



**Notice of a public meeting of  
Area Planning Sub-Committee**

**To:** Councillors Hollyer (Chair), Crawshaw (Vice-Chair),  
Craghill, Daubeney, Fisher, Galvin, Melly, Orrell,  
Waudby, Perrett, and Webb

**Date:** Wednesday, 8 December 2021

**Time:** 4.30 pm

**Venue:** The George Hudson Board Room - 1st Floor West  
Offices (F045)

**AGENDA**

**1. Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

**2. Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at remote meetings. The deadline for registering at this meeting is **5:00pm** on **Monday, 06 December 2021**.

To register to speak please visit [www.york.gov.uk/AttendCouncilMeetings](http://www.york.gov.uk/AttendCouncilMeetings) to fill out an online registration form. If you have any questions about the registration form or the meeting, please contact the relevant Democracy Officer, on the details at the foot of the agenda.

### Webcasting of Remote Public Meetings

Please note that, subject to available resources, this remote public meeting will be webcast including any registered public speakers who have given their permission. The remote public meeting can be viewed live and on demand at [www.york.gov.uk/webcasts](http://www.york.gov.uk/webcasts).

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates ([www.york.gov.uk/COVIDDemocracy](http://www.york.gov.uk/COVIDDemocracy)) for more information on meetings and decisions.

### 3. Plans List

To determine the following planning applications:

- a) **18 Beech Avenue, Bishopthorpe [21/02101/FUL]** (Pages 1 - 12)  
Two storey side extension, single storey rear extension, porch to front and dormer to rear. [Bishopthorpe Ward]
- b) **19 Hambleton Avenue, Osbaldwick [21/01599/FUL]** (Pages 13 - 28)  
Change of use from single dwelling (C3 use) to House in Multiple Occupation (C4 use). [Osbaldwick and Derwent Ward]
- c) **27 Bedale Avenue, Osbaldwick [21/01991/FUL]** (Pages 29 - 44)  
Change of use from dwellinghouse (use class C3) to House in Multiple Occupation (use class C4). [Osbaldwick and Derwent Ward]

### 4. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:  
Jane Meller

Contact details:

- Telephone: (01904) 555209
- Email: [jane.meller@york.gov.uk](mailto:jane.meller@york.gov.uk)

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

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4.1 Two objections were raised to the application on the following grounds:

- Concerns regarding over dominance,
- privacy issues with regards to neighbouring amenity,
- potential future change of use,
- development that is not in keeping with the area,
- use of materials that are not appropriate,
- the development not being sympathetic to the host dwelling,
- lack of bin storage,
- lack of access to the rear of the property,
- dormers that are inappropriately designed and
- concerns were raised regarding any additional parking.

4.2 Following the submission of amended plans objectors considered that their concerns had not been resolved and that concerns remained regarding loss of privacy and over dominance from the proposed development.

## **5.0 APPRAISAL**

### **KEY CONSIDERATIONS**

- Impact upon the residential amenity of neighbouring properties
- Visual impact on the surrounding area

### **RELEVANT PLANNING POLICY**

5.1 The National Planning Policy Framework, July 2021 (NPPF) sets out the Government's planning policies and at its heart is a presumption in favour of sustainable development. Paragraph 130 states that planning policies and decisions should ensure that developments will achieve a number of aims, including:

- function well and add to the overall quality of the area, not just for the short
- term but over the lifetime of the development
- be visually attractive as a result of good architecture, layout and appropriate
- and effective landscaping
- are sympathetic to local character and history, including the surrounding built
- environment and landscape setting
- 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.

5.2 The NPPF also places great importance on good design. Paragraph 134 says development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design. Significant weight should be given to:

- a) development which reflects local design policies and government guidance on

design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

5.3 The Publication Draft Local Plan ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF, the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012.

5.4 Policy D11 (Extensions and Alterations to Existing Buildings) states that proposals to extend, alter or add to existing buildings will be supported where the design responds positively to its immediate architectural context, local character and history in terms of the use of materials, detailing, scale, proportion, landscape and space between buildings. Proposals should also sustain the significance of a heritage asset, positively contribute to the site's setting, protect the amenity of current and neighbouring occupiers, contribute to the function of the area and protects and incorporates trees.

5.5 The Development Control Local Plan ('DCLP') was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications, although it is considered that their weight is limited except when they are in accordance with the NPPF.

5.6 Policy CYH7 of the DCLP states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

5.7 The approved Supplementary Planning Document 'House Extensions and Alterations' dated December 2012 ('SPD') provides guidance on all types on domestic types of development. A basic principle of this guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the road/streetscene it is located on. In particular, care should be taken to ensure that the proposal does not dominate the house or clash with its appearance with the extension/alteration being subservient and in keeping with, the original dwelling. Proposals should not unduly affect

neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook.

## ASSESSMENT

### Design and Impact on the Streetscene

5.8 The proposal seeks to gain planning permission for a 2 storey side, single storey rear and dormer window to the rear of house. The side extension is to project out 3.4 metres at the widest part of the extension which is to the rear and the front will have a width of 2 metres and have a length of 9.3 metres. The eaves height at the front of the side extension will be 5.1 metres and the ridge height will be 7.6 metres. The rear eaves height will be 4.2 metres, this will be to the first floor. The rear single storey part of the side extension will have an eaves height of 2.2 metres. The separate heights take into account the sloped rear roof and the pitched roof that has been added to the rear of the side extension. This is separate to the rear extension. The rear extension will project out 4.3 metres, have a width of 5 metres and have an eaves height of 2.5 metres. The dormer will have a length of 6.4 metres and will be contained within the existing roof space of the dwelling. The original proposal was a slightly larger development however following amendments being secured the scheme has been reduced in size.

5.9 Section 12 of the SPD provides guidance about the design of side extensions, how proposals should be subservient to the original house and the avoidance of a terracing effect where this would have negative impacts on the wider street scene. The side extension is set off from the boundary, set back from the front of the house and is set down from the original roof height. It is not felt that there would be any overdevelopment of the site and that due to the offset nature of 16 Beech Avenue and the divergent boundary there will not be a terracing affect created.

