

COMMITTEE REPORT

Date: 8 December 2022 **Ward:** Acomb
Team: West Area **Parish:** No Parish
Reference: 22/01734/FUL
Application at: 17 Newlands Drive York YO26 5PQ
For: Change of use from dwelling (use class C3b) to 6.no. occupant House in Multiple Occupation (Use Class C4)
By: Bergamo Holdings
Application Type: Full Application
Target Date: 9 November 2022
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks consent for a change of use of No.17 Newlands Drive, Acomb, from a dwelling house, within Use Class C3b to a 6.no bedroom House in Multiple Occupation within Use Class C4. The application property is a detached bungalow with rooms in the loft space.

Relevant Property History

1.2 Application Ref.02/02423/FUL – single-storey rear extension – approved 11.09.2002. This application was submitted by the Wilberforce Trust, who ran the property as a dwelling for 6.no unrelated tenants with visual and sensory impairments. They received support from care workers, who visited the property on a daily basis.

Ward Councillor Call-In

1.3 The application has been called in by Councillor Lomas because of the impact on neighbouring amenity and the impact on parking

2.0 POLICY CONTEXT

Publication Draft Local Plan 2018

T1 – Sustainable Access
H8 – Conversions to HMO's

Development Control Local Plan 2005

CYGP4a – Sustainability

3.0 CONSULTATIONS

INTERNAL

Strategic Planning

3.1 Within 100m of 17 Newlands Drive (Street Level) there are currently zero out of 31 HMO's - 0.0% Were the current proposal to be approved this would rise to 3.2%. At Neighbourhood Level, there are currently 3.no HMO's out of 854 properties 0.35%. This would rise to 0.4%. Therefore, neither the Street Level density threshold (10%) nor Neighbourhood Level density threshold (20%) have been breached.

Highway Network Management

3.2 Highways were initially unable to support the proposal, due to the under provision of car parking on site leading to a potential increase in relation to street parking on a narrow road. They also expressed concerns about widening the existing access, which would conflict with Street-Works policy. Following the reduction from the initially proposed 7.no bedroom HMO, to a 6.no bedroom HMO and the reduced off-road parking requirement from 4.no vehicles, to 3.no vehicles, Network Management have no objections.

4.0 REPRESENTATIONS

4.1 20.no letters of objection have been received, raising the following issues:

- Parking issues
- Would affect the character, nature and environment of this residential area
- Noise and disruption
- Adverse impact on wildlife
- Problems with refuse management
- Who will monitor resident's behaviour and vet future residents?

- Newlands Drive a narrow road – will create problems for emergency services
- Increased vehicles a hazard for children
- Reduce the desirability of properties in Newlands Drive
- Result in anti-social behaviour
- Future occupants would not participate in existing community activity

5.0 APPRAISAL

KEY ISSUES

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

LEGISLATIVE BACKGROUND

5.2 Section 38(6) of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

POLICY CONTEXT

National Planning Policy Framework

5.3 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 111 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.

5.4 Paragraph 130 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

Publication Draft Local Plan 2018

5.5 The Publication Draft Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25th May 2018. The Phase 4 hearings took place in September 2022. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24th January 2019 will be assessed against the 2012 NPPF).

5.6 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.

5.7 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.

5.8 The explanation to the policy states that in considering the impact on residential amenity attention will be given to whether the applicant has demonstrated 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.

Draft Development Control Local Plan

5.9 The draft Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations, but generally their weight is very limited. Policy GP4 a (i) requires that development proposals make adequate provision for the storage and collection of refuse and recycling. Appendix E to the Local Plan outlines car and cycle parking standards for development and specifies that HMO's should provide 1 car parking space per 2 bedrooms and 1 cycle parking space per bedroom.

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

5.10 The draft SPD was approved in 2012 and updated in 2014. This document was prepared the Article 4 Direction bringing the change of use of use class C3 dwellings to use class C4 HMOs within planning control.

