
Meeting	Area Planning Sub-Committee
Date	8 December 2021
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Craghill, Daubeney, Fisher, Perrett, Webb and Carr (Substitute)
Apologies	Councillors Melly, Orrell and Waudby

36. Declarations of Interest

Members were invited to declare, at this point in the meeting, any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests that they might have in the business on the agenda.

Cllr Carr asked the Chair to note that due to a hearing disability he was not wearing a mask, as this made it difficult for him to hear.

Cllr Daubeney requested that it was noted that two rooms in his house had been rented out however, it was not a house of multiple occupancy and he was therefore not pre-determined.

37. Public Participation

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

38. Plans List

Members considered a schedule of reports of the Assistant Director, Planning and Public Protection, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

39. 18 Beech Avenue, Bishopthorpe [21/02101/FUL]

Members considered an application which sought to gain planning permission for a 2 storey side and single storey rear

extension along with a dormer window to the rear. The Development Manager gave a presentation on the application.

In response to questions from Members, the Officer noted that:

- The internal layout of a property would not typically be subject of a condition, the homeowner could use the space as they wished.
- The extension would not have a significant impact on the number of parking spaces available. There were no car parking policies in relation to extensions.
- The side extension was an unusual shape but had been done before elsewhere.

Public Participation

Dal Singh and Asha Landa, joined the meeting via Zoom and spoke in support of the application, as the agents. They explained the plans in more detail and said that there was an office planned for the ground floor, there were no side windows and, as there was to be no increase in occupancy, there was no need to increase parking. They explained that there was a larger dormer and extension, with a similar angle at No. 12 and they confirmed that of the three windows in the proposed dormer, one was obscured glass and one was a roof light, so had no view. There was vegetation to screen views from neighbours and the side extension had been reduced slightly to improve access.

There were no questions for the agents.

The Development Manager noted that condition 3 in the report had not been updated to reflect the change in building materials. The planned materials to be used were brick and tile to match the existing walls and roof.

Following a brief debate, it was moved by Cllr Fisher and seconded by Cllr Crawshaw that the application be approved subject to the conditions contained in the report and the update to condition 3. A vote was taken and the motion was carried unanimously. It was therefore:

Resolved: That the application be approved, subject to the conditions set out in the report and the change to condition 3 as described earlier in the meeting.

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

40. 19 Hambleton Avenue, Osbaldwick [21/01599/FUL]

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

The Development Manager gave a presentation on the application in which he outlined the plans for the property.

In response to questions from Members the Development Manager responded that:

- The council database of HMO properties was checked against the records of council tax exemptions and HMO licences. The record of 5 HMOs could be student exemptions from council tax or HMO licences or from Planning records. All houses were counted within 100 metres of the property and then the number of HMOs were expressed as a percentage. There were approximately 1600 dwellings in the neighbourhood.
- As had been acknowledged by the supporting documentation, the data was not going to be perfect. Officers were satisfied as far as they could be with the accuracy of the information.

Public Speakers

Cllr Warters spoke in objection to the application as the Ward Councillor for Osbaldwick and Derwent. He stated that this was a retrospective application, with the HMO already in use and on the database. He also stated that there were a number of

properties acting as HMOs on the same street, some of which were not registered. He therefore believed that the 10% cap on the street had already been reached. He noted that one of the properties on the street had gone from an HMO to being rented to a family. He noted that the local government ombudsman had been critical of the council's student database.

The Development Manager clarified that a property referred to by Cllr Warters had reverted from an HMO to a family home and this moved the property from C4 to C3 class. This was within permitted development regulations and the property had therefore been removed from the database. Should the property become an HMO in the future, planning permission to move from C3 to C4 would be required. He further confirmed that if the number of HMO properties on the road had reached 10% threshold then should the lapsed property reapply for HMO status this would then breach the threshold in the SPD.

Following a short debate, Cllr Webb moved to approve the recommendation for approval. This was seconded by Cllr Craghill. Members voted 7 in favour of the motion and 1 against and it was therefore:

Resolved: That the application be approved, subject to the conditions contained within the report.

Reason: On balance and subject to conditions, it was considered that the use of the property as an HMO within the C4 use class was acceptable in terms of the balance of the community, highways impact and local amenity. The application accords with the requirements of the NPPF, Policy H8 of the Publication Draft York Local Plan 2018, and Policy H8 of the Development Control Local Plan 2005 and the guidance contained within the SPD.

41. 27 Bedale Avenue, Osbaldwick [21/01991/FUL]

Lastly, members considered an application which sought planning permission to change the use of No.27 Bedale Avenue, Osbaldwick from a residential dwelling within Use Class C3 to a 5.no bedroom house in multiple occupation (HMO), within Use Class C4.

The Development Manager gave a presentation in which he outlined the plan. In response to questions from Members, he noted the following:

- The impact of the HMO on adjacent properties should be dealt with on its own merits.

Public Speakers

Cllr Warters spoke in objection to the application as Ward Councillor. He noted that this was the same property management company as the previous application. He raised concerns regarding the possibility of converting the garage into a bedroom and the management of rubbish and parking at the property. He again mentioned the quality of information produced by the council's database.

In response to further questions from members, the Development Manager answered as follows:

- The parking space available allowed 3 small cars to park but not manoeuvre independently. It had been noted that there was an additional side road that would also provide parking.
- The 10% limit for the number HMO properties in a street would come into effect once the number of properties went over that threshold.
- Planning guidance for parking was expressed as maximums, as this was potentially contrary to NPPF recommendations, it was best to judge the applications on their own merits based on knowledge of the local area.
- The existing planning permission for a tattoo studio was for a named individual and would lapse if that individual did not live at the property. It had been conditioned that the garage must provide parking for 6 cycles. It could be made a requirement for the garage to be fitted out for cycle storage prior to the first occupancy as an HMO.

Following a debate by Members it was moved by Cllr Carr and subsequently seconded by Cllr Crawshaw that the application be approved.

The vote was unanimous and it was therefore:

Resolved: That the application be approved subject to an amendment of condition 4, where the garage should be fitted out for cycle parking prior to occupation.

Reason: On balance and subject to conditions, it was considered that the use of the property as an HMO within the C4 use class is acceptable in terms of the balance of the community, highways impact and local amenity. The application accords with the requirements of the NPPF, Policy H8 of the Publication Draft York Local Plan 2018, Policy H8 of the Development Control Local Plan 2005 and the guidance contained within the SPD.

42. Urgent Business

Cllr Crawshaw requested that the Local Ombudsman complaint regarding the council's database for HMOs be referred to the Housing and Community Safety Policy and Scrutiny Committee.

Resolved: That the Chair and Vice Chair write to the Housing Scrutiny Chair to ask them to investigate the complaint.

Reason: To ensure that the database is fit for purpose.

Cllr Andrew Hollyer, Chair
[The meeting started at 4.30 pm and finished at 6.05 pm].