5.10 The porch to the front is felt to be in keeping with the surrounding area and is fairly modest in size. The porch will project out 1.1 metres and have a width of 2.3 metres. There will be a pitched roof on the porch and windows inserted into the front and sides along with a door. Section 11.1 of the SPD states that porches should be well set back from the road. In this case the porch is well set back from the street.

5.11 The proposed extension and dormer window will be clearly visible from properties in The Orchard to the rear. The original proposal was considered too large and over bearing. Section 14.5 of the SPD discusses how dormers should not be unduly large or over dominant. However, the revised scheme that was submitted with the smaller dormer and matching materials will be more appropriate when viewed from the existing street scene.

5.12 The materials that had been originally proposed were not suitable or in keeping with the existing area. Timber cladding had been proposed for the dormer, however



following amendments being secured the materials would now match the existing property, with the extension to be built in brick and the dormer to have tiles which match the existing roof.

### Neighbouring Amenity

5.13 Concerns were raised by the neighbours that their amenity would be affected by the proposed development. Of particular concern was the issue of potential overlooking of properties in The Orchard from the proposed dormer window. Section 3 of the SPD recommends a minimum of 7 metres from a first floor rear floor window to the neighbouring garden to the rear and 21 metres between a proposed first floor rear window and the house to the rear. The distance between the rear wall of 6 The Orchard and the dormer window is 32 metres. When this is applied to the dormer there is adequate distance between the dormer location and 6 The Orchard. No 8 The Orchard has a separation distance from the proposed dormer to the rear wall of the house of 29 metres. From the elevation of the rear extension to the rear wall of 8 The Orchard is 25 metres and to 6 The Orchard the distance is 27 metres. These additional rear windows in the dormer and the side extension are not considered to result in a significant loss of privacy to the neighbouring properties.

5.14 The properties to the sides are not considered to be detrimentally impacted by the extension. No. 16 Beech Avenue is offset and angled away from 18 Beech Avenue it is felt that this offsetting affect will also reduce any impact from the extension. There is a side window towards the front of 16 Beech Avenue in the side elevation however it is felt that the proposals will not impact on this window.

### Parking and Access

5.15 Notwithstanding the creation of an additional bedroom there would remain adequate space for parking on the front drive. The addition of the porch is not seen to detract from the available drive space. A 0.8m wide gap is retained to the side of the property to provide access to the rear of the property for bin and bike storage. The SPD provides that it is good practice to retain a 0.9 metre gap however it is felt that in this case there is still adequate access to the rear.

## **6.0 CONCLUSION**

6.1 The proposed scheme would respect the general character of the building and local area and cause no significant harm to neighbouring amenity. It is considered that it complies with the National Planning Policy Framework and local policies in the 2018 Draft Plan, Development Control Local Plan 2005 and the City of York Council's Supplementary Planning Document (House Extensions and Alterations).

## **7.0 RECOMMENDATION:** Householder Approval

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans:- Drawing: DWG: BA-02D

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 materials to be used externally shall be as stated on the planning application form.

Reason: To achieve a visually acceptable form of development.

## **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) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

The original proposals were not in accordance with the councils development policies. Through negotiations with the agent amended plans were submitted that were more in keeping with the council's planning policies.

#### **Contact details:**

**Case Officer:** Joseph Bourke

**Tel No:** 01904 551346



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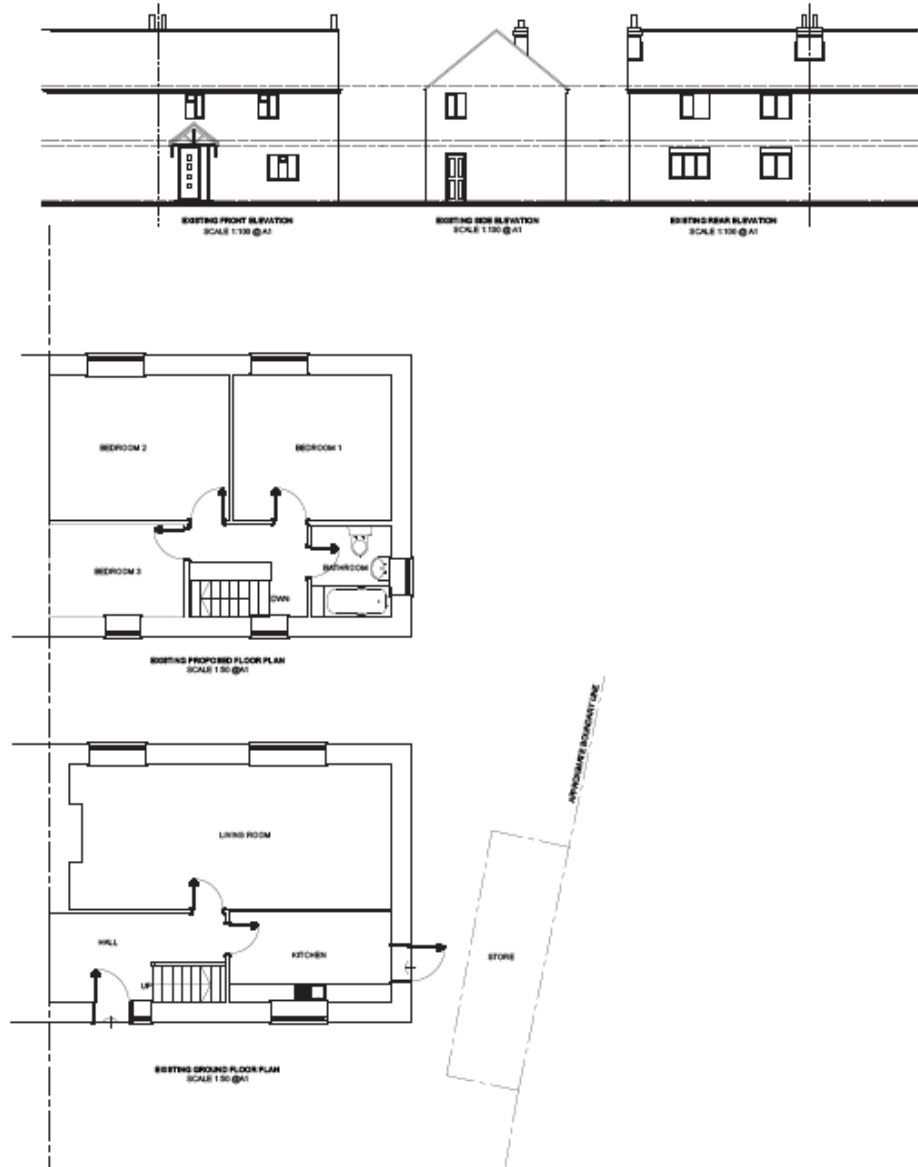


