

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, 17 April 2024
- Time:** 4.30 pm
- Venue:** The Snow Room - Ground Floor, West Offices (G035)

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 - 8)
To approve and sign the minutes of the last Planning Committee B meeting held on 13 March 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, 15 April 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) **Hull Road Surgery, 289 Hull Road, (Pages 9 - 26)
Osbalwick, York, YO10 3LB [23/02374/FUL]**

Change of use of chiropodist/podiatrist (use class E) to small House in Multiple Occupation (use class C4) including alterations to fenestration and removal of the porch. [Osbalwick and Derwent Ward]

b) 19 Baysdale Avenue, Osbaldwick, York, YO10 3NE [24/00175/FUL] (Pages 27 - 40)

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:

- Telephone: (01904) 555209
- Email: 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) 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	13 March 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 Sandra Branigan, Senior Solicitor

69. 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.

Cllr Warters noted that he had called-in item 4c (34, Tranby Avenue), however, he did not consider that he had a prejudicial interest.

Cllr Vassie declared a possible pecuniary interest in item 4b (Muddy Boots), in that his partner was a nursery school teacher who may work for Muddy Boots. He therefore left the meeting for the consideration of that item and took no part in the debate or decision making thereon.

The Chair declared a personal interest in item 4a (Wellington Row). He therefore left the meeting for the consideration of that item and took no part in the debate or decision making thereon.

70. Minutes (4.35 pm)

Resolved: That the minutes of the last meeting held on 07 February 2024 were approved as a correct record.

71. 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.

72. Plans List (4.35 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.

73. The Environment Agency, Ground Floor, The Hub Station, Wellington Row, York (4.57 pm)

[4.57 pm, Cllr Vassie rejoined the meeting. The Chair left the meeting and took no part in the consideration or decision making for the item; the Vice-Chair took the Chair and Cllr Fenton was appointed as Vice-Chair.]

Members considered a General Regulations (Reg3) application to change the use of ground floor office spaces (Sui Generis) to 'Recovery Hub' community centre (Use Class E).

The Development Manager gave a presentation on the plans and provided an update to Members that clarified the listed building status and detailed an amendment to condition five to include the sentence, "The premises shall be occupied in accordance with the approved management plan." An additional condition was also included, as follows:

Additional Condition - A condition regarding the requirement for an emergency evacuation plan is also recommended:

Prior to the use of the Recovery Hub, an emergency evacuation plan shall be submitted to and approved in writing by the Local Planning Authority outlining details of emergency evacuation in the event of flooding.

Reason: To ensure the safety of users of the building.

Public Speakers

Philip Press, spoke on behalf to the rowing club, objecting to the application on the basis of a lack of consultation. As the building's immediate neighbour he questioned why the club had not been consulted. He raised concerns regarding a lack of information on the management plan and requested a deferral.

Peter Roderick, the Director of Public Health, spoke as the applicant in support of the application. He explained the purpose of the proposed hub and its importance to public health in the city. He stated that he had been in touch with the rowing club and that the management plan would be developed with the experienced agencies who would be responsible for the running of the project.

In response to questions, he confirmed that he was willing to work with the rowing club when devising the management plan with the relevant agencies, including the police. The plans for a café/dry bar were a possibility for the future but not part of the immediate venture. It had been difficult to find suitable space and facilities in the city centre and the council would receive an income for the use of the building through grants. West Offices had not been considered as site for the hub.

The Development Manager confirmed that the community centre use class would cover the future plans for a dry bar. Condition four would become enforceable only if required. He also reported that consultations with neighbours were advisable but not statutory. He confirmed that Aviva and the Perky Peacock were sent letters and the site notice was displayed. It was reported that the underpass was well-lit, and lighting could be explored through condition. Consultation with neighbours on the management plan could also be included through an informative. North Yorkshire Police were a local consultee and their comments should be a material consideration when making a decision.

[5.53-5.58 pm, the meeting was adjourned for the Development Manager to take legal advice.]

The Development Manager reported that should the management plan be breached, a breach of condition notice could be issued to the leaseholder.

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

The Development Manager subsequently outlined the officer recommendation for approval and noted the amendment and additional condition contained in the update. He also noted the requirement to add a condition to assess the lighting prior to opening the building during the evenings; to amend condition five and devise an informative to evidence the public consultation for the management plan. It was also agreed to amend condition four to make it more user friendly. The wording for these additional changes were to be agreed with the Chair and Vice-Chair.

On being put to a vote, Members voted five in favour, two against and one abstention, it was:

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

Reason: Having due regard to the duty under s.17 of the Crime and Disorder Act, the proposal to convert the building to a Recovery Hub would support the Government's aim of providing social and recreational facilities and services that the community requires to improve health and social wellbeing as required by NPPF paragraphs 97 and 135(f) and DLP2018 policy HW2. Proposals also satisfy the requirements for sustainable transport in compliance with DLP2018 policy T1 and would not have an adverse impact on amenity in accordance with NPPF paragraph 135 (f).

[6.10 – 6.19, the meeting was adjourned. Cllr Hollyer left the meeting and the Chair rejoined the meeting to consider the final item.]

74. Muddy Boots, The Gardens, Boroughbridge Road, York, YO26 6QD (4.36 pm)

[Cllr Vassie left the meeting at the start of this item and took no part in the consideration or decision thereon].

Members considered a full application by Mr and Mrs Nimmo for the change of use of land to open air recreational space and erection of 2no. Tipis with associated access and landscaping.

The Development Manager gave a presentation on the plans for the application.

[4.38 pm, Cllr Hollyer joined the meeting]

The officer reviewed the first two slides of the presentation to ensure that Cllr Hollyer had not missed anything.

Public Speaker

Andrew Nimmo, the applicant spoke in support of the application and explained how the forest school would help to provide additional nursery

places in Acomb. He noted that there had been no objections to the application.

In response to questions from Members, he explained that children would go to the Poppleton site during the day via minibus, thus freeing places at the nursery in Acomb.

The Development Manager, in response to questions, reported that he was not aware of any conflict in relation to DLP Policy HW4 and the accessibility of the new places, as they would be in Acomb. The lifetime of condition 3 had been offered by the applicant as additional mitigation to limit the harm to the greenbelt, this could be amended to the lifetime of development.

Following a brief debate, Cllr Warters moved the officer recommendation to approve the application, subject to the amendment of condition 3 to the lifetime of the development. This was seconded by Cllr Fenton. Members voted unanimously in favour and it was:

Resolved: That the application be approved subject to the amendment of condition 3, as outlined above.

