



## Notice of a public meeting of

### Planning Committee B

- To:** Councillors B Burton (Chair), Hollyer (Vice-Chair), Baxter, Clarke, Fenton, Melly, Orrell, Vassie and Warters
- Date:** Wednesday, 7 February 2024
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

### AGENDA

- 1. Declarations of Interest** (Pages 1 - 2)  
At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.  
  
An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.  
  
[Please see the attached sheet for further guidance for Members.]
- 2. Minutes** (Pages 3 - 14)  
To approve and sign the minutes of the last Planning Committee B meeting held on 17 January 2024.

### 3. 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 are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is 5:00pm on Monday, 5 February 2024.**

To register to speak please visit [www.york.gov.uk/AttendCouncilMeetings](http://www.york.gov.uk/AttendCouncilMeetings) to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

### Webcasting of Public Meetings

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

During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates ([www.york.gov.uk/COVIDDemocracy](http://www.york.gov.uk/COVIDDemocracy)) for more information on meetings and decisions.

### 4. Plans List

This item invites Members to determine the following planning application:

- a) **27 Bedale Avenue, Osbaldwick, York, YO10 3NG [23/02323/FUL]** (Pages 15 - 26)

Change of use from small House in Multiple Occupation use (class C4) to large House in Multiple Occupation (Sui Generis use) [Osbaldwick and Derwent Ward]

## 5. 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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### Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) <b>OR</b> Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) <b>OR</b> Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

City of York Council

Committee Minutes

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Meeting	Planning Committee B
Date	17 January 2024
Present	Councillors B Burton (Chair), Hollyer (Vice-Chair), Baxter, Clarke, Fenton, Melly, Orrell, Vassie and Warters
Apologies	None
Officers Present	Gareth Arnold, Development Manager Jonathan Kenyon, Principal Officer, Development Management Nathalie Ramadhin, Development Management Officer Claire MacRae, City Archaeologist Eleanor Sorfleet, Senior Ecologist Ruhina Choudhury, Senior Solicitor

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### **56. 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.

Cllrs Melly and Clarke noted that they were pre-determined on item 4c (Tramways Club, Mill Street, YO1 9PY). They had registered to speak on the item in their capacity as Ward Councillors. They subsequently left the meeting after they had addressed the committee and took no part in the debate or decision making for that item.

### **57. Minutes (4.35 pm)**

Resolved: That the minutes of the last meeting held on 15 November and 12 December 2023 were approved as a correct record.

### **58. Public Participation (4.35 pm)**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

**59. Plans List (4.36 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.

**60. 100 Main Street Fulford York YO10 4PS [23/01234/FUL] (4.36 pm)**

Members considered a full application by Bootham Developments LLP for the Conversion of Nos. 100-102 to provide 4no. dwellings with external alterations and extensions. Erection of 1 no. dwelling to the rear and parking. (resubmission)

The Development Manager gave a presentation on the plans and the Development Management Officer provided an update which noted, in relation to paragraph 1.7, that the decision on application reference 22/02437/FUL had been quashed by the Court and remitted back to the LPA for re-determination. It also summarised one additional representation. The officer's recommendation remained for approval, subject to the conditions set out within the report.

Members sought clarification regarding the bat survey and the Senior Ecologist reported that condition 3 required a licence from Natural England prior to demolition, therefore any bat roost was legally protected.

It was also confirmed by officers that the parking plans were considered sufficient for the site.

Public Speakers

Parish Cllr Mary Urmston spoke in objection to the application on behalf of Fulford Parish Council. She raised concerns in relation to the damage to the character of the non-designated heritage asset, the difficulties with access to the site and the bat survey.

In response to questions from Members Parish Cllr Urmston stated that a full bat survey had not been carried out and that a derogation test was required.

Cllr Ravilious, the Ward Councillor, had registered to speak in objection to the application. As she was unable to attend the meeting, the Chair read



out her statement. She raised concerns regarding the access and parking arrangements.

Lee Vincent, the agent for the applicant, spoke in support of the application. He outlined the plans for small dwellings, similar to those on Main Street, with limited change to the street scene. He acknowledged the limitations of the onsite parking arrangements, noting that vehicles would be able to enter and exit in forward gear.

In response to questions from Members, he stated that he was not aware of how the access to the site worked when it was a dairy.

In response to further questions from Members, Officers clarified the measurements for the entrance to the site and reported that:

- Condition 14 could be amended, if required, to ensure that the cycle storage was covered.
- The internal structure of the semi-detached properties would be entirely new, with the façade on Main Street being retained.
- Nothing could happen on site until the bat licence was issued, as per the conditions. Natural England were known to reject applications on the basis of over mitigation.
- The buildings and site were not necessarily suitable for swifts, the provision of bird boxes should be site specific and based on the survey data.