## Area Planning Sub-Committee

21/02101/FUL

18 Beech Avenue Bishopthorpe

As Existing



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**PRELIMINARY STATUS**

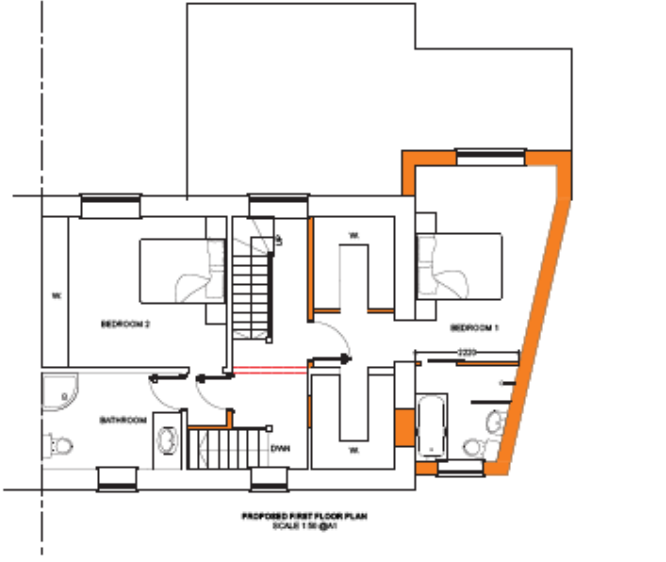
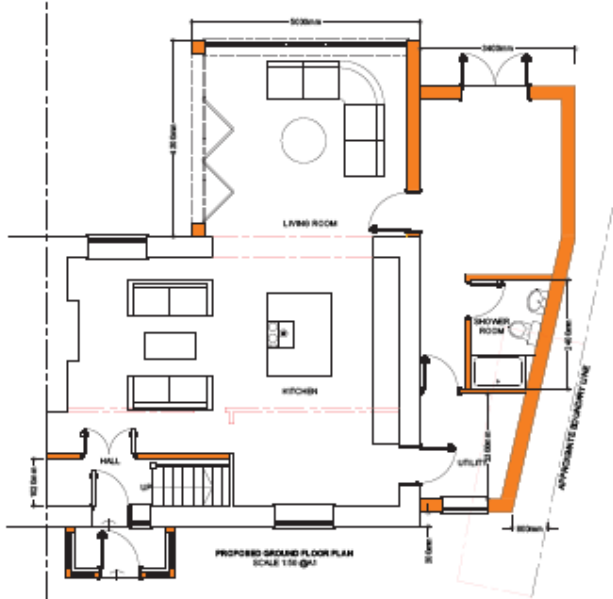
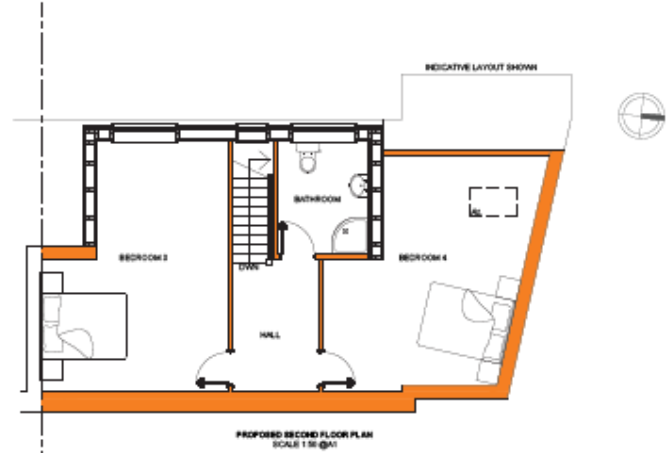
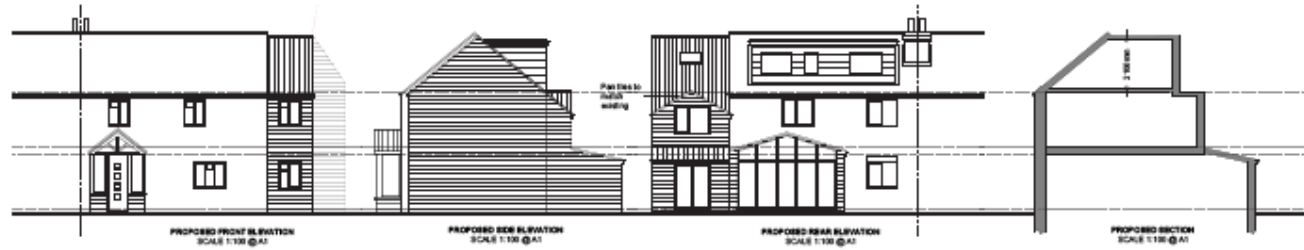
Client  
**SARAH CREASER**

Project  
**PROP REAR AND SIDE EXTENSION  
 10 BEECH AVENUE  
 BISHOPSTORPE  
 YO23 2RJ**

Title  
**EXISTING PLANS & ELEVS**

Date: Drawn: DWG: Scale:  
 DAVID LINDA ARCHITECTS: DWS: BA/C1

As proposed



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Client: SARAH CREASER  
 Project: 10 BEECH AVENUE, BISHOPTHORPE, YO23 2RJ

**PLANNING STATUS**

A: Layout approved	31/07/2021
B: Layout amended	06/09/2021
C: Site plan amended	18/09/2021
D: Site included in response to planning	18/11/2021

Amendments:

Client: **SARAH CREASER**

Project: **PROP REAR AND SIDE EXTENSION  
 10 BEECH AVENUE  
 BISHOPTHORPE  
 YO23 2RJ**

Title: **PROPOSED PLANS & ELEVATIONS**

Date:	Drawn: AML	Scale:
DR LINDA LINDO	DWG: BA-020	

Front and street scene – application property centre





## COMMITTEE REPORT

**Date:** 8 December 2021      **Ward:** Osbaldwick and Derwent  
**Team:** East Area      **Parish:** Osbaldwick Parish Council

**Reference:** 21/01599/FUL  
**Application at:** 19 Hambleton Avenue Osbaldwick York YO10 3PP  
**For:** Change of use from single dwelling (C3 use) to House in Multiple Occupation (C4 use)  
**By:** Mr Asim Poptani  
**Application Type:** Full Application  
**Target Date:** 15 December 2021  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 This application seeks planning permission to change the use of No.19 Hambleton Avenue, Osbaldwick from a residential dwelling within use class C3 to a 3.no bedroom house in multiple occupation (HMO), within use class C4.

