



Notice of a public meeting of

Planning Committee B

- To:** Councillors B Burton (Chair), Cullwick (Vice-Chair), Baxter, Fenton, Melly, Orrell, Vassie, Warters and Wilson
- Date:** Thursday, 20 June 2024
- Time:** 4.30 pm
- Venue:** West Offices - Station Rise, York YO1 6GA

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 - 10)
To approve and sign the minutes of the last Planning Committee B meeting held on 20 May 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 Tuesday, 18 June 2024.**

To register to speak please visit 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.

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) for more information on meetings and decisions.

4. Plans List

This item invites Members to determine the following planning applications:

- a) **Unit 12A, Monks Cross Shopping Park, Monks Cross Drive, Huntington, York** (Pages 11 - 24)
[24/00222/FULM]

The installation of full cover Mezzanine to Units 12A and 12B.
[Huntington / New Earswick Ward]

- b) **37 Wydale Road, Osbaldwick, York, YO10 3PG** (Pages 25 - 38)
[24/00367/FUL]

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

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- Email: jane.meller@york.gov.uk

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

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

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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) OR 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) OR 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

Meeting	Planning Committee B
Date	20 May 2024
Present	Councillors B Burton (Chair), Hollyer (Vice-Chair), Baxter, Clarke, Fenton, Melly, Orrell, Vassie and Warters (until 5.32pm)
Apologies	None
Officers Present	Gareth Arnold, Development Manager Sandra Branigan, Senior Lawyer

82. Declarations of Interest (4.31 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.

In relation to Item 4a (Land Bounding St Pauls Mews and Watson Street, York), Cllr Vassie declared an interest as his partner worked for St Paul's Nursery. He subsequently left the meeting for the duration of the item and did not take part in the discussion or vote.

83. Minutes (4.32 pm)

Resolved: That the minutes of the last meeting held on 17 April 2024 were approved as a correct record.

84. Public Participation (4.32 pm)

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

85. Plans List (4.32 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.

**86. Land Bounding St Pauls Mews and Watson Street, York
[23/01994/GRG3] (4.32 pm)**

Members considered a General Regulations (Reg 3) application for the change of use of part of a recreational space to contractors compound for a period of one year.

The Development Manager gave a presentation on the plans and provided an update to the Committee which amended conditions 1 and 4 and contained an additional condition as follows:

Amended condition 1, to read

The use shall cease within 12 months of the setting out of the land as a construction compound to enable permitted works at the St Pauls Nursery site unless prior to that date the written permission of the Local Planning Authority has been obtained to extend the period of the permission.

Amended condition 4

The site shall be reinstated to its condition prior to the use having been undertaken within the first planting season following the removal of the compound. Prior to its reinstatement a scheme detailing the reinstatement works shall be submitted to and approved in writing by Local Planning Authority, the scheme shall include details of re-seeding, reinstatement of planted wildflower areas and the improvement of compacted soil.

Reason: To ensure that the use is restored as open space land in the interests of the amenity and environmental qualities of the area.

Additional condition

Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

Members sought clarification on the route from the compound to St Pauls Nursery and also how the tree protection measures were to be monitored.

It was confirmed that a route had not been submitted by the Nursery. The inspection measures were outlined in condition 3 of the report.

Public Speaker

Jessica Loveland, a resident, spoke in objection to the application. She raised concerns regarding the potential damage to wildlife and the long-term degradation of the site, since the area had been used previously for a similar purpose.

In response to questions from Members she made a suggestion for an alternative location for the compound.

The Senior Lawyer advised Members that they must only consider the current application.

Members asked a number of questions relating to the application and the Development Manager confirmed the following:

- There was a second access point to the recreational area.
- A Traffic Regulation Order (TRO) had not been requested by Highways.
- The paving and vehicle access at the entrance to the site would be managed by the construction company and the set up of the compound would be inspected to ensure compliance.

Following debate, Cllr Fenton proposed the Officer recommendation to approve the application subject to the update and an additional condition to secure measures to prevent parking on the footway. The CYC vehicle crossing policy should also be provided to the applicant by way of an informative. This was seconded by Cllr Melly.

Following a vote, with seven votes in favour and one against it was:

Resolved: That the application be approved, subject to the amendments contained within the update and the additional condition and informative as outlined above.

Reason: The proposal seeks planning permission for the temporary use of a section of the area of informal open space known as Holgate Dock as a construction site compound for the works for St Paul's Nursery for a period of up to one year. The nursery site does not have sufficient space which is accessible by large commercial vehicles to accommodate a contractor's compound. On

balance the temporary loss of part of the open space land is acceptable subject to any permission being conditioned to secure compliance with the measures contained in the submitted arboricultural method statement, replacement planting and site restoration.