Reason: The change of use of the field to form an open-air recreational space is not considered inappropriate in the Green Belt as this element of the proposals would preserve openness and would not conflict with the purposes of including land within the Green Belt. Given the relatively large scale and mass of the two adjoining tipis and their location within the field, the tipis would have an impact on openness and are therefore considered inappropriate development that is harmful to the Green Belt as set out in section 13 of the National Planning Policy Framework. However, the tipis form part of the proposed forest school that would enable the creation of 16 new early years and childcare places in the Acomb Ward where there is an identified need for additional early years/childcare provision. Therefore, it is considered that very special circumstances exist that clearly outweigh harm to the Green Belt due to inappropriateness and impact on openness.

75. 34 Tranby Avenue, Osbaldwick, York, YO10 3NB (6.19 pm)

Members considered a full application by Mr Room for single storey front/rear extensions and two storey side extension.

The Development Manager gave a presentation on the plans and provided an update to Members which detailed an informative concerning avoiding damage to the highway grass verge.

In response to questions, he confirmed that condition five, which specified the type of garage door, was due to the distance between the highway and garage door. Condition six followed cycle storage policies for new builds. He also confirmed that the garage could not be converted without additional planning permission.

Following a brief debate, Cllr Fenton proposed the officer recommendation to approve the application, this was seconded by Cllr Vassie. Members voted seven in favour and 1 against the proposal and it was:

Resolved: That the application be approved, subject to the conditions in the report and the additional informative contained within the update.

Reason: On balance, it is not considered that the proposed two-storey side extension to the dwellinghouse would cause any demonstrable harm to the appearance of the street scene. Neither is it considered that the two-storey side extension would create any significant harm to the amenity of the neighbours in terms of proximity or overlooking. For this reason, the proposal demonstrates compliance with the NPPF, Draft Policies D11, and T1 of the City of York Draft Local Plan and the Council's Supplementary Planning Document for House Alterations and Extensions (December 2012).

Cllr B Burton, Chair

[The meeting started at 4.34 pm and finished at 6.45 pm].

COMMITTEE REPORT

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

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

Reference: 23/02374/FUL

Application at: Hull Road Surgery 289 Hull Road Osbaldwick York YO10 3LB

For: Change of use of chiropodist/podiatrist (use class E) to small House in Multiple Occupation (use class C4) including alterations to fenestration and removal of the porch.

By: Moore's Property Solutions Ltd

Application Type: Full Application

Target Date: 22 April 2024

Recommendation: Approve

1.0 PROPOSAL

1.1. The application site is 289 Hull Road which is a detached building currently operating as a private chiropodist/podiatrist. The site which was previously in use as a doctor's surgery lies within a predominately residential cul-de-sac in Osbaldwick, with both neighbours being in residential use. The existing building is single storey with 4no. treatment rooms, a reception area with W.C facilities.

1.2. Planning permission is sought for the change of use of the existing chiropodist/podiatrist (use class E) to a small House in Multiple Occupation (use class C4) for 4no. people. The proposal also includes alterations to fenestration and the removal of the front porch, alongside new cycle and bin stores.

1.3. The following recent planning history is relevant for this site:

21/00877/FUL - Construction of dropped kerb to front of property and new dropped kerb to verge opposite. Application refused: 08.10.2021.

1.4. The application has been called in to be determined at Planning Committee by Councillor Warters on the following grounds;

- Loss of a potential residential family home to the student let HMO market.
- Close proximity to other student let HMOs.

Application Reference Number: 23/02374/FUL

Item No: 4a

- Short cul-de-sac meaning the increased comings and goings associated with a student let HMO will be amplified for the council tax paying residents.
- Concerns over car parking arrangements, whilst four parking spaces are available they can only be used with a degree of co-operation and common sense between independent occupiers, such Co-operation is usually lacking at other HMOs, any approval needs to have a condition attached compelling use of the parking spaces within the curtilage of the property.
- Location of bin store and cycle stands to the front of the property is detrimental to the street scene especially when space exists to the rear of the property.

2.0 POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK

2.1. The revised National Planning Policy Framework (NPPF) was published in December 2023 and sets out the government's planning policies for England and how these are expected to be applied.

2.2. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004).

2.3. The Statutory Development Plan for the City of York comprises the saved policies and key diagram of the otherwise revoked Yorkshire and Humber Plan Regional Spatial Strategy (2008) and any made Neighbourhood Plan.

2.4. Key chapters and sections of the NPPF are as following:

Decision-making (chapter 4)

Delivering a sufficient supply of homes (chapter 5)

Building a strong, competitive economy (chapter 6)

Promoting sustainable transport (chapter 9)

Making effective use of land (chapter 11)

Achieving well-designed places (chapter 12)

PUBLICATION DRAFT LOCAL PLAN (DLP 2018)

2.5. The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. The Draft Local Plan 2018 was submitted for examination on 25 May 2018. The final examination hearing session has taken place. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF. Draft policies relevant to the determination of this application are:

Application Reference Number: 23/02374/FUL

Item No: 4a

EC2 – Loss of Employment Land

D1 – Placemaking

CC2 – Sustainable Design and Construction of New Development

ENV2 – Managing Environmental Quality

WM1 – Sustainable Waste Management

T1 – Sustainable Access

T7 – Minimising and Accommodating Generated Trips

3.0 CONSULTATIONS

INTERNAL

Housing Standards

3.1. No application has been made to date for a HMO Licence.

Strategic Planning Policy

3.2 Street: currently there are 3 HMOs out of 19 properties = 15.79% (Please note that 289 Hull Road has been removed from this calculation as it is a commercial property. However, if it was to be included (i.e. 4 HMOs out of 20 properties) 20.00% of properties within 100m buffer would be HMOs)

3.3 Neighbourhood: currently 133 HMOs out of 1236 properties = 10.76% (Please note that 289 Hull Road has been removed from this calculation as it is a commercial property. However, if it was to be included (i.e. 134 HMOs out of 1237 properties), 10.83% of properties within the neighbourhood would be HMOs)

3.4 Policy H8 of the Draft Local Plan (2018) may not apply if the application proposes a change of use from a use which is not a C3 dwellinghouse, in which case calculations of HMO concentrations are provided to aid the general assessment of impact rather than compliance with policy H8.

Public Protection

3.5 The proposed development is approximately 30 metres from a main arterial road in the City of York which generates a lot of traffic and traffic noise. There are concerns regarding bedroom 4 and the lounge space that it would not meet the internal noise levels prescribed in BS8233: 2014 “Guidance on sound insulation and noise reduction for buildings”. Recommend a pre-commencement planning condition for noise insulation measures.