1.2 The property is a traditional semi-detached house. The proposed layout will be an entrance lobby, kitchen/dining room and bedroom at ground-floor; and 2.no bedrooms and a study at first-floor. The proposed study is currently a bedroom, but this does not meet housing standards in terms of size. External access to the rear is via a side gate and a timber shed could house the required number of 3.no bicycles.

1.3 The application has been called into committee by Cllr Mark Warters. The reasons given are as follows:

- Existing high density of HMO's in Hambleton Avenue and The Leyes
- Impact on neighbour amenity regarding highway safety
- Impact on neighbour amenity regarding waste disposal

### 2.0 POLICY CONTEXT

Publication Draft Local Plan 2018

CYH8 - Conversion to flats/HMO/student accommodation

Development Control Local Plan 2005

CYH8 Conversion to Flats

**3.0 CONSULTATIONS**

Forward Planning

3.1 Within 100m (Street Level) of No.19 Hambleton Avenue, there are currently 5.no HMO's out of 58.no dwellings = 8.6% At Neighbourhood Level there are currently 99.no HMO's out of 1597.no dwellings (6.2%).

Note: No.19 Hambleton Avenue is already on the HMO database, but not included in the above figures.

Osbaldwick Parish Council

3.2 Letter of objection on the following grounds:

- CYC street levels likely to be breached
- Noise, disturbance
- Additional cars
- Rubbish

**4.0 REPRESENTATIONS**

Neighbour Notification and Publicity

3.3 Four letters of objection and a 13 name petition were received. Objections raised were:

- Accuracy of the CYC Database questioned
- Poor refuse management
- Increased noise levels
- Car parking problems

**5.0 APPRAISAL**

## KEY ISSUES

5.1 The key issues in assessing the proposal are:

- Whether the change would lead to an unacceptable concentration of HMO's in a single location and thereby impact adversely on neighbours.
- Parking provision

## POLICY CONTEXT

### National Planning Policy Framework

5.2 The National Planning Policy Framework sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development.

5.3 Paragraph 130 states that planning policies and decisions should ensure that developments will achieve a number of aims including that they create places that are safe and with a high standard of amenity for existing and future users.

### Local Plan Policies

#### Publication Draft Local Plan 2018

5.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

5.5 Policy H8 states that applications for the change of use from a dwelling house (Use Class C3) to HMO (Use Class C4 and Sui Generis) will only be permitted where:

- it is in a neighbourhood area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent or are known to the Council to be HMOs; and
- less than 10% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning permission or are known to the Council to be HMOs; and
- the accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

5.6 The policy explanation advises that in assessing planning applications for HMOs, the Council will seek to ensure that the change of use will not be detrimental to the overall residential amenity of the area. In considering the impact on residential amenity attention will be given to whether the applicant has demonstrated the following:

- the dwelling is large enough to accommodate an increased number of residents;
- there is sufficient space for potential additional cars to park;
- there is sufficient space for appropriate provision for secure cycle parking;
- the condition of the property is of a high standard that contributes positively to the character of the area and that the condition of the property will be maintained following the change of use to HMO;
- the increase in number of residents will not have an adverse impact on noise levels and the level of amenity neighbouring residents can reasonably expect to enjoy;
- there is sufficient space for storage provision for waste/recycling containers in a suitable enclosure area within the curtilage of the property; and
- the change of use and increase in number of residents will not result in the loss of front garden for hard standing for parking and refuse areas which would detract from the existing street scene.

Development Control Local Plan 2005 (DCLP)

5.7 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is very limited. It is considered that the following policies/criteria are relevant:

- Appendix E to the DCLP outlines cycle parking and maximum car standards for development and specifies that HMO's should provide 1 car parking space per 2 bedrooms and 1 cycle parking space per bedroom.
- Policy H8 sets out the criteria by which conversions of houses to HMO's should be assessed including the requirement for adequate car and cycle parking provision; there would be no adverse impact on neighbouring amenity by virtue of the conversion alone or cumulatively with a concentration of such uses.

Draft Supplementary Planning Document (SPD): Controlling the Concentration of Houses in Multiple Occupancy (2014)

5.8 This Guidance was prepared in connection with an Article 4 Direction which the Council made in respect of houses within the defined urban area. It has the effect of bringing the change of use of dwellings (Class C3) to small HMO's occupied by between 3 and 6 people (Class C4), which would otherwise be permitted development, within planning control. In Paragraph 5.15 the SPD recognises that concentrations of HMOs can impact upon residential amenity and can, in some cases, create particular issues with regard to:

- increased levels of crime and the fear of crime;
- poorer standards of property maintenance and repair;
- littering and accumulation of rubbish;
- noises between dwellings at all times and especially at night;
- decreased demand for some local services;
- increased parking pressures; and
- lack of community integration and less commitment to maintain the quality of the local environment.

5.9 Paragraph 5.17 of the SPD outlines that in assessing planning applications for HMOs the Council will seek to ensure that the change of use will not be detrimental to the overall residential amenity of the area. In considering the impact on residential amenity, attention will be given to whether the applicant has demonstrated that the

condition of the property is of a high standard that contributes positively to the character of the area and that the increase in number of residents will not have an adverse impact on noise levels and the level of amenity neighbouring residents can reasonably expect to enjoy.