**87. Vue Cinema, Stirling Road, York YO30 4XY
[23/01765/FULM] (5.13 pm)**

Members considered a full application for the use of section of car park to construct 5no. padel courts and erection of cabin accommodation with associated landscaping and boundary treatments.

The Development Manager gave a presentation on the plans and provided an update to the Committee which contained a revised recommendation as follows:

Delegated Authority to Officers to Approve following the expiry of the publicity period.

Reason: Additional neighbour notification has been carried out.

In response to questions from Members the location of the car park and the plans for EV charging were clarified.

Following debate, Cllr Fenton proposed the officer recommendation contained in the update, for delegated authority to approve the application, subject to the following amendments:

- the Chair and Vice-Chair to be consulted should objections be received following the additional neighbour notification.
- Condition 3 to be amended to allow for EV charging from a disabled bay.

This was seconded by Cllr Warters. Members voted unanimously in favour and it was therefore:

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

Reason: The proposal seeks permission to develop an area of car parking for a sports use in an area characterised by a mix of employment, retail and leisure related uses. The proposal is therefore

considered in principle to be acceptable. In highway terms adequate vehicle parking can be provided for the site and subject to any permission being appropriately conditioned to secure cycle parking of an appropriate standard then the proposal is acceptable in highway terms.

**88. Club Salvation, George Hudson Street, York YO1 6JL
[22/01718/FULM] (5.32 pm)**

Members considered a Major Full Application for the construction of new storey and roof level at 23 Tanner Row, conversion of upper floors of 23, 25 Tanner Row and 27, 29 and 31 George Hudson Street to create 17no. serviced apartments (use class C1), conversion of ground floor and basement of 31 George Hudson Street to amenity space for serviced apartments above (use class C1).

The Development Manager gave a presentation on the plans for both item 4c and the related item 4d (31 George Hudson Street York YO1 6JL, 22/01719/LBC). He provided an update to the report for 4c, as follows:

Updated consultation response

Public Protection - Hotels are not considered 'relevant locations' in terms of Local Air Quality Management and the annual mean air quality objective. Assuming further approval would be required prior to any future change to C3, then we wouldn't insist on mitigation specifically for air quality.

Amended condition

2. (Approved drawings)

Add drawing no. 132 P00 Existing and Proposed Elevations Internal Courtyard

Deleted condition

Delete condition 5 (Air Quality measures) following further response from Public Protection team.

In response to questions from Members, it was reported that:

- Condition 13 referred to the Management plan which would cover arrangements for refuse.

- There was no requirement for the plans to cover arrangements for smokers; Licensing would require a management plan for this should it be deemed necessary.
- There was no outside area for the nightclub on the plans.
- The plans proposed that the entrance to the Club be moved away from the residential entrance.
- Three homes would be converted to holiday lets.
- A lobby required by licensing, or for noise prevention, would not affect the listed building.

Following debate, Cllr Baxter proposed the officer recommendation to approve the application, subject to the amendments contained within the update. This was seconded by Cllr Hollyer. Members voted unanimously in favour of the application and it was therefore:

Resolved: That the application be approved.

Reason: The application site is within the Central Historic Core Conservation Area and includes three no. Grade II listed buildings. The proposed extension and change of use will not harm the character and appearance of the conservation area or the special interest of the listed buildings. The proposal complies with sections 66 and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and policies D11, D4 and D5 of the DLP in this respect.

The serviced apartments are acceptable in principle in this city centre location; the partial loss of the existing night club use is contrary to policy D3 of the DLP but on balance considering the applicant's submissions, the retention of a smaller night club is considered acceptable.

Subject to planning conditions noise and air quality impacts on the serviced apartments are acceptable and the serviced apartments should not adversely impact on the functioning of the retained night club.

On balance the proposal complies with the policies of the National Planning Policy Framework and the policies of the Draft Local Plan 2018.

**89. 31 George Hudson Street York YO1 6JL [22/01719/LBC]
(5.32 pm)**

Members considered an application for Listed Building Consent for Internal to 27, 29 and 31 George Hudson Street, in conjunction with item 4c, detailed above.

Following debate, Cllr Hollyer moved the officer recommendation to approve the application, this was seconded by Cllr Baxter. Members voted unanimously in favour of the proposal and it was:

Resolved: That the application be approved.

Reason: The application site comprises three no. Grade II listed buildings. Subject to planning conditions the proposed alterations would result in no harm to the significance of the listed buildings, preserving their character and their setting. Due regard has been taken of section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal complies with the NPPF and policy D5 of the Draft Local Plan.