Following debate, Cllr Fenton moved the officer recommendation to approve the application, the motion was seconded by the Chair.

Members voted unanimously in favour of the recommendation and it was:

Resolved: That the application be approved, subject to the completion of a s106 agreement and the amendment to condition 4 to require 2 Swift boxes in the construction.

Reason: The proposal seeks the re-use and renovation of an existing brownfield site to provide 5no. dwellings within the centre of Fulford. Significant weight is attached to the provision of housing and the renovation of the site within the designated heritage asset. The works to the frontage buildings respects the character and integrity and will help secure their long-term future. The layout and design of the dwelling to the rear respects the plot layout and spatial form. The works are considered to enhance the Conservation Area and its setting. Each dwelling will utilise the existing access from Main Street and will be

provided with an off-street parking space and cycle storage which is considered acceptable. Matters such as ecology, contamination, drainage, archaeology, landscaping, materials, noise, sustainability and amenity can be dealt with via conditions. The proposal accords with national planning policy and draft local policy therefore is recommended for approval subject to conditions and subject to the signing of a legal agreement to secure an off-site play and amenity space contribution in accordance with policy GI6 of the Draft Local Plan (2018).

[5.33 to 5.38 pm, the Chair took a brief adjournment.]

**61. Fulford Flood Alleviation Scheme, Pt Fulford Ings And Pt Playing Fields, Selby Road, York [23/00283/FUL] (5.40 pm)**

Members considered a full application by City of York Council for a Flood alleviation scheme comprising a pumping station and associated inlet structure, control kiosk, access track and parking area; culvert under Selby Road; outfall structure and floodwall alignment and penstock across Germany Beck; two earth flood embankments, and a temporary construction compound and tree works within the Fulford Conservation Area.

The Development Manager gave a presentation on the plans and the Development Management Officer provided an update which summarised an additional representation and amended planning conditions as follows:

Archaeology condition 4

Condition 4 needs to be split into two separate conditions and should read as follows:

4. No development or archaeological investigation shall take place until a written scheme of investigation (WSI) for all outlined archaeological works has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.

Reason: The site is considered to be an area of archaeological interest. Therefore, the development may affect important archaeological deposits

which must be recorded prior to destruction, in accordance with Section 16 of the NPPF.

New 5. A programme of post-determination archaeological mitigation, specifically an archaeological watching brief, metal detecting survey and excavation is required on this site.

The archaeological scheme comprises 3 stages of work. Each stage shall be completed and agreed by the Local Planning Authority before it can be approved.

- A) The site investigation and post-investigation assessment shall be completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
- B) A copy of a report (and evidence of publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site is considered to be an area of archaeological interest. Therefore, the development may affect important archaeological deposits which must be recorded prior to destruction, in accordance with Section 16 of the NPPF.

#### Archaeology condition 6

Condition 6 needs to be reworded to remove reference to “The Fulford Battlefield Society and other Interested Parties.”

#### Additional Informative to condition 6

In relation to the scheme of interpretation, it is recommended the Fulford Battlefield Society, the Parish Council and any other interested parties are consulted and involved prior to the submission of the final scheme for approval to the Local Planning Authority.

Officers confirmed that the recommendation remained for approval subject to the conditions set out within the report and as amended above.

In response to Members’ questions, the location of the trees to be removed was clarified.

## Public Speakers

Parish Cllr, Andrew Vevers, spoke on behalf of Fulford Parish Council. He was broadly in support of the application but requested a condition for mature replacement trees, rather than whips, to retain a mature Ash tree (T19) and the council look to replace the open space land that would be lost should the project go ahead.

In response to questions from Members, he confirmed that the Parish Council had not identified an alternative site for open space and that they were requesting further consultation and did not want to block the development.

Cllr Ravillious, Ward Councillor was unable to attend the meeting. Her statement, in support of the application, was read out by the Chair. She requested that the council negotiate with the Parish Council regarding a replacement for the loss of open space and asked that the conditions contained in the City Archaeologist's report be included.

Steve Wragg, the applicant on behalf of the City of York Council, spoke in support of the application. He outlined the scheme and the benefits of reducing the operational response to flooding whilst noting the impact on biodiversity and views?

In response to questions from Members, he gave assurances that CYC would continue to work with the Parish Council with particular reference to the loss of open space and the tree, T19.

The City Archaeologist confirmed that she was in agreement with Historic England and the visual impact of the pumping station would not impact on the decision to designate the site as a battlefield.