5.10 Paragraph 5.7 of the SPD advises that applications for change of use from dwellings to HMO's will only be permitted where:

- a) The property is in a neighbourhood area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and
- b) Less than 10% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and
- c) The accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

## ASSESSMENT

5.11 Under 2018 Local Plan Policy and the SPD, in consideration of a proposal to establish an HMO, there is a requirement to avoid adverse impact on neighbouring amenity through noise disturbance or residential character by virtue of the conversion alone or cumulatively with a concentration of such uses. In this respect, Paragraph 5.2 of the SPD states a 'threshold based policy approach' is considered most appropriate method for controlling the number of HMO's across the City, as this tackles concentrations and identifies a 'tipping point' when issues arising from concentrations of HMO's become harder to manage and a community or locality can be said to tip from balanced to unbalanced.

5.12 The proposal would result in 6 known HMOs out of 58 properties within 100m (street level) of the site - 10.3%. At the neighbourhood level there are currently 100 known HMOs out of 1597 properties – 6.3%. The marginal breach in the street level threshold is not considered to be material and as such, the proposed change of use to a HMO is unlikely to significantly affect the balance of the community or the stock of family sized dwellings. Local objections have been made regarding the concentration of HMOs. Whilst there is a grouping of HMOs close to the road

junction, neither the policy nor the SPD seek to impose controls beyond the street level and neighbourhood level outlined above, and it is not considered that there would be significant harm to amenity.

5.13 HMO properties are required to provide accommodation for non-family occupiers who also require accommodation throughout the city. By introducing the Article 4 Direction, it helps to balance York's housing market and ensure that communities are not unbalanced by large concentrations of HMO properties. The use of this particular property as a HMO is considered to be acceptable in this instance as it meets the requirements for adequate accommodation and facilities for the occupiers.

#### Car Parking

5.14 The DCLP contains a car parking standard of 1 space per 2 HMO bedrooms. This is a maximum, which the DCLP states should be assessed downwards depending on the individual characteristics of each site. The maximum requirement for a 3 bed HMO would be 1 or 2 car spaces. The site is in a sustainable location. Concerns have been raised by neighbouring residents with regard to car parking provision. The site is close to the junction with Osbaldwick Lane which is a bus route and also close to the entrance to a primary school on Hambleton Avenue.

5.15 The property has a concrete driveway which is about 9m in length. The remainder of the frontage is gravelled. Two vehicles could enter, park and leave the site independently of each other.

#### Impact on the Amenity of the Occupants of Neighbouring Properties

5.16 Objections have been received in relation to the impact of the use of this property as a HMO. The property has 3 bedrooms although the C4 use class would allow occupation up to 6 residents. It is not considered that the use would unbalance the community. In addition, it is not considered that the occupation of the property as an HMO would individually or cumulatively result in significant harm to the amenity of neighbouring residents. As part of all consents approving a HMO use, a 'management plan' is required to be conditioned to address issues which can arise in properties in multiple occupation. This plan is required to be provided to existing and future tenants and would relate to property maintenance, acceptable behaviours to help prevent anti-social behaviour and noise nuisance. In addition, Public Protection have a wide range of powers which could be enforced against specific potential breaches in terms of that stated above. Bins are shown to be kept within the front garden. It is acknowledged that while this would not be subject to planning control for the vast majority of residential properties, it can be a source of

complaint with multiple occupied properties if poorly managed. No store is proposed. It is considered that a condition should be imposed to require that the bins are kept behind the existing fence to the side of the house.

## 6.0 CONCLUSION

6.1 On balance and subject to conditions, it is considered that the use of the property as an 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 Policy H8 of the Development Control Local Plan 2005 and the guidance contained within the SPD.

## 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:-

Drawing No's - 19 HA 01 - 19 HA - 02 - 19 HA 03 - Received 30th June 2021

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Prior to the development hereby approved being brought into operation, a management plan shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority. The Management plan shall relate to the following areas:

- i) Information and advice to occupants about noise and consideration to neighbours
- ii) Garden maintenance
- iii) Refuse and recycling facilities
- iv) Property maintenance

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

4 Prior to the first occupation of the property as a House in Multiple Occupation details of the cycle parking shall be submitted to and approved in writing by the



Local Planning Authority. The building shall not be occupied until the cycle parking areas have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

5 Notwithstanding the details on drawing 19HA/03 waste and recycling bins shall be stored behind the fence shown adjoining the house.

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

Note: This requirement should be included in the management plan required by condition 3.