90. Planning Appeal Performance and Decisions (6.07 pm)

The Development Manager presented a report which provided information on the planning appeal decision determined by the Planning Inspectorate between 01 January and 31 March 2024. He also provided the summary for an additional decision as follows:

Additional decision summary

Case number	Description	Address	Outcome
23/00393/FUL	Enclosed outdoor drinking area to side of building with festoon lighting and 1no. 6m x 4m jumberella (retrospective)	The Dick Turpin 49 Moorcroft Road York YO24 2RQ	Appeal Dismissed

Notes

The appeal relates to an existing covered outside drinking area within the car park at the side of the public house which was established prior to the pandemic. It includes the erection of timber enclosures, transparent sheeting, 10no. picnic benches, festoon lights and a large jumbrella. The

existing smoking shelter does not form part of the application. The application was refused due to the effect of the development on the living conditions of the occupiers of nearby residential properties with particular regard to noise and disturbance, and the effect of the development on the character and appearance of the area. Previous noise complaints were raised during the course of the application. The Inspector agreed with officers that the continued use of the seating area would cause harm to amenity with regard to noise and disturbance to neighbouring residents, both during the day and into the evening due to the covered nature of the seating area (so that it could be used during inclement weather), its proximity to boundaries with adjoining residential properties and due to the number of tables and chairs. With regard to the character and appearance, the Inspector stated that the timber fencing, transparent sheeting and festoon lights had a lightweight appearance and that along with the picnic benches and smoking shelter, such structures are commonly associated with pub gardens. The Inspector went on to say that the development is visually well-related to the PH itself and that the drinking area is located within an existing car park which itself has limited character. Therefore, despite the openness of the site, the inspector concluded that the jumbrella and other structures do not appear incongruous and do not harm the character and appearance of the site/area.

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 4.31 pm and finished at 6.21 pm].

COMMITTEE REPORT

Date: 20 June 2024 **Ward:** Huntington/New Earswick

Team: East Area **Parish:** Huntington Parish
Council

Reference: 24/00222/FULM

Application at: Unit 12A Monks Cross Shopping Park Monks Cross Drive
Huntington York

For: Installation of full cover Mezzanine to Units 12A and 12B.

By: Trustees Of The Monks Cross Shopping Park Trust

Application Type: Major Full Application

Target Date: 24 June 2024

Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is within the Monks Cross Shopping Park (MCSP). The retail units are sited in three terraces positioned around the parking area. The application relates to existing units, 12A and 12B which are currently vacant and have a ground floor area across both units of 1,068sqm GIA. The proposal seeks to provide a full cover mezzanine of 1,054sqm, resulting in a Gross Internal Area (GIA) of 2,108sqm. No external alterations are proposed.

1.2 The application details that the unit shall be occupied by Everlast who will operate a gym. Following the introduction of Class E (Commercial, Business and Service) in September 2020, there is no change of use.

1.3 Prior to 2018, Unit 12 was one unit, however subsequent permissions have allowed the unit to be subdivided into two units with additional mezzanine, then subdivided into three retail units with a mezzanine level in each unit. This has created Unit 12, 12A and 12B. Unit 12 is currently occupied by JD Sports and has been since April 2021. The works to subdivide Units 12A and 12B have not been undertaken due to the absence of tenant interest.

Planning History

1.4 There is extensive planning history relating to the wider Monks Cross Shopping Park and the relevant history including:

3/66/650AK/OA - Outline planning application for a shopping centre 360,000 sq foot retail development (gross leasable area). Erection of ten retail units including one unit 100,000 sq ft, management suite, one restaurant diner, recycling centre and associated access, parking and landscaping – Approved

1.5 The relevant planning history for Unit 12 includes:

17/02952/FUL Sub-division of unit 12 to form 1no. additional unit and installation of additional mezzanine floor space; Application Permitted 06.02.2018

18/00471/FUL Variation of condition 3 of permitted application 17/02952/FUL to reduce gross floor space to 697sqm; Application Permitted 06.09.2018

19/01956/FUL Subdivision of Unit 12 into no. 3 retail units (A1 Use Class), including mezzanines levels within each of the three units; Application Permitted 14.01.2020

2.0 POLICY & LEGISLATIVE CONTEXT

Planning and Compulsory Purchase Act 2004

2.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that an application is made in accordance with the development plan unless material considerations indicated otherwise.

Huntington Neighbourhood Plan (Huntington NP)

2.2 The site falls within the boundary of the Huntington Neighbourhood Area. The Huntington NP which was formally adopted by the Council on 20 July 2021. The relevant policy relating to the Vanguard/ Monks Cross Shopping Park is H10.

National Planning Policy Framework (NPPF)

2.3 The NPPF (December 2023) sets out the government's planning policies for England and how these are expected to be applied. Its planning policies are material to the determination of planning applications. The Framework sets out that the purpose of the planning system is to contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives, which are interdependent and need to be pursued in mutually supportive ways (paragraph 8).

2.4 The sections of the NPPF that are considered to be of relevance to this planning application include: 7) Ensuring the vitality of town centres.