Officers reported that the temporary access and the compound would have to be removed to implement the landscaping scheme. Condition 11 could be amended to reflect this, if Members felt it necessary to do so.

It was also confirmed that fish friendly, low flow pumps had been specified.

Following debate, Cllr Warters proposed the officer recommendation to approve the application, subject to the following amendments:

- Condition 11 be amended to require the removal of construction compound and roadway alongside implementation of planting scheme. Extend the protection of trees/woodland to it's lifetime.

- An informative to be included regarding the possible alternative open space for Fulford Parish Council.
- An informative to retain T19 if possible.

This motion was seconded by Cllr Hollyer and following a unanimous vote in favour, it was:

Resolved: That the application be approved.

Reason:

- i. The proposals for the flood alleviation scheme are clearly justified and necessary in this location. The development would provide wider sustainability benefits to the community and reduce flood risk overall, in particular around the A19 (Selby Road), Fordland's Estate and the Cemetery. Whilst it is acknowledged a dwelling in Cell B8 will be deemed at risk as a result, it is understood this property already benefits from flood defences. The proposal therefore passes the sequential and exception tests in relation to flood risk.
- ii. The site lies within the Green Belt. Whilst engineering operations are classed as appropriate in the Green Belt, they must still preserve the openness. It is considered the above-ground structures such as the kiosk, would harm the Green Belt visually and spatially. However very special circumstances have been identified to outweigh the harm to the openness arising from the above ground physical structures.
- iii. The overall design and material choice of the infrastructure is suitable for its use, including matching brick slips and moss green pipework. However it is considered the presence of an engineered structure, within a fairly verdant and semi-rural setting, presents some harm to the setting and entrance of Fulford Conservation Area, in particular when arriving from Selby Road. The harm is assessed as less than substantial and there are significant public benefits arising from the development.
- iv. With regards to archaeology, the proposed infrastructure will not significantly harm the setting or legibility of the battlefield site. The above ground impact will not pose any threat to future designation of the battlefield. The development has the potential to impact upon archaeological deposits and

mitigation is therefore recommended which is secured by condition.

- v. The development will be located on land currently designated as open space – Fordlands Road Playing Field, however taking into account existing topography and vegetation, the proportion of land to be used is small and currently not useable for recreational importance. The proposed replacement landscaping, will aid in increasing the recreational value of the playing field, on planning balance and given the size, use and nature of the land it would be unreasonable to ask for replacement open space elsewhere.
- vi. The removal of trees is necessary to facilitate the development, however the replacement landscaping is considered appropriate and will screen the development from public viewpoints, particularly from the playing fields. Public protection matters such as noise and dust can be controlled by condition. A new access from Selby Road is required for periodic maintenance and emergency access to enter a vehicle parking area for contractors. Members will be updated at committee with regards to the Highway Officers updated comments.
- vii. The Ecological Impact Assessment identified key ecological receptors that require mitigation during the construction and operation phases of the development. Neither the proposed ground investigations or the wider proposed works are likely to adversely affect the botanical integrity of the wider Fulford Ings SSSI and adjacent land. The Ecologist and Environment Agency recommend an updated CEMP to be secured by condition. Additional conditions such as an invasive non-native species method statement and LEMP have also been added. The natural environment is therefore conserved and enhanced.
- viii. On planning balance and taking all matters into consideration, including attaching substantial weight to the public benefits arising from the development, the application accords with the provisions of national planning policy and policies within the Draft Local Plan (2018) and is therefore recommended for approval subject to conditions.

[6.54 – 7pm, the Chair took a short adjournment. Cllrs Baxter and Vassie left the meeting. Cllrs Melly and Clarke, stepped off the committee for the duration of item 4c.]

**62. Tramways Club, 1 Mill Street, York, YO1 9PY  
[21/01045/FULM] (7.01 pm)**

Members considered a major full application for the erection of residential building to form 35no. apartments with associated landscaping and public realm improvements to adjacent Rest Gardens following demolition of former Tramways Club.

The Development Manager gave a presentation on the plans and the Principal Development Management Officer provided an update which outlined an additional representation from the Civic Trust and an additional comment from the council's Public Realm Operations Manager. Condition 22 was amended to read as follows:

Landscaping – condition 22

The hard landscaping measures as shown on the landscape masterplan shall be implemented prior to first occupation of the development hereby permitted.

Within a period of six months of commencement of the development a soft landscaping scheme shall be approved in writing by the Local Planning Authority and fully installed in accordance with the approved details. Prior to first occupation of the development, a completion notice shall be served on the Local Planning Authority and approval in writing shall be obtained from the Local Planning Authority that the approved scheme has been satisfactorily provided.

