

COMMITTEE REPORT

Date: 7 February 2024 **Ward:** Osbaldwick And Derwent

Team: East Area **Parish:** Osbaldwick Parish
Council

Reference: 23/02323/FUL

Application at: 27 Bedale Avenue Osbaldwick York YO10 3NG

For: Change of use from small House in Multiple Occupation use (class C4) to large House in Multiple Occupation (Sui Generis use)

By: Mr A Sullivan

Application Type: Full Application

Target Date: 12 February 2024

Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks a change of use of the host extended semi-detached property from a Class C4 House in Multiple Occupation (HMO) to a Large (7 bedroom) HMO (Sui Generis).

Relevant Property History

1.2 The following applications are considered relevant to the current proposals:

- Two storey pitched roof side extension, single storey rear extension and detached garage to rear – approved (07/00136/FUL)
- Change of use from dwellinghouse (use class C3) to House in Multiple Occupation (use class C4) – approved at committee (21/01991/FUL)

Councillor Call-in

1.3 The application has been called to committee by Cllr Wartens on the following grounds:

- The original HMO approval was by committee therefore any change to occupancy levels should also be considered by committee.
- The original approval took the street level percentage above the 10% threshold. Any increase in occupancy should be considered in this context.
- Car parking concerns.

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- Noise and disturbance to existing residents.
- Waste storage and presentation with increased occupancy.

2.0 POLICY CONTEXT

The National Planning Policy Framework (2023)

2.1 The National Planning Policy Framework (2023) sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development. Paragraph 38 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. Paragraph 60 addresses the need to support the Government's objective of significantly boosting the supply of homes. Paragraph 135 states that planning policies and decisions should ensure that developments will achieve a number of aims including:- 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.

Draft Local Plan

2.2 The Publication Draft City of York Local Plan 2018 (DLP2018) was submitted for examination on 25 May 2018. It has now been subject to full examination. Modifications were consulted on in February 2023 following full examination. It is expected the plan will be adopted in Summer 2024. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

Relevant Policies:

D1 Placemaking

T1 Sustainable Access

3.0 CONSULTATIONS

Housing Standards

3.1 The property has been licensed as a HMO since 1 September 2022.

The size of the rooms are all over the minimum national size of 6.51m². The proposed new layout of the property has been reviewed and it appears that the proposed new bedroom 1 will mirror the room above bedroom 4 (12.39m²). The current size of the living room/kitchen is 54.32m² and therefore even with part of it removed to create a new bedroom there would still be sufficient space. The property would still have adequate bathroom provision and the provision for cooking facilities is the same for 6 and 7 occupants.

Osballdwick Parish Council

3.2 Strongly object to this application to increase the occupancy levels of the property which will inevitably lead to greater noise and disturbance to neighbouring council tax paying residents, greater rubbish/waste problems and of course more displaced parking onto the verge at the front of the property.

4.0 REPRESENTATIONS

4.1 One response has been received from a neighbouring resident to the rear of the site. The following issues were raised:

- loss of parking and exacerbation of congestion to side streets
- potential noise issues
- loss of privacy

5.0 APPRAISAL

KEY ISSUES:-

- Principle of change of use
- Neighbour Amenity
- Car Parking and Cycle Storage

PRINCIPLE OF CHANGE TO LARGE HMO

5.1 The property lies in a sustainable location, within about 1km of the University of York East Campus and within close proximity of regular bus routes and local shops/amenities. The property is in use as a 6 bedroom HMO, planning approval having been granted at Committee in December 2021. The property currently has a

separate living room, large open plan dining area and kitchen, utility and w.c. and 1no. bedroom on the ground floor. The first floor has a further 4 bedrooms (one with ensuite) and bathroom with a further bedroom and bathroom in the loft.

5.2 The proposals seek to convert the living room at the ground floor front of the property to a further bedroom with the insertion of a partition to create a hallway and formal separation from the dining room. The works would have minimal impact on the remainder of the property. A large open plan kitchen diner and separate utility room would remain to the rear of the ground floor for communal use. Generally, the existing room sizes, bathroom facilities and kitchen diner are appropriate for a property of this size. It is also noted that the room sizes and facilities comply with the HMO licence requirements.

5.3 It is noted that when the property was converted to an HMO it took the street level threshold to 11%, however this was in accordance with the draft policy and Supplementary Planning Document. The change from a small HMO to Large HMO does not change this street level threshold, however it is recognised that by increasing the number of bedrooms that there is a requirement to demonstrate that the local area can cope with the additional pressure of the intensification of the current use.