Draft Local Plan (2018)

2.5 The City of York Draft Local Plan 2018 (DLP) was submitted for examination on 25 May 2018 with four rounds of hearings undertaken to date. In accordance with paragraph 48 of the NPPF (as revised), the relevant 2018 emerging plan policies are capable of being a material consideration in the determination of planning applications. Policies from the DLP which are considered relevant and can be attached moderate weight due to their compliance with the NPPF and lack of unresolved objections include:

- R1 Retail Hierarchy and Sequential Approach
- R4 Out of Centre Retailing

Emerging local plan evidence base

2.6 The evidence base that underpins the emerging policies is a material consideration and can be afforded weight when determining planning applications. The evidence base that is considered to be of relevance to this application includes:

- Retail Study Update (September 2014)
- Retail Study Update Addendum (2014)

3.0 CONSULTATIONS

City Development

3.1 Taking into account policies R1 and R4 of the DLP, there is a need for sequential testing to ensure that the proposals cannot be accommodated within a more 'sequentially' preferable location so that it does not impact vitality and viability of the existing city and district centres. There is a requirement to fulfil the requirements set out in the Huntington Neighbourhood Plan.

Highways Network Management

3.2 There are no highway concerns.

Huntington Parish Council

3.3 No objections.

4.0 REPRESENTATIONS

4.1 No letters of representation have been received.

5.0 APPRAISAL

5.1 Key Issues:

- Principle of development and the retail sequential test
- Marketing
- Highways and Parking

ASSESSMENT

Principle of development and the retail sequential test

5.2 It is outlined in Section 7 'Ensuring the vitality of town centres' of the NPPF that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. A health and fitness centre, which this proposal falls within is a main town centre use as defined by Annex 2: Glossary of the NPPF. It states in NPPF para. 91 that LPAs should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. The NPPF continues in para. 92 stating that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Paragraph 92 also states that applicants and LPAs should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

5.3 The Planning Practice Guidance sets out that it is for the Applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could in itself constitute a reason for refusing permission). The purpose of the test is to consider the impact over time of certain out of centre and edge of centre proposals on town centre vitality/viability and investment.

5.4 The DLP now at an advanced stage, with the relevant retail policies (R1 and R4) capable of being a material planning consideration in the determination of planning applications. In line with paragraph 48 of the NPPF (as amended) the retail policies R1 and R4 of the DLP can be attributed moderate weight. Policy R1 seeks to maintain and enhance the vitality and viability of the city centre, district and local centres and neighbourhood parades. It states that proposals for main town centre uses outside an identified centre should undertake a sequential test to identify why the proposals cannot be accommodated in a sequentially preferable location. Should there be no sequentially preferable sites available at this time an impact assessment would not be required in this instance given the scale of the proposals are under the locally set threshold of 1,500sqm.

5.5 DLP Policy R4 considers out of centre retailing, stating that further expansion in such locations has the potential to undermine the viability, occupier interest and investment in the city centre. As such proposals for out of centre retailing will only be permitted where it cannot be accommodated in a sequentially preferable location in accordance with Policy R1; will not result in significant adverse impact on existing, committed and planned public and private investment in York city centre, and other relevant defined centres in the catchment area of the proposed development; and will not result in an individual or cumulative (significantly adverse) impact on the vitality and viability of any defined centres including local consumer choice and trade in the centre and wider area up to five years from the time the application is made.

5.6 The Applicant has undertaken a sequential assessment and a number of sites assessed for suitability, viability and availability. This has considered Hungate, York Central, Acomb and Haxby District centres as well as other sites in York city centre. It is accepted that there are no sequentially preferable development sites within or on the edge of York city centre or within surrounding district centres which are suitable, viable and available for this scheme.

Marketing

5.7 The Huntington NP (policy H10) requires proposals for non-retail uses and other uses which would detract from the retail vitality of the Vanguard and Monks Cross Shopping Park unless it can be demonstrated that the continued retail use of the premises concerned is not viable and that they have been professionally marketed for alternative or replacement retail use. The marketing period should be for a minimum of 6 months.

5.8 The proposal is for main town centre use as defined by Annex 2: Glossary of the NPPF. The Applicant has provided a letter from one of the two Leasing and Asset Management agents for Monks Cross Shopping Park which clearly sets out that marketing has been undertaken in respect to this unit since 2021. Policy H10 of the Huntington NP is therefore satisfied.

Highways and Parking

5.9 The application is accompanied by a transport assessment by Optima which concludes that parking demand generated by the increase in floorspace and gym provision when compared with the retail provision can be satisfactorily accommodated. The existing servicing/delivery arrangements will continue to take place from the existing servicing yard to the rear. The site is accessed by a variety of other transport modes, with the Park and Ride service (no. 9) operating along Monks Cross Drive, connecting MCSP with the city centre. There is pedestrian accessibility from various points along Monks Cross Drive to the Shopping Park. There is a dedicated cycle lane through the MCSP which passes along the front of

Unit 12 along with cycle parking within the Shopping Park. As such there are appropriate opportunities for travel to the site by sustainable transport modes. The proposed development is therefore unlikely to have any significant impact on the local highway network or highway safety.