Highways

- 3.6 Highway DC does not support this application for the following reasons:
- Proposed car parking arrangements are inadequate and would lead to cars being parked on the street. This is a street where we have previously received complaints about parking, as evidence by the presence of white bar markings across most of the driveways and the comments received for this application.
 - Cycle parking proposals are also totally inadequate in size, security, and accessibility terms. Adequate cycle parking needs to be provided in line with LTN 1.20 requirements.
 - The bins will not be accessible unless the parked cars are moved.

EXTERNAL

Osboldwick Parish Council

- 3.7 No objections, subject to neighbours.

4.0 REPRESENTATIONS

- 4.1. A general comment received on the following grounds;

- Excellent local business and should support it by providing sensible local parking opportunities for clients.

- 4.2. Two objections received on the following grounds;

- Object to the HMO use.
- Parking concerns regarding existing use, proposed use and neighbours.
- Parking difficult for bin collections, emergency services, maintenance vehicles and visitors to residential properties.
- Management plan fails to address any potential parking issues
- Cycle parking and bin store unsightly at the front of the property.
- Overcrowding.
- Concerns regarding cleanliness, additional noise, increase in crime and anti-social behaviour
- Levels of HMO are above the recommended levels.
- Lack of single level ground floor properties in the area.

5.0 APPRAISAL

Key Issues

5.1. The key issues are as follows:

- Loss of Employment Land
- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Highways, Access and Parking
- Waste
- Sustainability
- Public Sector Equality Duty

LOSS OF EMPLOYMENT LAND

Policy

5.2 Chapter 6 of the NPPF focuses on building a strong, competitive economy. Paragraph 85 of the NPPF states planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development.

5.3 Policy EC2 of the Draft Local Plan (2018) states when considering proposals which involve the loss of land and/or buildings which are either identified, currently used or were last used for employment uses, the council will expect developers to provide a statement to the satisfaction of the Council demonstrating that:

- i. the existing land and or buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and
- ii. the proposal would not lead to the loss of an employment site that is necessary to meet employment needs during the plan period.

5.4 When considering the loss of employment land and/or buildings the Council will expect the applicant to provide evidence proportionate to the size of the site of effective marketing of the site/premises for employment uses for a reasonable period of time and in most cases not less than 18 months. Where an applicant is seeking to prove a site is no longer appropriate for employment use because of business operations, and/or condition, the council will expect the applicant to provide an objective assessment of the shortcomings of the land/premises that demonstrates why it is no longer appropriate for employment use. This includes all employment generating uses, not just office or industrial uses.

Assessment

5.5 The proposal seeks the loss of a chiropodist/podiatrist which is an employment generating use. The clinic is private, therefore following advice from the Forward Planning Team the private use would not fall under policy HW5 of the Draft Local Plan (2018) (Healthcare Services), however policy EC2 is relevant (loss of employment land). The Agent has confirmed the site currently employs one full time member of staff, with all others on a consultant basis only. The Agent states it is envisaged the commercial premises would relocate within the York Area and continue to provide treatment and care to the existing patient portfolio.

5.6 The Agent states the site currently struggles to provide sufficient parking and the applicant has on previous occasions tried to extend the parking as detailed in the planning history. Relocating to a bigger site with more parking will enable the business to be more successful.

5.7 There will be a loss of employment at the site, however this is relatively minimal and it is envisaged the business will relocate elsewhere. The intensity of use (comings and goings), parking concerns and residential character of the surrounding area would suggest that the use has potential to not be a 'good neighbour', which has been evidenced in some of the representation responses. Policy EC2 does allow for the loss of existing employment sites where they are not compatible with adjacent use and the proposal would not lead to the loss of an employment site that it is necessary to meet employment needs during the plan period. As the use appears to be relatively high intensity and the noise and comings and goings potentially impacts on neighbour amenity, it is considered that the nature of the employment use is not compatible with neighbouring residential uses. The scale of the employment loss is considered unlikely to impact on employment needs during the plan period. For these reasons the proposal complies with paragraph 85 of the NPPF and policy EC2 of the Draft Local Plan (2018).

DESIGN AND IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

Policy

5.8 Paragraph 135 of the NPPF states planning decisions should ensure that developments will function well and add to the overall quality of the area. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Proposals should be sympathetic to local character and history, including the surrounding built environment. Paragraph 139 of the NPPF states development that is not well designed should be refused.

5.9 Policy D11 of the Draft Local Plan (2018) relates to the extension and alteration of existing buildings. The design should respond positively to its immediate architectural context and local character. Development should protect the amenity of current and neighbouring occupiers and should contribute to the function of the area.

Assessment

5.10 The proposal seeks to relocate the door on the side (west) elevation and insert a larger window. The porch is to be removed and a door inserted on the front elevation. Visually there are no design concerns with these changes as the design, style and scale of fenestration is sympathetic to the host building. It is considered the removal of the commercial signage would be a benefit in the residential street.

5.11 The bin store and cycle store have been relocated to the side of the building, rather than the front of the building, which is considered acceptable. The proposal complies with paragraphs 135 and 139 of the NPPF and policy D11 of the Draft Local Plan (2018).

IMPACT ON RESIDENTIAL AMENITY

Policy

5.12 Paragraph 135(f) of the NPPF seeks to create safe, inclusive and accessible developments with a high standard of amenity for existing and future users. Policy ENV2 of the Draft Local Plan (2018) states development will not be permitted where future occupiers and existing communities would be subject to significant adverse impacts such as noise, vibration, odour etc without effective mitigation measures.

5.13 The Council's Draft Supplementary Planning Document relates only to changes of use from C3 residential to an HMO and cannot be used for decision making purposes. However the assessment below uses the key headlines from the document in terms of size of the dwelling; cars parking; secure cycle parking; the condition of the property; amenity neighbouring residents.

Assessment

5.14 In terms of the proposed occupants, the HMO is to host 4no. bedrooms which are above the minimum room sizes for HMO standards (as per the licence requirements). All bedrooms are served by a window. There are no amenity issues arising for potential occupiers.

5.15 The three windows on the side (east) elevation are recommended to be obscure glazed in the interests of protecting the neighbour's privacy (given the close proximity to neighbouring windows). These windows serve a bathroom and two secondary lounge windows, therefore are considered acceptable to be obscure glazed. The fenestration in the side (west) elevation will serve bedrooms, however these will face the blank elevation of the neighbour which is considered acceptable for both parties. Windows at the rear will face the boundary fence and at single storey level does not raise any amenity concerns.

5.16 The Public Protection Officer recommends a pre-commencement condition with regards to noise insulation measures, however the street is currently residential and the existing building is no closer to Hull Road than existing dwellings along this street. As such it is not considered that a noise insulation measures condition is necessary in this instance. Additionally a construction and demolition condition is also not necessary given the small scale nature of the works.

