
Meeting	Planning Committee B
Date	17 April 2024
Present	Councillors Baxter, Clarke, Fenton, Melly, Orrell, Vassie, Warters, Crawshaw (Substitute for Cllr B Burton) and Cuthbertson (Substitute for Cllr Hollyer)
Apologies	Councillors B Burton and Hollyer
Officers Present	Gareth Arnold, Development Manager Ruhina Choudhury, Senior Solicitor

Apologies had been received from both the Chair and Vice-Chair for the meeting. Cllr Warters proposed Cllr Crawshaw as Chair, this was seconded by Cllr Melly and following a unanimous vote in favour, Cllr Crawshaw took the Chair. It was subsequently agreed that Cllr Fenton should take the Vice-Chair for the meeting.

76. Declarations of Interest (4.34 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.

Cllr Warters declared a non-prejudicial interest, as he had called-in both items on the agenda.

77. Minutes (4.35 pm)

Resolved: That the minutes of the last meeting held on 13 March 2024 were approved as a correct record.

78. Public Participation (4.35 pm)

It was reported that there had been one registration to speak from Philip Press, Chair of York City Rowing Club, under the Council's Public Participation Scheme. As he was unable to attend the meeting in person, he submitted a written statement which was read out by the Chair.

The statement referred to the planning application 24/00046/GRG3, which had been heard at the Planning Committee B meeting held on 13 March 2024. He restated the assertion he had made at the meeting, that the rowing club had not been consulted on the application. He rejected the implication in the statement made on behalf of the applicant (which was City of York Council), that he had not been truthful, and requested that his truthfulness be acknowledged.

79. Plans List (4.37 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.

80. Hull Road Surgery, 289 Hull Road, Osbaldwick, York, YO10 3LB [23/02374/FUL] (4.37 pm)

Members considered a full application to change the use of chiropodist/podiatrist (use class E) to small House in Multiple Occupation (HMO) (use class C4) including alterations to fenestration and removal of the porch.

The Development Manager gave a presentation on the plans and confirmed the officer recommendation for approval.

In response to questions relating to the plans, he confirmed the proposed location of the bin store and agreed that there was a likely error in the plan as it did not show access from the living space to the rear of the property. The location of secure cycle storage was confirmed to be at the rear of the site and a Sheffield stand had been specified. The length and size of the road, plus the number of cars parked on several occasions earlier in the week were also reported.

Public Speaker

Arif Khalfe, the agent for the applicant, spoke in support of the application. He stated that every similar application in the same Ward was called-in. He highlighted that the building had never been a residential property and that the letting of the HMO was not restricted to students; the choice of tenant was for the applicant to decide.

In response to questions from Members, he confirmed that whilst it was possible to park at the side of the property there was insufficient space to allow for passing bins. To prevent parking at the side, he suggested the installation of a gate or fence would be possible. The agent also reported that there was a doorway from the living space to the rear of the house. He confirmed that the building had only ever been used commercially, firstly as a doctors surgery and latterly as the chiropodist/podiatrist.

Members then asked a number of questions relating to the report, the officer reported the following:

- Policy H8, referenced in paragraph 3.4 of the report does not apply in this instance; Policy H8 applied to properties changing from class C3 (residential) to C4 (HMO). Implementation of Policy H8 to this application would not stand challenge at appeal.
- Highways had not been reconsulted following the revised site plan. Officers had determined that previous parking concerns may change due to the relocation of the business and its associated traffic.
- A noise insulation condition, in line with the Public Protection consultation response, could be added if Members required.
- The number of occupants at the neighbouring HMO (no. 295) was not known to officers.
- Cycle storage was in line with guidance and was to be enclosed and secure.
- If the HMO was to subsequently be occupied as a dwellinghouse (class C3), this would be allowed under permitted development rights and would not require a separate planning application.

Following debate, Cllr Melly proposed the officer recommendation to approve the application, subject to an additional condition for the installation of an appropriate measure to prevent parking at the side of the house and a further additional condition relating to noise insulation, in accordance with the Public Protection consultation response. This was seconded by Cllr Fenton.

On being put to a vote, with five in favour, two against and no abstentions, it was:

Resolved: That the application be approved, subject to the conditions outlined above.

Reason: The application property is considered to be appropriate for the needs of future occupants for a 4no. bedroom small HMO. Although the proposal would take the street level above the threshold for HMO's, this figure can only

be used for guidance (as policy H8 would not come into effect) and matters arising from a HMO can be suitably controlled by condition. The loss of the employment building, in this instance, is considered acceptable taking into account the surrounding area and scale of employment. Subject to condition, there are no residential amenity issues arising for either the proposed occupants or neighbouring dwellings. Acceptable provision for off-road vehicle parking has been demonstrated and secure cycle storage will be required by condition. The management plan for the site is conditioned, alongside a BREEAM condition. The proposal is considered to comply with policies within the National Planning Policy Framework, Policies EC2, D11, ENV2, WM1, CC2, T1 and T8 of the Draft Local Plan (2018).

[5.35 – 5.42 pm, the meeting adjourned]

**81. 19 Baysdale Avenue, Osbaldwick, York, YO10 3NE
[24/00175/FUL] (5.43 pm)**

Members considered a full application for the change of use from dwelling house (Use Class C3) to House in Multiple Occupation (HMO) (Use Class C4).

The Development Manager gave a presentation on the proposed plans and confirmed the officer recommendation was to approve the application.

In response to questions from Members, it was noted that paragraph 1.1 should refer to a 3, rather than 4 bedroom house. The threshold for the number of HMOs at street or neighbourhood level was only considered breached once the threshold had been crossed. The reason for the three occupant limit was due to the number of parking spaces available, this had been identified as two.

Following debate, Cllr Melly proposed the officer recommendation to approve the application. This was seconded by Cllr Vassie.

On being put to a vote, with seven in favour, one against and no abstentions, it was:

Resolved: that the application be approved.

Reason: The application property is considered to be appropriate for the needs of future occupants within a 3.no. bedroom small HMO. On balance there is considered to be adequate provision for car parking, and secure cycle storage can be required by condition. The existing density levels of current HMOs is below the policy threshold (at both street level and neighbourhood level). Therefore, the proposal is considered to comply with policy H8 of the 2018 draft Local Plan and the requirements of the Draft Supplementary Planning Document (SPD): Controlling the Concentration of Houses in Multiple Occupancy.

Cllr J Crawshaw, Chair

[The meeting started at 4.30 pm and finished at 6.20 pm].

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