6.0 CONCLUSION

6.1 The proposal is to increase the size of the mezzanine in Unit 12 at Monks Cross Retail Park. In accordance with policy R4 of the DLP, proposals for out of centre retailing will only be supported where it has been evidenced that there are no sequentially preferable sites; will not result in a significantly adverse impact on existing and planned investment in the city centre and other defined centres; and will not result in an individual or cumulative impact on the vitality and viability of any defined centre. The applicant has completed the sequential test which indicates that there are no sequentially preferable sites in the city centre or any other defined centre. The proposal does not meet the thresholds for submission of an impact test. The Applicant has demonstrated the units have been marketed for over 2 years without interest and the increase in the floorspace would not have significant local impacts on the local highway network or parking demand at MCSP.

6.2 As a result the proposal is considered to meet the policy requirements of H10 of the Huntington Neighbourhood Plan and policies R1 and R4 in the DLP as well as the NPPF.

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:-

- 1820 URB U12 [03] Rev 01 Unit 12A/12B Ground Floor
- APM-EVLST-YORK-1002A Revision A Proposed Plans - Ground and First Floor Plans

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

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:

- Negotiation and discussions regarding sequential assessment and marketing.

Contact details:

Case Officer: Lindsay Jenkins

Tel No: 01904 554575

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24/00222/FULM

Unit 12A Monks Cross Shopping Park, Monks Cross Drive, Huntington



Scale : 1:1468

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Plan
Date	12 June 2024
SLA Number	Not Set

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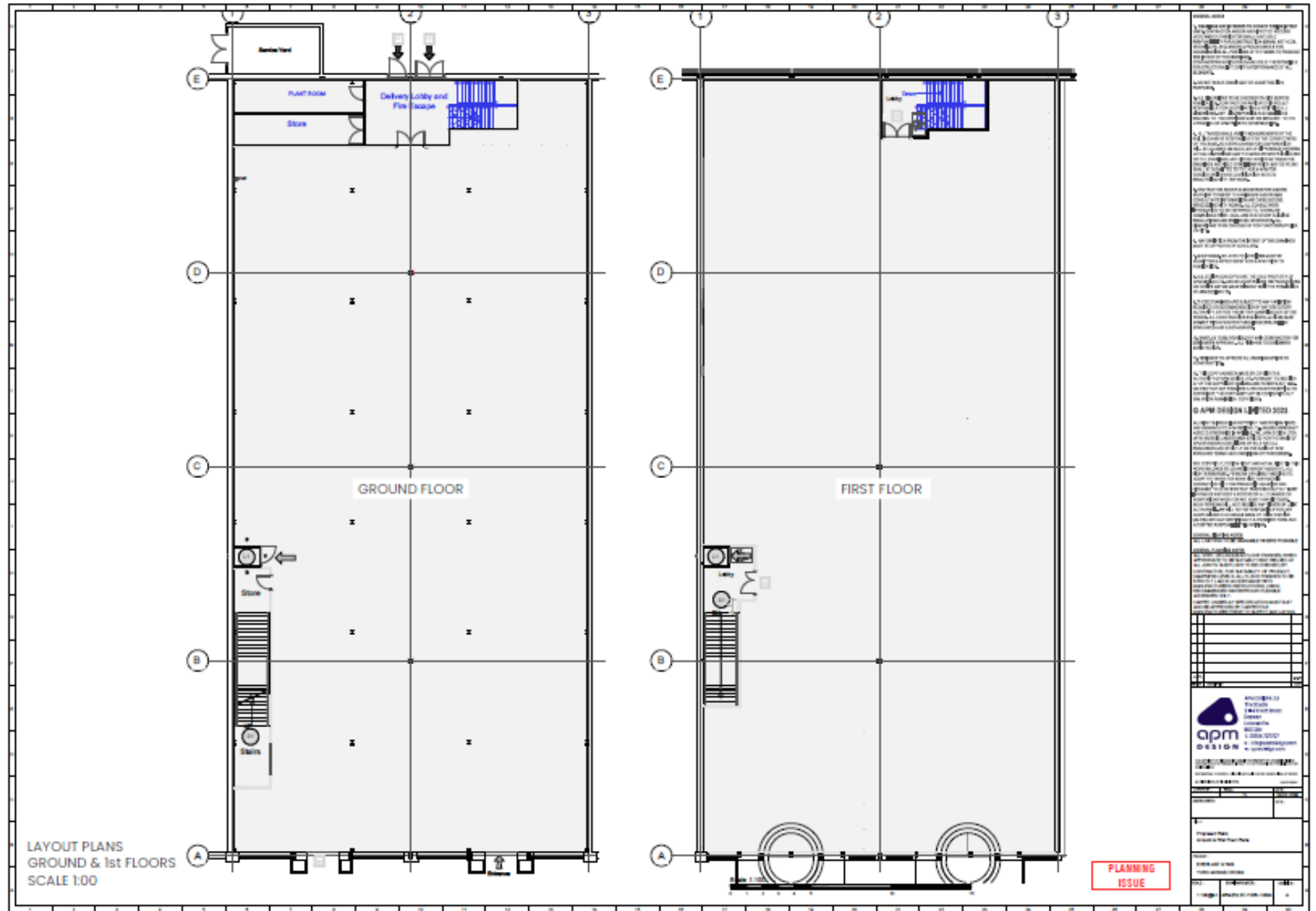