5.17 The SPD introduced a threshold of 20% of all properties being HMOs across a neighbourhood and 10% at street level as the point at which a community can tip from balanced to unbalanced. For this application, currently within the neighbourhood there are 133 HMOs out of 1236 properties which is 10.76%. With 289 Hull Road included, the figure is 10.83%, which is below the 20% threshold for neighbourhood level. At the street level there are 3 HMOs out of 19 properties which is 15.79%. With 289 Hull Road included, the figure is 20%, which is above the 10% threshold for street level.

5.18 Whilst it is acknowledged the HMO would increase the street level of HMO's this is a fairly minimal increase and the figures are used as a guidance only for this particular application (as policy H8 would not come into effect). Matters arising from the HMO use can be suitably controlled by way of conditions and compliance with the management plan. Parking pressures would be slightly reduced through the change from a business premises to residential use.

5.19 The proposal is considered to safeguard existing residential amenity and would provide suitable conditions for new occupants, therefore meeting paragraph 135(f) of the NPPF and policy ENV2 of the Draft Local Plan (2018).

HIGHWAYS, ACCESS AND PARKING

Policy

5.20 Policy T1 of the Draft Local Plan relates to sustainable access and requires safe and appropriate access to the adopted highway. Policy T8 of the Draft Local

Plan states development should comply with the Council's latest parking standards guidance, incorporate appropriate demand management measures that reduce congestion, improve public transport journeys, ease pedestrian and cycle access to, within and through the development and improve the streetscape. Paragraph 115 of the NPPF states 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.

Assessment

5.21 The Highways Officer does not support the proposed car parking arrangements and states these are inadequate and would lead to cars being parked on the street. The Council does not currently have adopted car parking standards. The previous maximum standards within appendix e of the Development Control Local Plan are not in accordance with the NPPF, however, used as a guideline they seek 1no. car parking space per 2no. bedrooms for a house in multiple occupation. The proposed revised site plan indicates that there will be 1no. car parking space on the front forecourt which can be used independently with manoeuvring via the existing access and dropped kerb.

5.22 The street is a cul-de-sac and there is car parking space available directly outside the building. It is therefore considered that 1no. off street parking space and a space directly outside the building on street is sufficient for the proposed use and even if there were to be some increase in car ownership arising from occupiers of the property, this would not exacerbate on-street parking to the extent that there would be an unacceptable impact on highway safety.

5.23 In some respects the parking pressures would be reduced due to the loss of the commercial premises (which currently requires parking for both staff and customers). The site is considered to be within a sustainable location close to footpaths and public transport links (a bus stop is immediately opposite the site) and occupiers would not necessarily have to rely on a car for day-to-day requirements. The car parking for a 4no. bedroom HMO is therefore deemed acceptable in this instance.

5.24 A bike store is indicated to the side of the building, however details are not provided to indicate that this would meet LTN1/20 standards (1 cycle space per bedroom). The Highways Officer also notes this in their response. As such a condition is required for further details of this and the Agent is in agreement with the imposition of this.

5.25 The proposal provides adequate car parking and cycle parking can be secured by condition. It is not considered the development would have an unacceptable impact on highway safety and the cumulative impact on the road network would not be severe. The proposal therefore accords with policy T1 and T8 of the Draft Local Plan (2018) and paragraph 115 of the NPPF.

WASTE

Policy

5.26 Draft Local Plan Policy WM1 requires the integration of facilities for waste prevention, re-use, recycling, composting and recovery in association with the planning, construction and occupation of new development for housing.

Assessment

5.27 It is considered there is sufficient space within the site to store bins behind the front elevation of the dwelling. A bin store is proposed to the side. Parking has been revised to ensure bin access without having to move vehicles. A condition is recommended to secure compliance with the proposed Management Plan which covers waste management amongst other things such as; the number of occupants, property maintenance, noise and anti-social behaviour, fire checks and contact details of the Landlord. Compliance with the Management Plan and waste storage arrangements would be the responsibility of the Manager/Applicant. Non-compliance would be investigated by the relevant team within the Council.

SUSTAINABILITY

5.28 Part C of policy CC2 states “Proposals for conversion to residential use should achieve BREEAM domestic refurbishment ‘very good’ as a minimum”. A condition has been added to secure BREEAM domestic refurbishment ‘very good’ in line with policy CC2 of the Draft Local Plan (2018).

6.0 CONCLUSION

6.1 The application property is considered to be appropriate for the needs of future occupants for a 4no. bedroom small HMO. Although the proposal would take the street level above the threshold for HMO’s, this figure can only be used for guidance (as policy H8 would not come into effect) and matters arising from a HMO can be suitably controlled by condition. The loss of the employment building, in this instance, is considered acceptable taking into account the surrounding area and scale of employment. Subject to condition, there are no residential amenity issues

arising for either the proposed occupants or neighbouring dwellings. Acceptable provision for off-road vehicle parking has been demonstrated and secure cycle storage will be required by condition. The management plan for the site is conditioned, alongside a BREEAM condition. The proposal is considered to comply with policies within the National Planning Policy Framework, Policies EC2, D11, ENV2, WM1, CC2, T1 and T8 of the Draft Local Plan (2018).

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in strict accordance with the following drawings:

Proposed site layout plan; drwg no. HR002, revision C, dated 21/03/2024.
Existing and proposed floorplans; drwg no. HR003, revision A, dated 01/03/2024.
Existing and proposed elevations; drwg no. HR004, dated 21/12/2023.

Reason: For the avoidance of doubt and in the interests of proper planning.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), unless otherwise approved in writing with the Local Planning Authority, the windows in the side (east) elevation of the building; shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above and remain fixed shut.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

4 The development shall be carried out in strict accordance with the Management Plan (dated December 2023) and shall throughout the duration of the use hereby permitted be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

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.

6 Prior to the development commencing details of the cycle parking areas for 4no. cycles and their means of enclosure, 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.

7 The development hereby permitted shall achieve a BREEAM Domestic refurbishment rating of 'very good' or higher. A Post Construction Assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate submitted to the Local Planning Authority within 12 months of the first use (unless otherwise agreed). Should the development fail to achieve a 'Very Good' BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a 'Very Good' rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority."

Reason: In the interests of achieving a sustainable development in accordance with the requirements of Policy CC2 of the Draft Local Plan.

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:

- Sought for employment details
- Sought for bike and bin store to be relocated
- Sought for obscure glazing.
- Use of planning conditions.