5.4 Given the size of the existing property, its generous room sizes and communal living spaces, the addition of one further bedroom would not result in any additional footprint or external alterations to the property. It is considered that the loss of the lounge would not result in detrimental living conditions for the existing or future occupants as the communal areas and bedrooms are all of a good size. In addition, increasing the occupancy levels at this property by one additional occupant would not significantly change the nature or level of activity to such a degree that it would be readily discernible. As such the nature of the additional occupation would unlikely have a negative effect on the character of the street scene.

5.5 In terms of bin storage provision; refuse and recycling would be stored within the detached garage as existing. The addition of an additional bedroom would not result in a significant increase in refuse or recycling over and above the existing situation.

NEIGHBOUR AMENITY

5.6 Policy D1 of the draft Local Plan states that where appropriate development proposals should ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing. The main potential impact on neighbour amenity in this context would most likely be noise disturbance / additional comings and goings given the number of individuals within the property. It is noted that objections have been received from a local resident to the rear of the site and comments from Councillor Warters in this regard. Whilst it is acknowledged that a change to large HMO use could have the potential for noise disturbance, it is important to look at the impact of the current use as a 6 bedroom HMO property. Whilst it is acknowledged that HMO residents may have different lifestyles to that of a family, it is not considered that sufficient objective evidence exists to demonstrate that the occupation of the property as a large HMO would necessarily result in significant effects on the amenity of neighbouring residents or character of the area. It is noted that the attached dwelling at no.25 Bedale Avenue is in use as an HMO. The change of use is not considered to have a significant detrimental impact on the immediate amenity of the adjoining property or to surrounding neighbouring dwellings.

5.7 In the event that issues of this nature do arise, they can be addressed by the landlord via a submitted management plan and under a separate legislation administered by the Council's Public Protection Unit.

CAR PARKING AND CYCLE STORAGE

5.8 Paragraph 115 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Council's car parking guidance seek a maximum of up to 4 car parking spaces for a 7 bedroomed HMO. The property currently has 2no. off-street car parking spaces within the front driveway. It is proposed that the existing garage would be reconfigured internally to provide a third off street parking space with bikes and bins stored to the rear.

5.9 The property is situated on a corner plot adjacent to a short side street. Access to the garage is from this side street. At the time of the site visit (daytime, mid-week) the area was generally quiet with very little parking on the road/side street. Given the lack of dwellings fronting onto the side road and the general quiet nature of the area, there would appear to be adequate on street parking if required.

5.10 Policy T1 (sustainable access) of the DLP2018 states that development will be supported where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it, including those with impaired mobility, such that it maximises the use of more sustainable modes of transport. It advises proposals will be expected to demonstrate sufficient convenient, secure and covered cycle storage, ideally within the curtilage of new buildings.

5.11 Cycle storage provision for 7no. bicycles would be within the existing garage, with easy access from the rear garden and side gate. The site is within close proximity to the university and the proposed provision is considered appropriate and complies with the requirements of policy T1.

6.0 CONCLUSION

6.1 The change of use from a small 6 bedroomed HMO (C4 use) to large 7 bedroomed HMO (sui generis) would not have significant impact on the amenity of existing and future occupants of the property or neighbouring residents. Adequate car parking, cycle storage and bin storage provision would be provided. As such the proposals comply with policy in the NPPF and with Publication draft Local Plan (2018) policies D1 and T1 in relation to housing provision, protection of amenity and sustainable access.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Plans and Elevations - Drg. No: 639.001 Rev. A

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 submitted management plan shall be implemented as approved prior to bringing into use the seventh bedroom unless otherwise approved in writing by the Local Planning Authority.

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

4 The additional bedroom hereby permitted shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles and cycles have been laid out in accordance with the approved plans including the provision of secure cycle parking stands, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety and to encourage the use of cycles in the interests of sustainability and residential amenity.

5 The hereby approved change of use shall be restricted to no more than 7no. occupants.

Reason: To ensure the adequate provision of accommodation, amenity, car and cycle parking for future occupants.

6 All waste and recycling bins shall be stored in garage as shown on the approved drawings or within the rear garden of the house in multiple occupation.

Reason: In the interests of the visual amenities of the area.

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) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

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