## **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.

#### **Contact details:**

**Case Officer:** Paul Edwards

**Tel No:** 01904 551642

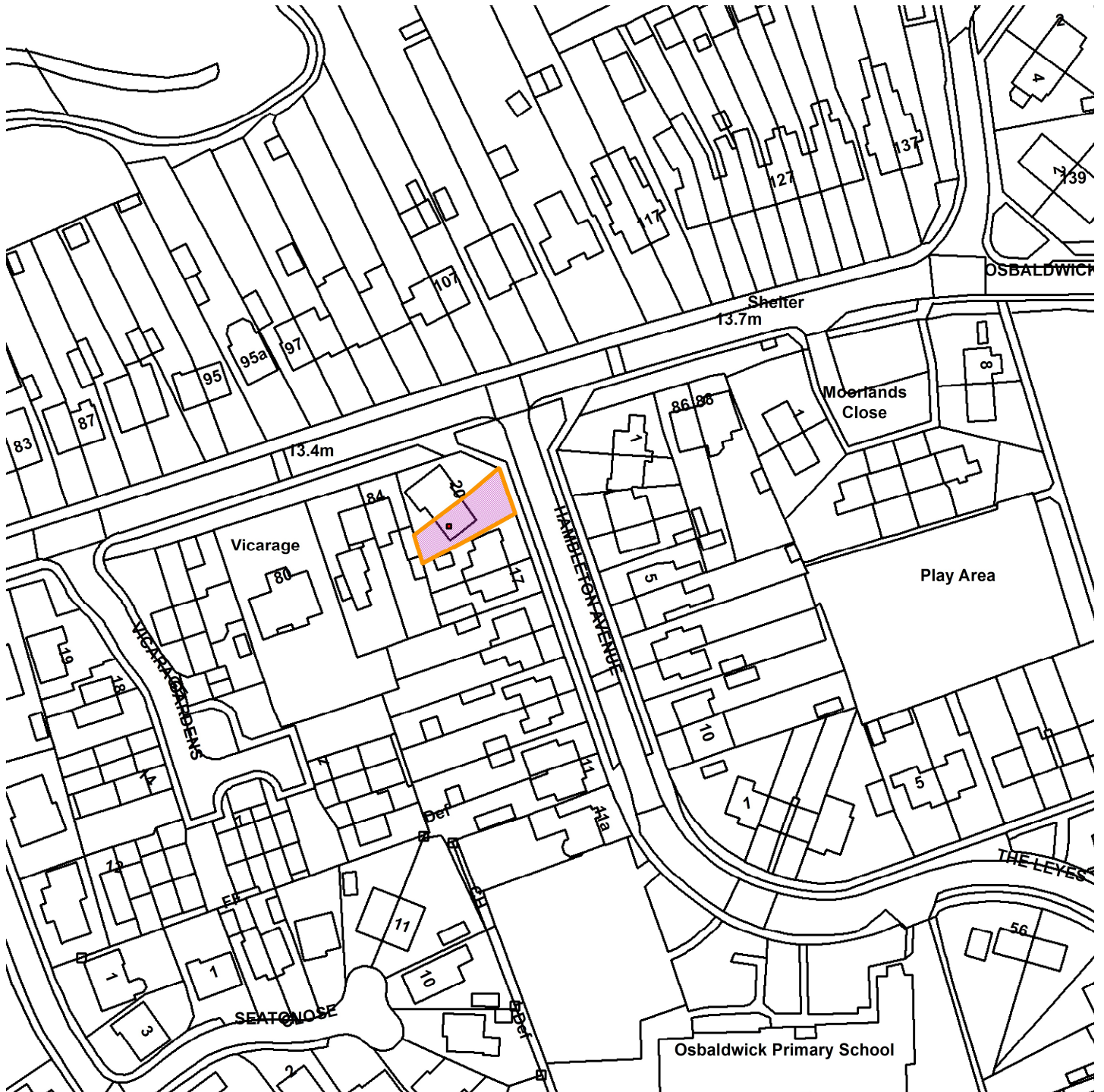
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# 19 Hambleton Avenue, Osbaldwick, YO10 3PP

21/01599/FUL



GIS by ESRI (UK)



Scale : 1:1256

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<b>Organisation</b>	City of York Council
<b>Department</b>	Directorate of Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	26 November 2021
<b>SLA Number</b>	

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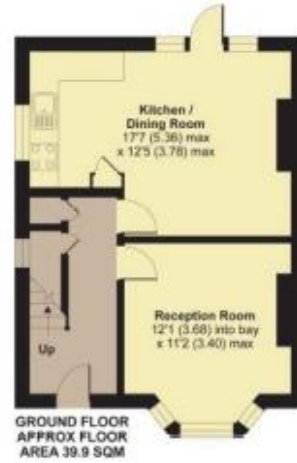
## Area Planning Sub-Committee

21/01599/FUL

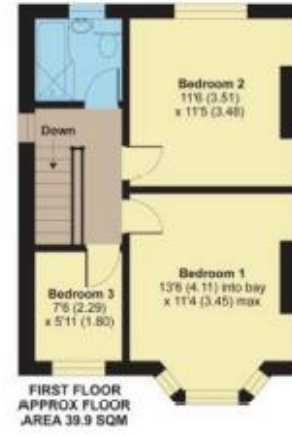
19 Hambleton Avenue Osbaldwick



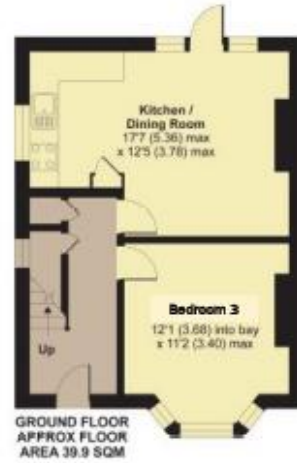
# Floor plans



EXISTING GROUND FLOOR



EXISTING FIRST FLOOR



PROPOSED GROUND FLOOR



PROPOSED FIRST FLOOR



Drawing Number:  
**19HA/02**

**IMPORTANT NOTES**

**ALL DIMENSIONS MUST BE CHECKED ON SITE AND NOT SCALED FROM THIS DRAWING.**

**STRICTLY FOR PLANNING PURPOSES ONLY. NOT VALID FOR ARCHITECTURAL, ENGINEERING, SURVEYING OR ANY OTHER PURPOSES.**

**ALL DETAILS SUBJECT TO CHANGES SUBJECT TO ENGINEERING & LOCAL AUTHORITY REQUIREMENTS.**

**APPLICANTS MUST CONSULT PLANNING AND BUILDING AUTHORITY REGARDING ANY CHANGES**

**SITE ADDRESS**

19 HAMBLETON AVENUE  
 YORK  
 NORTH YORKSHIRE  
 YO10 3PP

**PROPOSAL**

CHANGE OF USE  
 TO A HMO

**1:100 - A3 PAPER**



EXISTING & PROPOSED BLOCK PLAN



Drawing Number:  
**19HA/03**

**IMPORTANT NOTES**

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**SITE ADDRESS**

19 HAMBLETON AVENUE  
YORK  
NORTH YORKSHIRE  
YO10 3PP

**PROPOSAL**

CHANGE OF USE  
TO A HMO

**1:100 - A3 PAPER**



**COMMITTEE REPORT**

**Date:** 8 December 2021      **Ward:** Osbaldwick and Derwent  
**Team:** East Area      **Parish:** Osbaldwick Parish Council

**Reference:** 21/01991/FUL  
**Application at:** 27 Bedale Avenue Osbaldwick York YO10 3NG  
**For:** Change of use from dwellinghouse (use class C3) to House in Multiple Occupation (use class C4)  
**By:** Mr A Sullivan  
**Application Type:** Full Application  
**Target Date:** 3 November 2021  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This application seeks planning permission to change the use of No.27 Bedale Avenue, Osbaldwick from a residential dwelling within Use Class C3 to a 5.no bedroom house in multiple occupation (HMO), within Use Class C4.