Contact details:

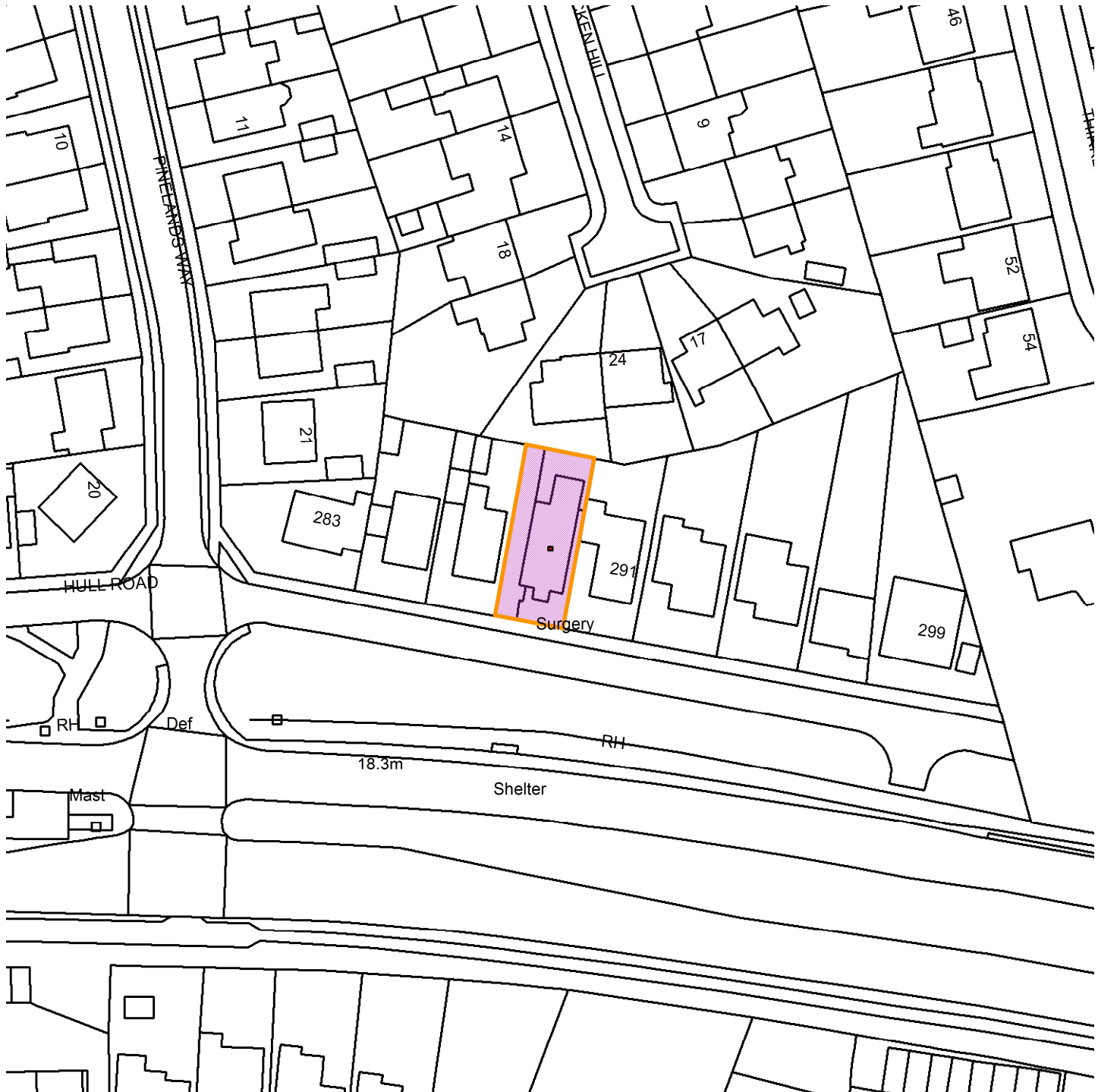
Case Officer: Natalie Ramadhin
Tel No: 01904 555848

289 Hull Road, Osbaldwick YO10 3LB

23/02374/FUL



GIS by ESRI (UK)



Scale : 1:819

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	08 April 2024
SLA Number	Not Set

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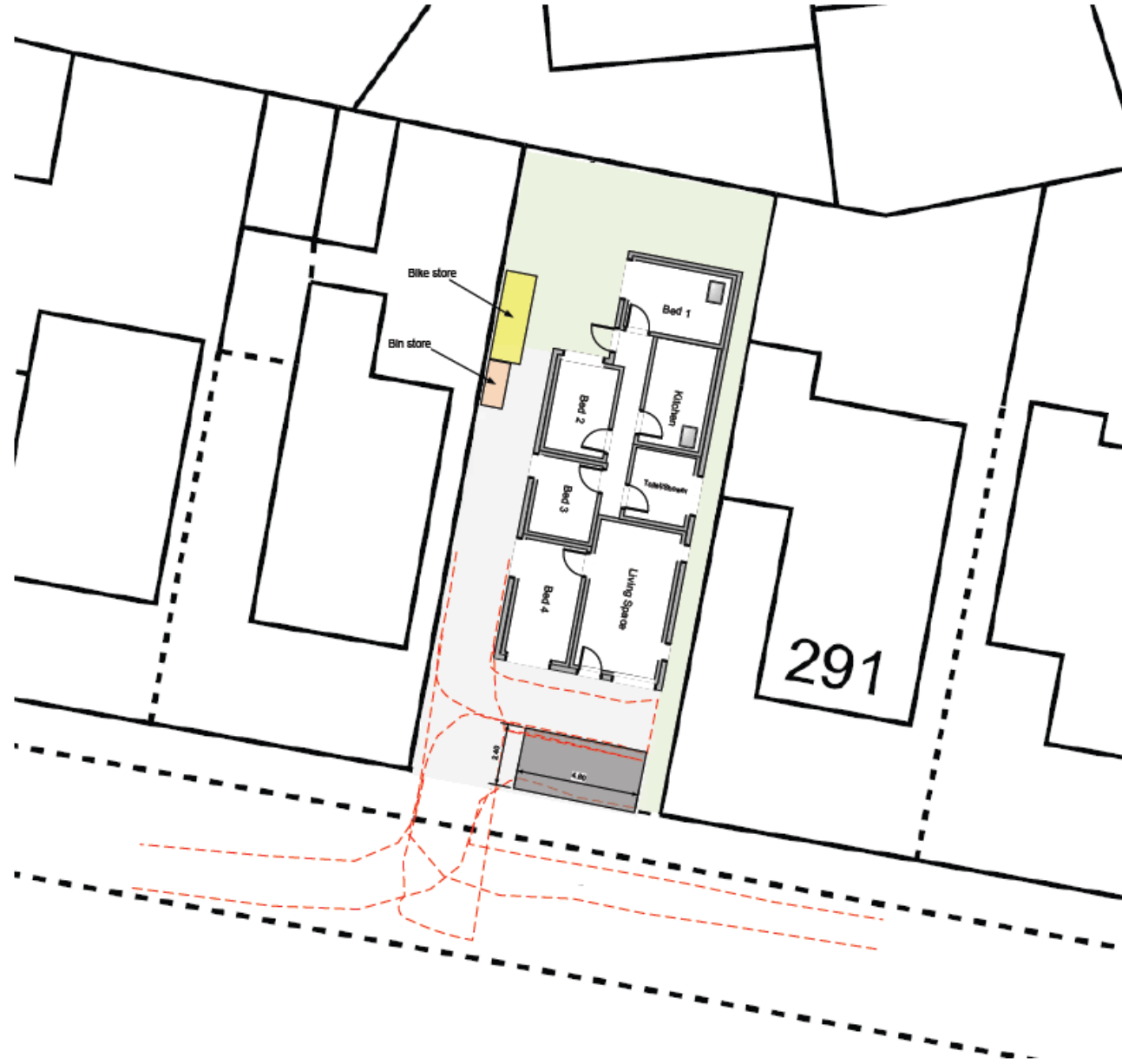