Planning Committee B

24/00222/FULM

Units 12A and 12B Monks Cross Shopping Park

Layout with mezzanine



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COMMITTEE REPORT

Date: 20 June 2024 **Ward:** Osbaldwick And Derwent
Team: East Area **Parish:** Osbaldwick Parish Council

Reference: 24/00367/FUL
Application at: 37 Wydale Road Osbaldwick York YO10 3PG
For: Change of use from dwelling house (use Class C3) to House in Multiple Occupation (use Class C4)
By: Mr Terry Stagnell
Application Type: Full Application
Target Date: 20 May 2024
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks consent for a change of use of No.37 Wydale Road, Osbaldwick, from a dwelling house within Use Class C3 to a 3.no bedroom House in Multiple Occupation within Use Class C4. The application property is modern, detached dwelling, located within a small residential cul-de-sac, lying to the West of Osbaldwick Link Road.

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

- Ongoing loss of family homes to student lets
- Inadequate parking
- Resulting noise and disturbance
- Negative impact of waste storage and disposal

2.0 POLICY CONTEXT**POLICY CONTEXT**National Planning Policy Framework (NPPF)

2.1 The National Planning Policy Framework (December 2023) 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 creating 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 2018 (DLP)

2.3 The Draft Local Plan was submitted for examination on 25 May 2018. Examination hearings have taken place and it is expected that the local plan will be adopted later in 2024.

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.37 Wydale Road, there are currently 0.0 HMO's out of 32.no properties = 0.0%. With the application property being included, this would increase to 3.12%. At neighbourhood level there are currently 77.no HMO's out of 736.no properties = 10.46%. With the application property being included this would increase to 10.66%. So neither the street level threshold of 10%, or

neighbourhood level of 20% have been breached and the proposal would not conflict with Policy H8 or the SPD in this regard.

Osboldwick Parish Council

3.2 Letter of objection received:

- Wydale Road a very tight cul-de-sac. Parking is already difficult.
- Potential issues with wheelie bins and re-cycling bins being left out on the road.
- Breaks existing policy density thresholds.

4.0 REPRESENTATIONS

Neighbour Letters / Site Notice

4.1 Seven no. letters of objection have been received;

- Increased noise in a quiet cul-de-sac of family homes, including noise from take-away deliveries and late night taxis
- Increased traffic and car parking and potential for parking on the pavement making access difficult
- Over-flow parking on to adjacent streets
- Mess from ill-managed waste and bins left out at the front of the property
- Over-concentration of HMO's in the area already
- Degradation of the appearance of HMO properties

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 The property is a modern detached dwelling with an open-plan frontage. It consists of an entrance hall, lounge, kitchen, dining area and bedroom, at ground-floor; and 3.no bedrooms and a bathroom at first floor. All of the bedrooms would meet Housing Standards in terms of internal floor-space for an HMO dwelling. A metal gate on the driveway gives external access to the rear and there is a detached garage in the rear garden. This could provide adequate, secure storage for at least 4.no cycles. A section of the front garden has been converted into hard standing.

Concentration of HMOs and Residential Amenity

5.3 Local Plan Policy H8 and the draft SPD aims 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 HMO's 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 Policy H8 and the SPD states 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. As detailed in 3.1 above 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, 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.

5.5 In terms of other issues raised in neighbour letters received; given that the existing density levels of HMO's has not been breached, at either street level, or neighbourhood levels, then the balance of different types of properties 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 HMO's in the immediate area, these comings and goings are not considered to be so likely or extensive as to cause material harm on the residential amenity of the area or result in harm from cumulative impact, one of the basic aims of the Article 4 Direction is to control the number of HMO's. 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.

Car Parking

5.6 The council's car parking standards set out in Appendix E to the 2005 Development Control Local Plan are out of date and not in accordance with the NPPF. However, appendix E states that HMO's should provide a maximum of 1 car parking space per 2 bedrooms and used as guidance this is considered to be a reasonable provision. For practical purposes a car parking space needs to allow ease of access, ease of movement for loading/unloading, maintenance/working areas etc. and an appropriate space can be up to 6m long by 3.6m wide depending on site specific factors. In respect of HMO use, the lifestyle, activities and work

patterns of the occupants can be very different to those of a 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.