1.2 The application property is a traditional, semi-detached dwelling, located on a corner plot. To the side, an off-shoot of Bedale Avenue connects to Wydale Road, which runs parallel. A 5.no bedroom HMO is proposed, one of these being an ensuite in the loft space. Other than that, there are 4.no bedrooms, a bathroom, a lounge, a lounge/diner a kitchen and a utility room. Given that one of the lounges could be used as an additional bedroom then any consent could result in a 6.no bedroom HMO under class C4. There is a detached garage in the rear garden (and a shed) and this can be accessed externally from Bedale Avenue.

1.3 The application has been called in by Councillor Warters, on the following grounds:

- No confidence in the veracity of the CYC data base
- Adverse effect of 2.no resulting HMO's being next to each other
- Inadequate off-road car parking provision for proposed 5.no households
- Resulting late night noise and disturbance
- Garage to rear could be converted to a tattoo studio

1.4 Planning history:

Application Reference Number: 21/01991/FUL

Item No: 3c

- Two-storey, pitched-roof, side and single-storey rear extension – 07/00136/FUL Approved 06.03.2007
- Extension to front of existing garage – 10/00543/FUL Approved 14.06.2010
- Change of Use from domestic garage (Class C3) to tattoo studio – 11/02264/FUL Approved 14.10.2011
- Continued use of garage as tattoo studio – 12/02936/FUL Approved 22.10.2012

## **2.0 POLICY CONTEXT**

### Publication Draft Local Plan 2018

CYH8 Conversion to flats/HMO Student Accommodation

### Development Control Local Plan 2005

CYH8 Conversion to Flats

## **3.0 CONSULTATIONS**

### Forward Planning

3.1 Within 100m (Street Level) of No.27 Bedale Avenue, there are currently 4.no HMO's out of 45.no dwellings = 8.9% At Neighbourhood Level there are currently 70.no HMO's out of 736.no dwellings (9.5%)

### Highway Network Management

3.2 No objections, questioned the alignment of the existing dropped kerb with that of the access. Also questioned the provision for cycle and pedestrian access.

### Osbaldwick Parish Council

3.3 Object on the following grounds:

- Loss of family homes
- Two HMO's side by side will amplify adverse effects

- Accuracy of the CYC Database questioned
- Poor refuse management
- Increased noise levels
- Car parking problems
- Traffic safety concerns through increased cars

## **4.0 REPRESENTATIONS**

### Neighbour Notification and Publicity

4.1 Five letters of objection were received on the following grounds:

- Accuracy of the CYC Database questioned
- Poor refuse management
- Increased noise levels
- Car parking problems
- Value of surrounding homes will be reduced
- Traffic safety concerns through increased cars
- There could be up to 20.no occupants in the combined adjoining properties
- The university should provide to additional accommodation

## **5.0 APPRAISAL**

### KEY ISSUES

5.1 The key issues in assessing the proposal are:

- Whether the change would lead to an unacceptable concentration of HMO's in a single location and thereby impact adversely on neighbours.
- Parking provision

### POLICY CONTEXT

#### National Planning Policy Framework

5.2 The National Planning Policy Framework sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development.

5.3 Paragraph 130 states that planning policies and decisions should ensure that developments will achieve a number of aims including that they create places that are safe and with a high standard of amenity for existing and future users.

## Local Plan Policies

### Publication Draft Local Plan 2018

5.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

5.5 Policy H8 states that applications for the change of use from dwelling house (Use Class C3) to HMO (Use Class C4 and Sui Generis) will only be permitted where:

- it is in a neighbourhood area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent or are known to the Council to be HMOs; and
- less than 10% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning permission or are known to the Council to be HMOs; and
- the accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

5.6 Paragraph 5.53 of Policy H8 advises that in assessing planning applications for HMOs, the Council will seek to ensure that the change of use will not be detrimental to the overall residential amenity of the area. In considering the impact on residential

amenity attention will be given to whether the applicant has demonstrated the following:

- the dwelling is large enough to accommodate an increased number of residents;
- there is sufficient space for potential additional cars to park;
- there is sufficient space for appropriate provision for secure cycle parking;
- the condition of the property is of a high standard that contributes positively to the character of the area and that the condition of the property will be maintained following the change of use to HMO;
- the increase in number of residents will not have an adverse impact on noise levels and the level of amenity neighbouring residents can reasonably expect to enjoy;
- there is sufficient space for storage provision for waste/recycling containers in a suitable enclosure area within the curtilage of the property; and
- the change of use and increase in number of residents will not result in the loss of front garden for hard standing for parking and refuse areas which would detract from the existing street scene.

#### Development Control Local Plan 2005

5.7 The Development Control Local Plan (DCLP) was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is very limited. It is considered that the following policies/criteria are relevant:

- Appendix E to the DCLP outlines cycle parking and maximum car standards for development and specifies that HMO's should provide 1 car parking space per 2 bedrooms and 1 cycle parking space per bedroom.
- Policy H8 sets out the criteria by which conversions of houses to HMO's should be assessed including that adequate car and cycle parking is provided; there would be no adverse impact on neighbouring amenity by virtue of the conversion alone or cumulatively with a concentration of such uses.

#### Draft Supplementary Planning Document (SPD): Controlling the Concentration of Houses in Multiple Occupancy (2014)

5.8 This Guidance was prepared in connection with an Article 4 Direction] which the Council made in respect of houses within the defined urban area. It has the effect of

Application Reference Number: 21/01991/FUL                      Item No: 3c

bringing the change of use of dwellings (Class C3) to small HMO`s occupied by between 3 and 6 people (Class C4), which would otherwise be permitted development, within planning control. Paragraph 5.15 of the SPD recognises that concentrations of HMOs can impact upon residential amenity and can, in some cases, create particular issues with regard to:

- increased levels of crime and the fear of crime;
- poorer standards of property maintenance and repair;
- littering and accumulation of rubbish;
- noises between dwellings at all times and especially at night;
- decreased demand for some local services;
- increased parking pressures; and
- lack of community integration and less commitment to maintain the quality of the local environment.