Planning Committee B

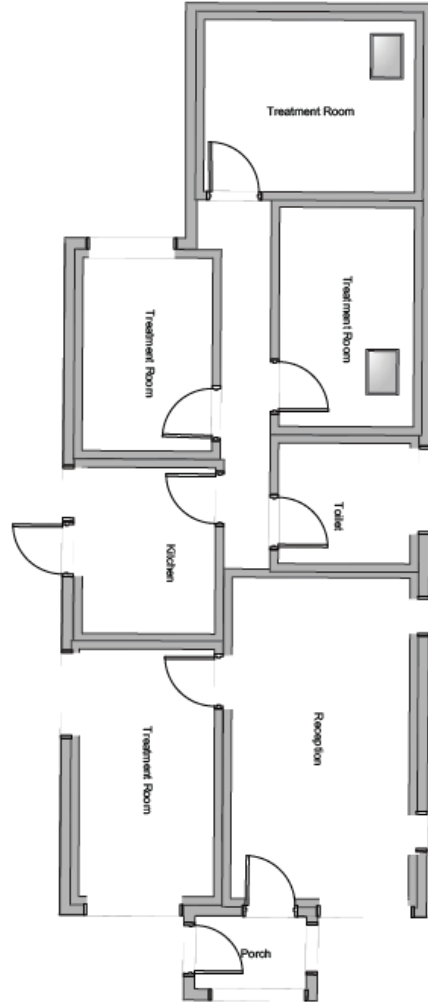
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289 Hull Road Osbaldwick

