

COMMITTEE REPORT

Date: 17 April 2024 **Ward:** Osbaldwick And Derwent

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

Reference: 24/00175/FUL

Application at: 19 Baysdale Avenue Osbaldwick York YO10 3NE

For: Change of use from dwelling house (Use Class C3) to House in Multiple Occupation (Use Class C4)

By: Ms Yuanyuan Han

Application Type: Full Application

Target Date: 11 April 2024

Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks planning permission for a change of use of No.19 Baysdale Avenue, Osbaldwick from a dwelling house within Use Class C3 to a 4.no bedroom House in Multiple Occupation within Use Class C4. The application property is a semi-detached dwelling, located within a section of Baysdale Avenue, which lies between Tranby Avenue and Bedale Avenue.

1.2 The application has been called in to Committee by Ward Councillor Mark Wartars. The reasons cited being:

- Loss of a family home.
- Concern over the accuracy of CYC HMO threshold figures.
- Could intensify beyond a 3.no HMO in the future.
- Inadequate off-road parking provision.
- Immediately behind HMO at No.44 Tranby Avenue.
- Would result in 2.no HMOs next to each other.

2.0 POLICY CONTEXT

POLICY CONTEXT

National Planning Policy Framework

2.1 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. Paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

2.2 Paragraph 135 states that planning policies and decisions should ensure that developments will achieve a number of aims including to 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

Local Plan Policies

Emerging Draft Local Plan 2018

2.3 The draft Local Plan was submitted for examination on 25 May 2018. Examination hearings took place between December 2019 and September 2022 and in March 2024. Consultation on proposed modifications took place in early 2023.

2.4 Policy H8: Applications for the change of use from dwelling house (Use Class C3) to HMO Use Class C4 will only be permitted where:

- (i) It is in a neighbourhood where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students recorded by the Council's data base as licensed HMO, benefit from C4/Sui Generis HMO planning consent or are known to the Council to be HMO's and
- (ii) 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 or are known to the Council to be HMO's and
- (iii) The accommodation provided is of a high standard which does not detrimentally impact on residential amenity.

2.5 The policy explanation states 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 the following:

- The dwelling is large enough to accommodate an increased number of residents.
- There is sufficient space for appropriate provision for secure cycle parking.
- The condition of the property is of a high standard that contributes 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 the 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 within the curtilage of the property.

- The change of use and increase in number of residents will not result in the loss of a front garden for hard-standing and parking and refuse areas which would detract from the existing street-scene.

2.6 Policy T1: “Sustainable Access” advises 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 and they provide sufficient convenient, secure and covered cycle storage.

2.7 In accordance with paragraph 48 of the NPPF policy H8 and T1 can be afforded moderate weight in the decision-making process.

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

2.8 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. 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.

2.9 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.

3.0 CONSULTATIONS

INTERNAL

Strategic Planning

3.1 Within 100m (street level) of No.19 Baysdale Avenue, there are currently 5.no HMOs out of 55.no properties = 9.1%. With the application property being included,

this would increase to 10.9%. At neighbourhood level there are currently 77.no HMOs out of 736.no properties = 10.5%. With the application property being included, this would increase to 10.6%. So neither the street level threshold of 10%, or neighbourhood level of 20% have been breached and the proposal would not conflict with this policy.

EXTERNAL

Osboldwick Parish Council

3.2 Letter of objection received:

- Parking problems
- No.19 is Beside No.44 Baysdale Avenue which is a current HMO
- Will compromise the garden of No.46 Baysdale Avenue

4.0 REPRESENTATIONS

4.1 A total 3.no letters of objection have been received:

- Will lead to increase in street traffic
- Additional number of cars could block emergency service vehicles
- Cars already block access to driveway of No.20 Baysdale Avenue
- Loss of a family home and likely to be student exempt from Council Tax

5.0 APPRAISAL

KEY ISSUES

5.1 The key issues in the assessment of this proposal are concentration of HMOs in the area and the impact on the amenity of neighbours; whether there is adequate provision for car parking and cycle/refuse storage, and the amenity facilities for future occupants.

The Application Property

5.2 No.19 Baysdale Avenue, forms 1.no of a pair of traditional, semi-detached dwellings. It is comprised of, a living/dining room, a bedroom, a kitchen, a hall and a porch, at ground-floor; and 2.no bedrooms, an office/store and a shower room, at first floor. There is a detached garage at the side/rear of the property and a quite spacious rear garden.

Concentration of HMOs and Residential Amenity

5.3 Draft Local Plan Policy H8 and the draft SPD aim 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, the policy and the SPD establish a threshold based policy approach for controlling the number of HMOs across the City, as this tackles concentrations and identifies a 'tipping point' when issues arising from concentrations of HMOs become harder to manage and a community or locality can be said to tip from balanced to unbalanced.

5.4 Both the policy H8 and the SPD state that applications for the change of use from dwelling house to HMO will only be permitted where less than 20% of properties at neighbourhood level and less than 10% of properties at street level are known to be HMOs. Within 100m (street level) of the application site 9.1% of properties are HMOs. At the neighbourhood level 10.5% are HMOs. Neither the street nor neighbourhood level thresholds are currently exceeded in respect of this application. The database figures comprise up to date details provided by Housing Standards, council tax records and planning records. This figure includes all HMO properties known to the Council, and is separate from the HMO licence register which is published on the Council website.