The Officer's recommendation remained for approval subject to the conditions set out within the report and as amended above.

In response to questions from Members, it was confirmed that a condition regarding holiday lets was not required as using the properties for holiday lets would result in a material change of use requiring planning permission.

Public Speakers

Margaret Rollinson, a local resident, spoke in objection to the application. She raised concerns regarding the height of the proposed development as she felt it was not in keeping with the conservation area. She also highlighted the limited parking available currently, and stated that the

parking would be much worse in the future if the application was to be approved.

In response to questions, she stated it was difficult to get tradespeople to attend properties when there was no parking in the area. She raised concerns in relation to the limitations that cycles have, if they are the only means of transport for residents in the development.

Cllrs Melly and Clarke, Guildhall Ward Cllrs, spoke in objection to the application. They highlighted the development's proximity to the city walls and noted that it did not provide for affordable housing. They felt that there should be a condition to prevent holiday lets and expressed concerns regarding the practicalities of the basement cycle storage.

In response to questions from Members in relation to the planned 'rest' garden, they stated that greater consultation with residents was needed and that the developers should maintain the garden in perpetuity.

Richard France, the Developer, spoke in support of the application. He stated that they had collaborated with CYC officers to develop the brownfield site and meet the city's housing need. They had acted on comments and reduced the height and massing of the development. He stated that short term lets would be prohibited.

In response to questions, he confirmed they were willing to come to an agreement on the planting scheme, noting that the service charge fund would be used to maintain the site. The increase in costs since they had owned the plot had meant that including affordable housing was no longer possible.

Sue Sparling, the architect, explained the cycle storage plans in more detail and confirmed that Highways had advised that residents would not be eligible for residents parking permits.

Officers reported, in relation to the viability mechanism, that affordable housing was an aspirational target, whereas services such as education were considered essential. National planning guidance was that the viability review mechanism needed to be simple and fair; should the profit be higher than expected this would come back to the council as a commuted sum that would go towards affordable housing but changes in build costs would need to be taken into account.

Following debate, Cllr Fenton proposed the officer recommendation to approve the application, subject to the s106 agreement, the amendments in the update and additional informatives for the developer to include the



restriction on parking permits in their marketing and that the use of individual apartments for short term holiday letting was considered to be a material change of use requiring planning permission. This was seconded by Cllr Orrell.

On being put to a vote, Members voted four in favour of the motion and one against, it was therefore:

Resolved: That the application be approved, subject to the completion of a Section 106 agreement by the Head of Planning and Development Services, through delegated authority.

Reason: The site is within an area identified for regeneration in the DLP 2018 (Castle Gateway). The scheme makes effective use of land and would provide housing and these are benefits to be given substantial weight according to the NPPF. There would not be harm to heritage assets, no undue impact on surrounding occupant's amenity and technical issues can be addressed through conditions. The scheme is unable to be policy compliant in terms of affordable housing provision and this has been independently verified by the Council's district valuer. A review mechanism can be included in a legal agreement to capture any uplift in value of the scheme.

[8pm, Cllr Orrell left the meeting. Cllrs Melly and Clarke rejoined the meeting]

### **63. Planning Appeal Performance and Decisions (8.02 pm)**

The Development Manager presented a report which provided information on the planning appeal decision determined by the Planning Inspectorate between 01 April and 30 June 2023.

It was reported that the council had lost more appeals than usual recently. There had been four cases since 2018 where costs had been awarded against the council.

Resolved: That the report be noted.

Reason: To keep members informed of the current position of planning appeals against the council's decisions as determined by the Planning Inspectorate.

Cllr B Burton, Chair

[The meeting started at 4.33 pm and finished at 8.06 pm].

**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.

- 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 6.51m<sup>2</sup>. 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 (12.39m<sup>2</sup>). The current size of the living room/kitchen is 54.32m<sup>2</sup> 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.

#### **Contact details:**

**Case Officer:** Elizabeth Potter

**Tel No:** 01904 551477

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# 27 Bedale Avenue, Osbaldwick, York YO10 3NG

23/02323/FUL



Scale : 1:1359

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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>	30 January 2024
<b>SLA Number</b>	Not Set

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## Planning Committee B

23/02323/FUL

27 Bedale Avenue Osbaldwick

# Existing and Proposed Floor plans and site plan



A		Plans issued	14.11.22
Revision:	Date:		
Project Name: 27 Bedale Avenue, York, YO10 3NG			
Title: Plans And Elevations			
Client: Sullivan Student Properties Ltd			
Scale:	Date:		
1:50 & 100 @ A1	25.08.21		
Drawn By:	Drawing Number:	Revision:	
BF	639.001	A	