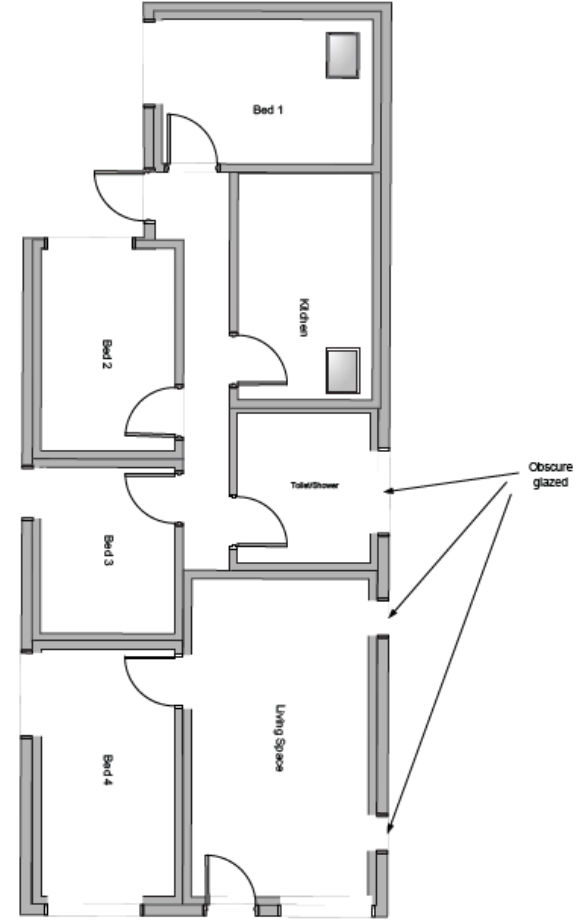
Proposed site plan



Existing and Proposed Floor Plans

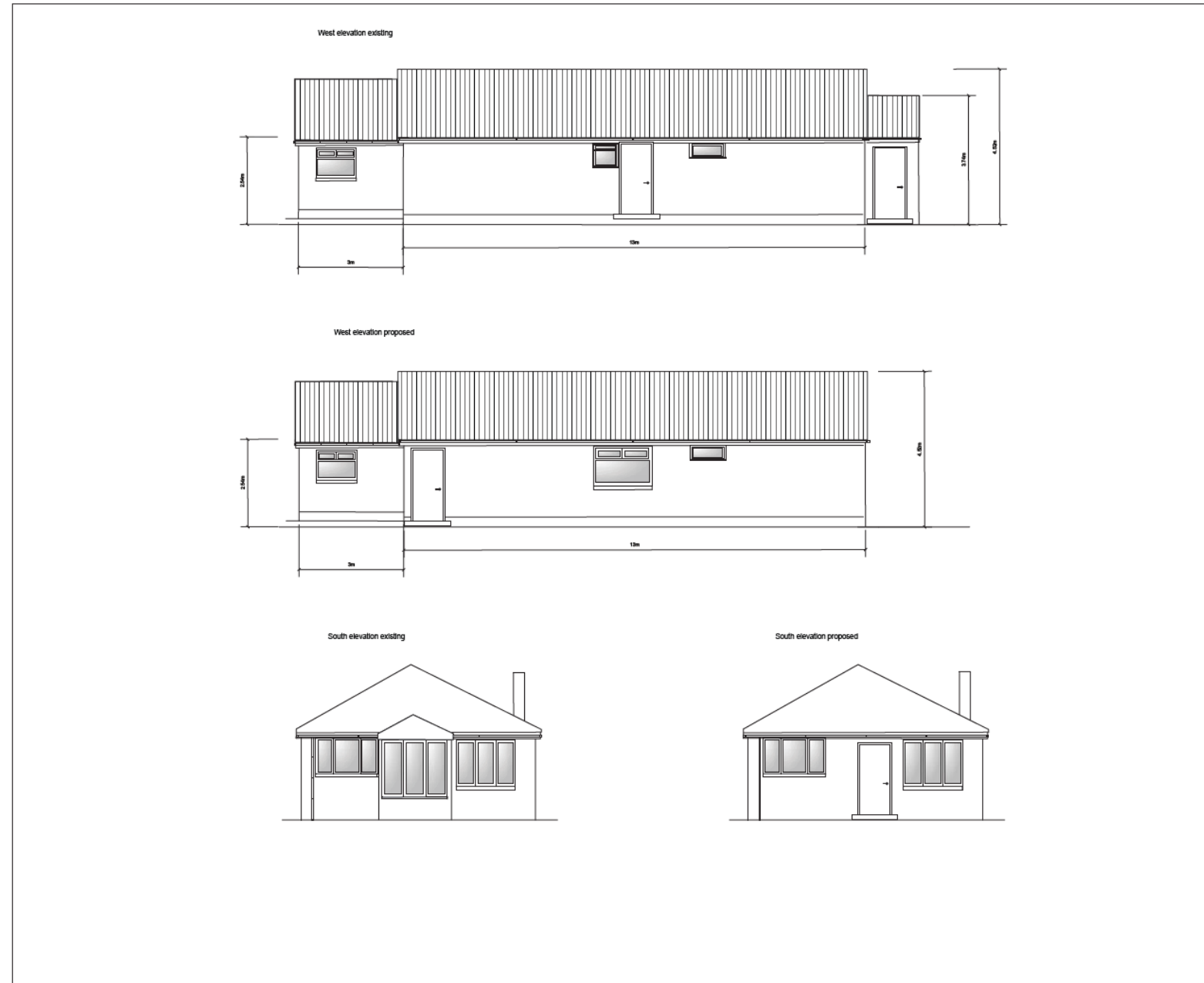


Existing floorplan



Proposed floorplan

Existing and Proposed Elevations



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Date	By	Paper	Scale	Dwg no.	Rev.
21/12/23	SD	A1	1:50	H5004	-

Existing and Proposed Elevations

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 Warters. 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 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.

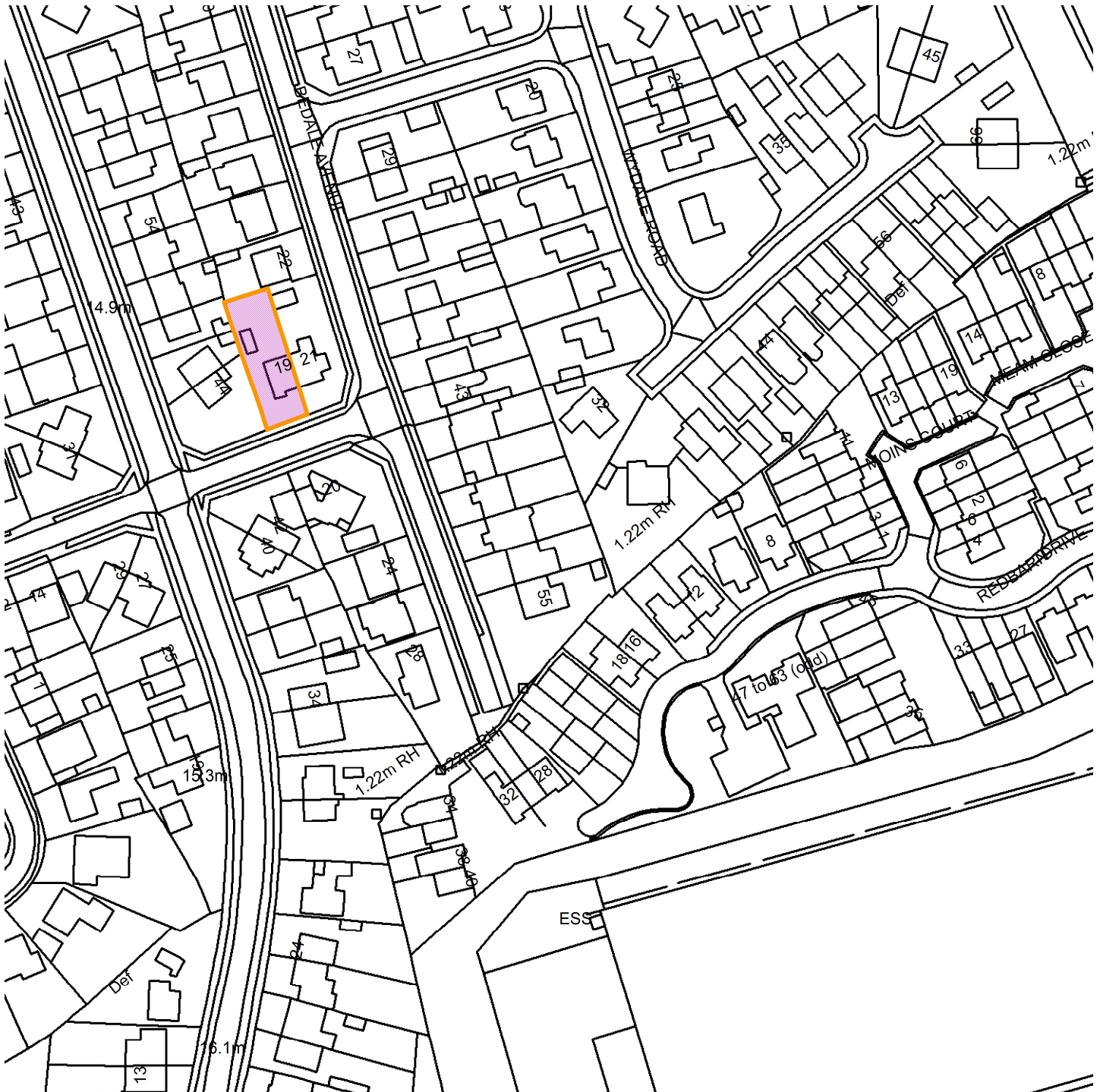
8.0 INFORMATIVES:

Contact details:

Case Officer: Paul Edwards
Tel No: 01904 551642

19 Baysdale Avenue Osbaldwick YO10 3NE

24/00175/FUL



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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	08 April 2024
SLA Number	Not Set