Car Parking

5.5 The council's car parking standards are set out in Appendix E to the 2005 Development Control draft Local Plan however because they set maximum requirements, they are not in accordance with the NPPF. Used as a guideline appendix E states that HMOs should provide a maximum of 1 car parking space per 2 bedrooms. A household car parking space should allow appropriate space for ease of access, ease of movement for loading/unloading, maintenance/working areas etc. In respect of HMO use, the lifestyle, activities and work patterns of the occupants can be very different to those of a small family who tend to have more of a routine of times spent together/joint trips etc. In particular, it can be more difficult in an HMO to ensure that a person needed to move a car to allow another one to access/egress will always be available. It is considered appropriate to secure the provision of car parking spaces of an appropriate size together with a car parking layout that allows for maintenance etc. to be undertaken on site and for cars to manoeuvre in and out of spaces independently, thereby ensuring that the spaces are used and on-street parking is avoided where appropriate and necessary.

5.6 The existing driveway of the application property is approximately 19m length, however it would only be possible for 1.no vehicle, to independently enter and leave the site. Given that 2.no off-road parking spaces are considered to be necessary for a 3.no bedroom HMO, then the proposed provision does not meet the policy set out in Para 5.6 above. In such circumstances, consideration is given to the specifics of the layout of the immediate neighbourhood and the availability and pressures relating to on-road parking. Baysdale Avenue is about 5m wide and this in itself

restricts the number of cars which could be parked without obstructing access along the street, however a car could be parked on one side of the road without encroaching on the grass verge. There are 5.no properties on the section of road intersected by Tranby Avenue and Bedale Avenue with 2.no of them having only side-facing gardens facing onto Baysdale Avenue. No.42 Tranby Avenue has a double-garage at the side, facing onto Baysdale Avenue and No.20 Baysdale Avenue, has a garage on the driveway.

5.7 No.44 Tranby Avenue is an authorised HMO ref no.17.02432/FUL – dated 12.01.2018). This property had a subsequent permission for a two-storey side extension ref no.20/00338/FUL – Approved 10.11.2020. A further application ref no.23/01705/FUL was submitted to change the use into a 7.no bedroom Large HMO. This was refused on 01.02.2024, partly on the grounds of inadequate off-road parking provision. This leaves No.44 Tranby Avenue as being a 5.no bedroom HMO, with the driveway and side of the property being hardstanding and provision to park at least 2.no vehicles off-road (though not independently of each other).

5.8 Tranby Avenue is a bus route, and a petition was recently presented to Council seeking yellow line no-parking restrictions (10.00-15.00) on the section of Tranby Avenue between Hull Road and Baysdale Avenue. If such measures were implemented it is likely that yellow lines would extend into Baysdale Avenue for up to 10m to protect visibility at the junction. However, at present there is no CYC decision in place to implement the scheme.

5.9 A condition could be attached to any consent, restricting it to that of a 3.no resident HMO within Use Class C4. Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. On balance, it is not considered that the pressures on street parking, on the application section of Baysdale Avenue, are sufficient to justify a refusal of this application on parking grounds.

Cycle Parking and Bin Storage

5.10 External access to the rear of the property will be retained. Were the application to be approved, a condition would be attached, requiring details of how 3.no cycles could be stored independently of each other within the existing detached garage (Sheffield Hoops for example). There is adequate space to the side of the property for the provision of waste and re-cycling storage.

Amenity of Future Occupants

5.11 The proposed internal and external layouts are considered to be adequate to meet the needs of 3.no future occupants.

Amenity of the Occupants of Neighbouring Properties

5.12 Given that the existing density levels of HMOs has not been breached, at either street level, or neighbourhood levels, then the balance of different types of properties within Baysdale Avenue and the wider neighbourhood will not conflict with policies set out within the SPD. It is recognised that the nature of HMO occupation is such that comings and goings can be more extensive and at different times of day than those associated with a C3 dwellinghouse. However, given the percentage of HMOs in the immediate area, these comings and goings are not considered to be so likely or extensive as to cause material harm to the residential amenity of the area or result in harm from cumulative impact, one of the basic aims of the article 4 direction to control numbers of HMOs. The submission of a management plan would be a condition of any approval. This would seek to address issues which can arise, as a result of multiple occupancy.

6.0 CONCLUSION

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

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:-

Proposed Floor Plans - Received 5th February 2024

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 first use of the property details of secure and enclosed cycle parking for 3 no. cycles, including means of securing each individual cycle independently (Sheffield Hoops for example) shall be submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the cycle parking areas and means of enclosure 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.

4 Notwithstanding the provisions of the Town and Country Planning (Use Classes Order) 1987, there shall be no more than 3.no residents of the proposed House in Multiple Occupation at any one time.

Reason: In the interests of the amenities the occupants of neighbouring properties and the provision of adequate car parking, the Local Planning Authority considers that it should be able to assess the impact of any proposed intensification of the multiple occupancy use which, without this condition, could be undertaken without any further consent being required.

5 Prior to the development hereby approved being brought into operation, a detailed management plan shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented thereafter as approved for the lifetime of the development unless otherwise approved in writing by the Local Planning Authority. The Management plan shall relate to the following matters:

- 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.

6 No refuse or recycling shall be stored forward of the front elevation of the house.

Reason: In order to protect the visual amenity of the street.

8.0 INFORMATIVES:

Contact details:

Case Officer: Paul Edwards
Tel No: 01904 551642