**

Members considered an application for a Certificate of Lawful Existing Use from Mr Keith Cullwick for use of the property as a House in Multiple Occupation for up to 4 occupants within use class C4.

Officers asked Members to note a correction to the report. Paragraph 4.8 referred to the applicant's agent being the "brother in law of the applicant". This should in fact read "brother of the applicant".

The Committee was reminded that this application was not an application for planning permission but for the granting of a Certificate of Lawful Existing Use and Members should decide whether its use as a House in Multiple Occupation is in accordance with the law.

Members agreed that, based on the evidence contained in the report, that the property had been occupied as an HMO by up to 4 occupants within the C4 Use Class on the key date of 20<sup>th</sup> April 2012, when the Article 4 direction came into force, and this use had continued until the date of the application.

Resolved: That the application for a Certificate of Lawful Existing Use be granted.

Reason: The Council is satisfied that, on a balance of probability, the property was in use as a House in Multiple Occupation within use class C4 by up to 4 occupants on 20 April 2012, prior to the introduction of the Article 4 Directive removing permitted development rights for changes of use between Use Class C3 (Dwellinghouse) and Use Class C4 (House in Multiple Occupation) and that the use continued as such at the date of this application. A Certificate of Lawful Development for this use is therefore justified.

**13b) 17 Tadcaster Road, Copmanthorpe, York. YO23 3UL  
(15/01287/FUL)**

Members considered a full application from Mr and Mrs Jennings for two storey front and rear extensions, first floor side extensions and the erection of a garage block to the front (resubmission).

Officers advised that there were two main issues with the proposals. The first was the two storey side extension which they felt would reduce the existing visual gap between the host dwelling and 19 Tadcaster Road, which was an important characteristic of the style of properties in the area. The second was the scale of the proposed detached garage block to the front would harm the character of the area and due to its footprint, height and siting in the front garden, would significantly harm the outlook from 19 Tadcaster Road. They asked Members to consider whether the harm identified outweighed the general presumption in favour of sustainable development.

Mr Matthew Pardoe addressed the committee on behalf of the architects in support of the application. The applicant's architect, Kate MacNeill, was also in attendance.

Mr Pardoe advised Members that, if approved, the current ad hoc appearance of the building would be replaced with a cohesive design. The revised scheme addressed the two main concerns raised by officers in relation to the withdrawn scheme. It would not bring the property any closer to the properties to either side than at present, and a similar separation to the road would occur, therefore there would be no significant impact on the amenity of adjacent residents and no neighbour objections had been received. He advised that there would be considerable landscaping around the garage so the outlook for 19 Tadcaster Road would not be significantly affected, nor would the proposed garage have a significant detrimental impact on the area.

One Member questioned whether the garage could be located on the large area of land at back of the house instead of it being at the front of the plot but was advised that there was no access to the rear as the property from the front as the building stretched from one side of the plot to the other as did another six out of eight other substantial houses on the street.

Mr Pardoe explained that due to the change in levels of the sloping site, the house would be elevated in comparison to the garage which would sit at a lower level and this had been the reason for choosing this position for the garage.

One member expressed concern about the impact of the proposed changes on the property's boundaries and concern about the garage.

Members agreed it had been beneficial to go on the site visit. They noted that the property was currently a combination of many different add ons and was not a particularly attractive building, and they felt that these proposals would produce a more coherent appearance. They acknowledged that the garage could not be positioned at the rear of the site due to access issues. They noted however that there was good landscaping around the proposed garage in the form of trees and bushes and considered that the garage would hardly be apparent in the streetscene. The majority of members expressed their support for what they considered was a well thought out scheme which would significantly improve the appearance of the building.

Officers reminded committee members that there was still a week to run on the consultation period and advised that if Members were minded to approve the application subject to the standard conditions, that delegation be given to officers to approve it following the end of the consultation period. Members asked that if any objections were received during the remainder of the consultation period, that this application be brought back to committee for reconsideration.

Resolved: (i) That delegated authority be given to officers to approve the application, subject to standard conditions, following the end of the consultation period on 13 August and subject to no objections being received during the remainder of the consultation period.

(ii) That if any objections were received during the remainder of the consultation period, the application be taken back to committee for reconsideration.

Reason: Members felt that the harm identified in the report would be outweighed by the improvements to the appearance of the building through the proposed scheme.

#### **14. Appeals Performance and Decision Summaries**

Members received a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 January to 30 June 2015, and which provided them with a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date was also included in the report.

Resolved: That the report be noted.

Reason: To inform Members of the current position in relation to planning appeals against the Council's decisions as determined by the Planning Inspectorate.

## **15. Planning Enforcement Cases Update**

Members received a report which provided them with a quarterly update on planning enforcement cases and informed them of a change in the way in which updates on enforcement cases would be presented to Members from now on.

Resolved: That the report be noted.

Reason: To update Members on the number of outstanding enforcement cases within the Sub-Committee's area.

Councillor J Galvin, Chair

[The meeting started at 4.30 pm and finished at 5.20 pm].