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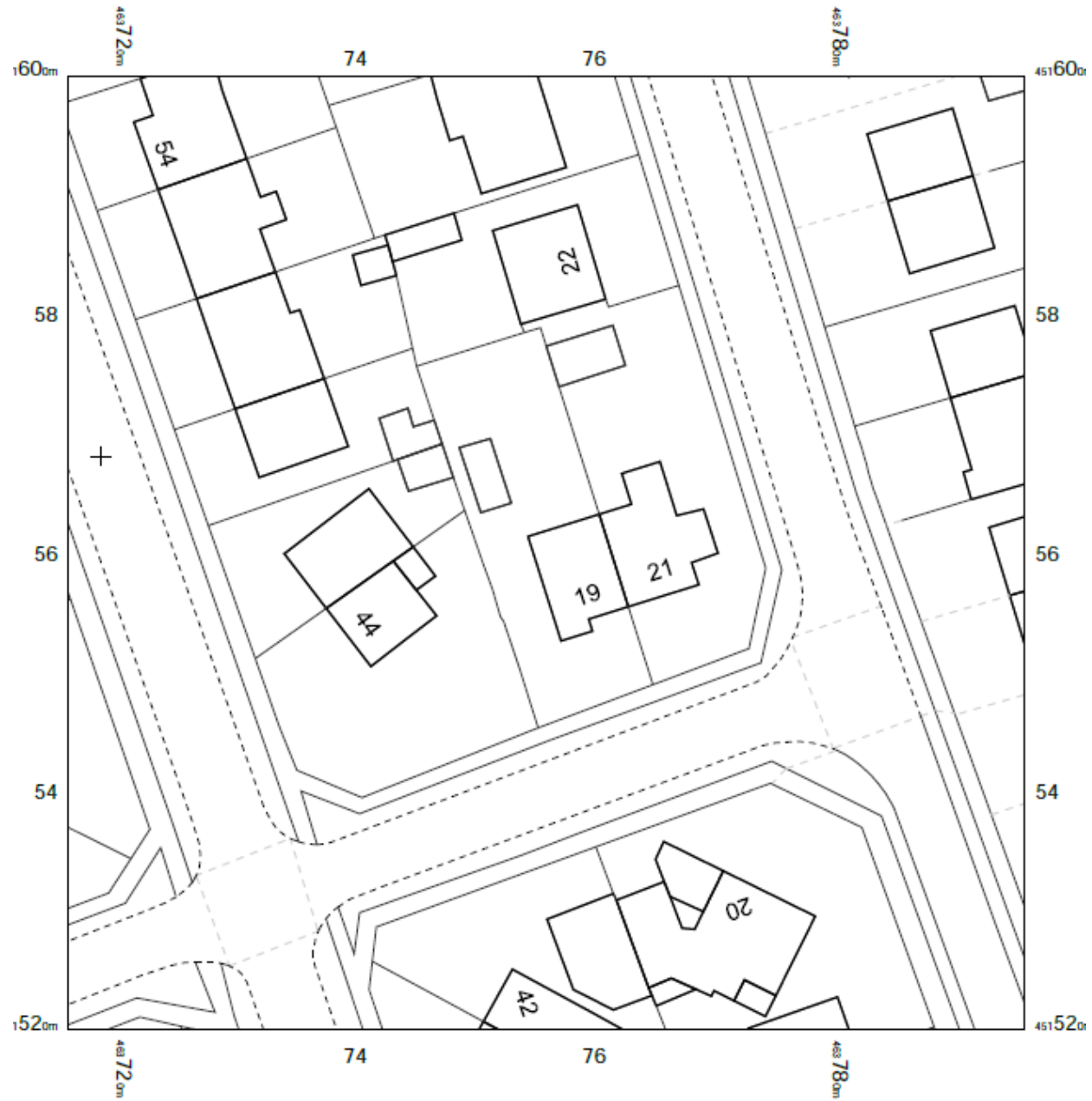


Planning Committee B

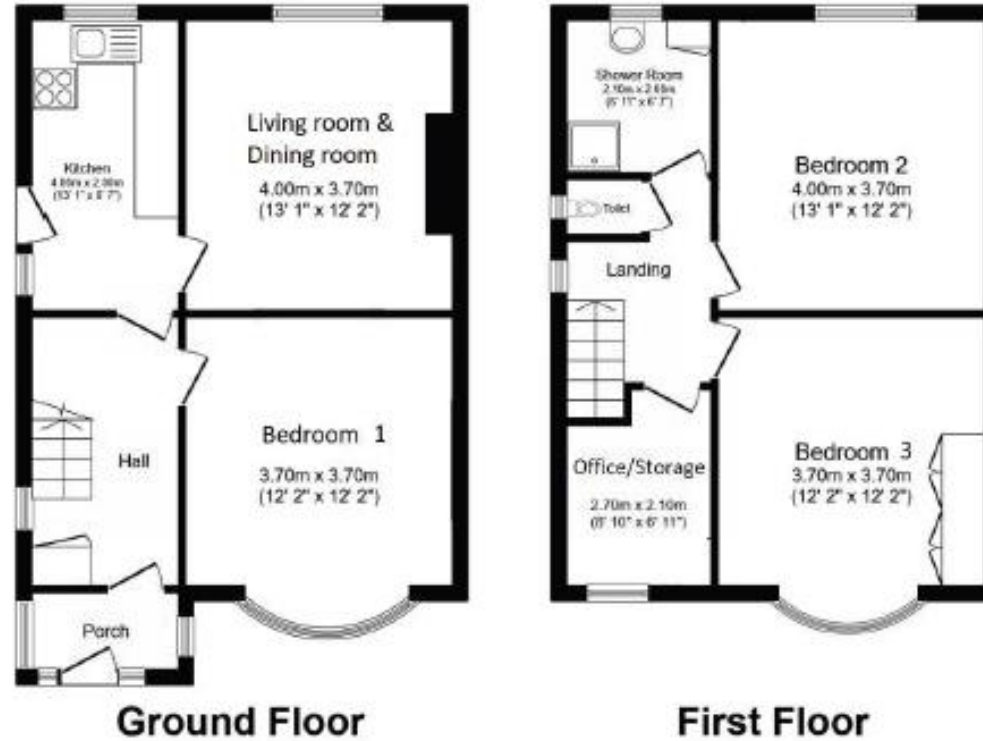
24/00175/FUL

19 Baysdale Avenue Osbaldwick

Site Plans



Proposed Floor Plans



Total floor area 94.6 sq.m. (1,018 sq.ft.) approx

This floor plan is for illustrative purposes only. It is not drawn to scale. Any measurements, floor areas (including any total floor area), openings and orientation are approximate. No details are guaranteed, they cannot be relied upon for any purpose and they do not form part of any agreement. No liability is taken for any error, omission or misstatement. A party must rely upon its own inspection(s). Plan produced for Reed Rains. Powered by www.localagent.com

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