5.7 Two parking spaces, capable of being used independently are in place at the property.

Cycle Parking and Bin Storage

5.8 External access to the rear of the property will be retained. In consequence, were the application to be approved, a condition requiring details of secure storage for 4.no cycles within the rear garage (Sheffield Hoops for example) can be conditioned.

Amenity of Future Occupants

5.9 There is adequate internal and external amenity space, for a Small House in Multiple Occupation. This will meet the needs of 4.no future occupants.

6.0 CONCLUSION

6.1 The application property is considered to be appropriate for the needs of future occupants within a 4.no. bedroom small HMO. Acceptable provision for off-road vehicle parking has been demonstrated and secure cycle storage will be required by condition. The existing density levels of current HMO's is below the policy threshold (at both Street Level and Neighbourhood Level). Therefore, the proposal is considered to comply with Policy H8 of the DLP and the requirements of the 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

Drawing No's - YB827 003 - TB827 004 - Dated February 2024

Reason: For the avoidance of doubt and to ensure that the development is carried out

Application Reference Number: 24/00367/FUL

Item No: 4b

only as approved by the Local Planning Authority.

3 Prior to the development commencing details of cycle parking for 4 no. cycles, including means of secure individual storage within the garage (Sheffield Hoops for example) shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied 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 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.

5 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

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24/00367/FUL

37 Wydale Road



Scale : 1:1468

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Plan
Date	12 June 2024
SLA Number	Not Set

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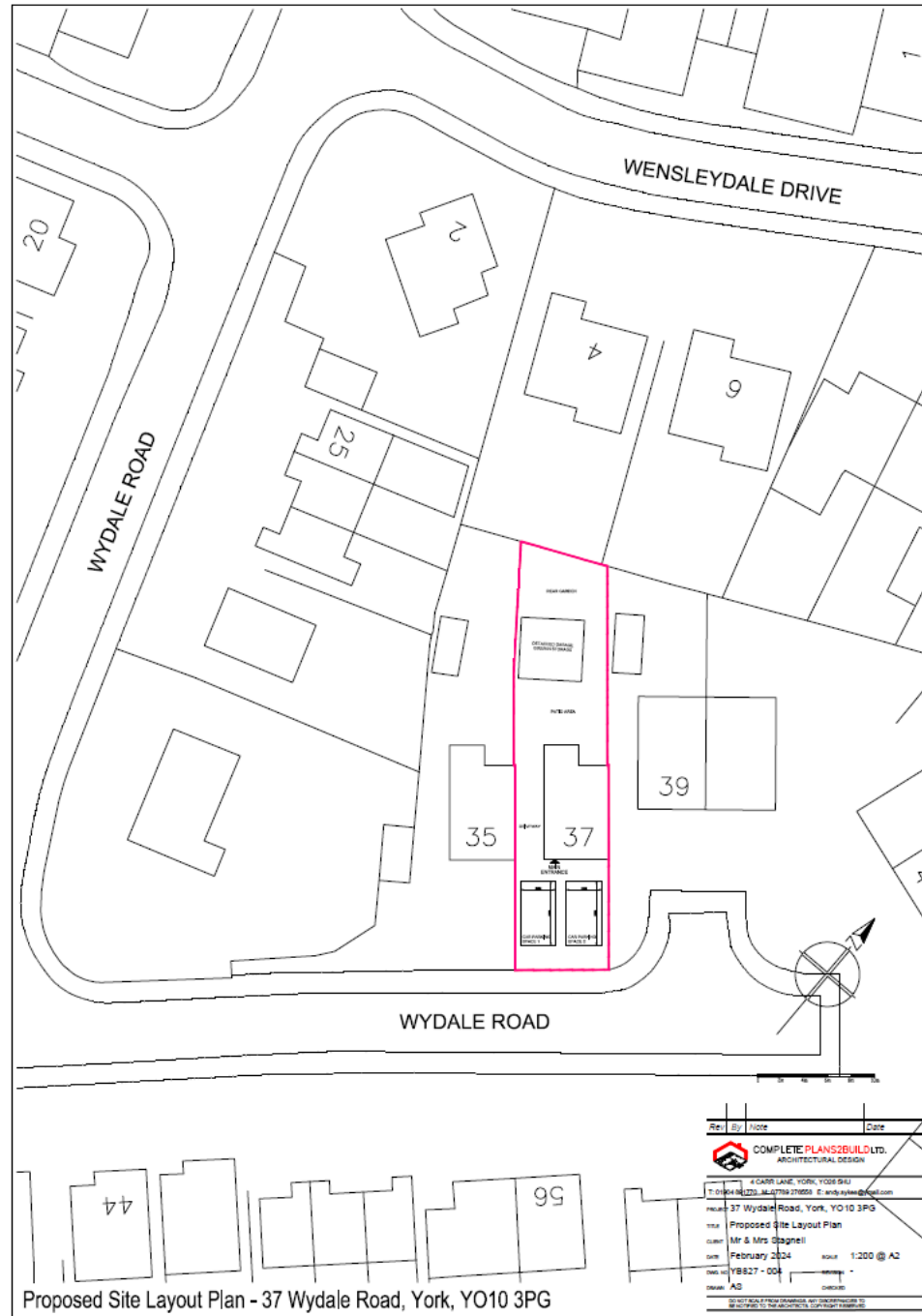