5.9 Paragraph 5.17 of the SPD outlines that in assessing planning applications for HMOs the Council will seek to ensure that the change of use will not be detrimental to the overall residential amenity of the area. In considering the impact on residential amenity, attention will be given to whether the applicant has demonstrated that the condition of the property is of a high standard that contributes positively to the character of the area and that the increase in number of residents will not have an adverse impact on noise levels and the level of amenity neighbouring residents can reasonably expect to enjoy.

5.10 Paragraph 5.7 of the SPD advises that applications for change of use from dwellings to HMO's will only be permitted where:

a) The property is in a neighbourhood area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and

b) Less than 10% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and

c) The accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

## ASSESSMENT

5.11 Under 2018 Local Plan Policy and the SPD, in consideration of a proposal to establish an HMO, there is a requirement to avoid adverse impact on neighbouring amenity through noise disturbance or residential character by virtue of the conversion alone or cumulatively with a concentration of such uses. In this respect, Paragraph 5.2 of the SPD states a 'threshold based policy approach' is considered most appropriate method for controlling the number of HMO's across the City, as this tackles concentrations and identifies a 'tipping point' when issues arising from concentrations of HMO's become harder to manage and a community or locality can be said to tip from balanced to unbalanced.

5.12 Council data indicates that within 100m (Street level) of the site that there are currently 4 HMOs on the database out of 45 properties – 8.9%. The proposal would increase this to 11.1%. At the neighbourhood level there are currently 70 known HMOs out of 736 properties – 9.5%. The marginal breach in the street level threshold is not considered to be material and as such, the proposed change of use to a HMO is unlikely to significantly affect the balance of the community or the stock of family sized dwellings. Local objections have been made regarding the impact of two adjoining HMOs. Neither the policy nor the SPD seek to impose controls on concentrations of HMOs beyond the street level and neighbourhood level outlined above, and it is not considered that there would be significant harm to amenity from two adjoining HMOs.

5.13 HMO properties are required to provide accommodation for non-family occupiers who also require accommodation throughout the city. By introducing the Article 4 Directive, it helps to balance York's housing market and through the application of the threshold policy manage the change of use of family dwellings. The use of this particular property as a HMO is considered to be acceptable in this instance as it meets the requirements for adequate accommodation and facilities for the occupiers.

## Car Parking

5.14 The DCLP contains a car parking standard of 1 space per 2 HMO bedrooms. This is a maximum, which the DCLP states should be assessed downwards depending on the individual characteristics of each site. The maximum requirement

for a 5 bed HMO would be 2 or 3 car spaces, for a 6 bed HMO, 3 spaces. The site is in a sustainable location. Objections have been raised by neighbouring residents in regard to potential car parking issues and the impact on highway safety. The frontage of the application property is laid to hard-standing. Whilst three vehicles could be accommodated, independent manoeuvring would require careful positioning. However, as no properties front onto either side of the road connecting Bedale Avenue with Wydale Road it is considered that any potential overspill parking from the proposed HMO would not result in an unacceptable impact on available parking locally or highway safety.

5.15 Pedestrian and cycle access to the rear garden exist via the gate at the side of the property.

5.16 The existing detached garage to the rear, was previously granted permission for the continued use as a tattoo studio. This is a personal permission that will cease to have effect when the current owner vacates the property. In any event, it is recommended that a condition is attached to any consent requiring the garage to be retained for the storage of cycles.

#### Impact on the Amenity of the Occupants of Neighbouring Properties

5.17 Objections have been received in relation to the impact of the use of this property as a HMO. It is not considered that the use would unbalance the community. In addition, it is not considered that the occupation of the property as an HMO would individually or cumulatively result in significant harm to the amenity of neighbouring residents. As part of all consents approving a HMO use, a 'management plan' is required to be conditioned to address issues which can arise in properties in multiple occupation. This plan is required to be provided to existing and future tenants and would relate to property maintenance, acceptable behaviours to help prevent anti-social behaviour and noise nuisance. In addition, Public Protection have a wide range of powers which could be enforced against specific potential breaches in terms of that stated above.

5.18 Bin storage is shown as being accommodated within the existing garage to the rear. While this would not be subject to planning control for the vast majority of residential properties, storage of bins at the front of HMO properties it can be a source of concern with multiple occupied properties if poorly managed. It is considered that a condition should be imposed to require that the bins stored at the rear of the property.



## 6.0 CONCLUSION

6.1 On balance and subject to conditions, it is considered that the use of the property as an 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, Policy H8 of the Development Control Local Plan 2005 and the guidance contained within the SPD.

## 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:-

Drawing No. 639.001 - Dated 23 August 2021

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Prior to the development hereby approved being brought into operation, a management plan shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority. The Management plan shall relate to the following areas:

- i) Information and advice to occupants about noise and consideration to neighbours
- ii) Garden maintenance
- iii) Refuse and recycling facilities
- iv) Property maintenance

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

4 The existing detached garage shall be retained for the parking of a minimum of 6 cycles.

Reason: In the interests of promoting sustainable modes of transport

5 All waste and recycling bins shall be stored in the rear garden of the house in multiple occupation.

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

Note: This requirement should be included in the management plan required by condition 3.

## **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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# 27 Bedale Avenue, Osbaldwick, YO10 3NG

21/01991/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	Directorate of Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	26 November 2021
<b>SLA Number</b>	

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## Area Planning Sub-Committee

21/01991/FUL

27 Bedale Avenue Osbaldwick



# Site and floor plans

**Site Plan 1:500**

**Site Location Plan 1:1250**

**Existing Ground Floor**

**Existing First Floor**

**Existing Second Floor**

**Notes**

The architect is responsible for obtaining all necessary approvals for the proposed development and for ensuring compliance with all applicable laws and regulations. The architect is not responsible for the accuracy of the information provided in this document.

All structural work must be carried out in accordance with the relevant British Standards and the Building Regulations with all necessary approvals.

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Project Name	27 Beale Avenue, York, YO10 3NG
Client	Sullivan Stroud Properties Ltd
Scale	1:50 @ A1 & A2
Drawn By	BP
Checked By	620491
Date	23.06.21
Sheet No.	7

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