

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