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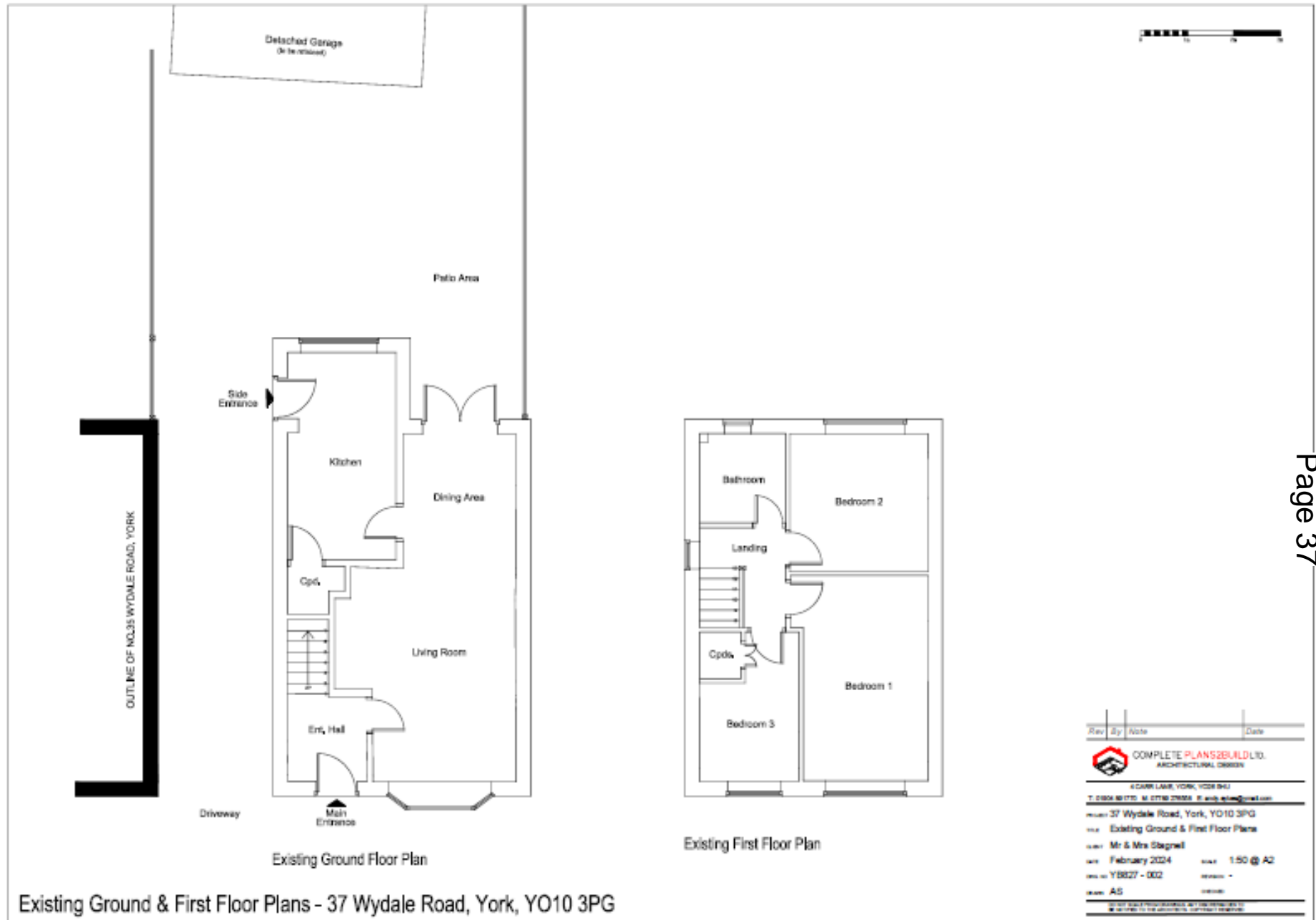
24/00367/FUL

37 Wydale Road Osbaldwick

Proposed site plan



Existing floor plans



Existing Ground & First Floor Plans - 37 Wydale Road, York, YO10 3PG

Proposed floor plans