5.11 The SPD at paragraph 5.15 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.

5.12 In paragraph 5.17 of the SPD it 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. In considering the impact on residential amenity, attention will be given to whether the applicant has demonstrated that the condition of the property is of a high standard that contributes positively to the character of the area and that the increase in number of residents will not have an adverse impact on noise levels and the level of amenity neighbouring residents can reasonably expect to enjoy. It also requires that there is sufficient space for:

- potential additional cars to park;
- appropriate provision for secure cycle parking;
- storage provision for waste/recycling containers in a suitable enclosure area within the curtilage of the property, and
- that it will not result in the loss of front garden for hard standing for parking and refuse areas which would detract from the existing street scene.

5.13 Paragraph 5.7 of the SPD advises that applications for change of use from dwellings to HMO's will only be permitted where:

- a) The property is in a neighbourhood area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and
- b) 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, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and

- c) The accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

THE APPLICATION PROPERTY

5.14 No.17 Newlands Drive, is a detached bungalow, located within a residential cul-de-sac, which runs off Beckfield Lane. It has previously been extended to the rear and this section of the property has an additional entrance. The revised proposed layout consists of a kitchen/diner, living room, gym and 4.no bedrooms (all en-suite) at ground-floor: and 2.no.bedrooms (en-suite) in the loft-space. The bedroom sizes all meet Housing Standards requirements. The bungalow has a large hard-surfaced domestic frontage, a detached garage to the side and a large rear garden.

Car Parking

5.15 Paragraph 11.1 of the City of York Council Highway Design Guide states that

“It is imperative that proper and adequate provision is made for the parking of vehicles..... If adequate provision is not made, then this results in indiscriminate parking on the highway with the resulting problems of obstruction, danger to other road users, particularly children, and damage i.e. footways, landscaping and boundary treatment”.

5.16 In this respect, the Council's Highway Design Guide (Appendix 23) advises that a standard parking space is 2.4m wide by 4.8m long. However, it states that this must only be used as general minimum as although a standard parking space may be appropriate for situations where there is room to reverse out (i.e. such as in a supermarket car park) for practical purposes on places such as a household plot, a car parking space needs to be increased to allow ease of access, ease of movement for loading/unloading, maintenance/working areas etc. and the guide outlines that an appropriate space can be up to 6m long by 3.6m wide. Indeed, the Council's Vehicle Crossings Policy (Adopted 22 June 2021) states that where a proposed application is for a vehicle to be parked at a right angles to the highway, a minimum length of 6 metres must be available to park. Where the parking area is located away from openings (dwelling doors, garage doors), this can be reduced to 5.5 metres.

5.17 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.

5.18 Newlands Drive is a narrow road which can result in parked vehicles straddled over the public pavement. As originally submitted the application sought a 7 occupant HMO which, given the location of the property, it was considered to require 4 parking spaces however the larger spaces could not be accommodated on site. The revised proposal for a 6.no occupant HMO reduces the guideline requirement to 3.no off-road spaces, which can be accessed independently.

Cycle Parking and Bin Storage

5.19 The large detached garage at the side of the property will provide secure cycle storage on a 1 to 1 basis. This has been demonstrated in diagram form with the use of 4.no Sheffield Hoops (3.no would now suffice) Given the layout of the property, there are also external spaces where refuse bins could be stored. In these respects, the provision is considered to be adequate.

Residential Amenity

5.20 In terms of the amenity of future occupants, each of the proposed 6.no bedrooms will be en-suite, and adequate living accommodation is provided. The spacious rear garden provides a large external amenity area. Nearby local bus routes provide a 15-minute daytime frequency between Acomb and the city centre and railway station. The nearest local facilities are in Acomb, which are a reasonable walking distance, though short cycle distance away. It is considered that the application property is suitable for the residential amenity needs of 6.no future occupants.

5.21 In terms of the amenity of the occupants of neighbouring properties; given that the proposal is compliant with all the relevant national and local policies, then it is considered that there is nothing inherent in the scheme that would result in

significant harm in this respect. The submission of a management plan should 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 6.no. bedroom small HMO. Adequate provision for off-road vehicle parking has been demonstrated and secure cycle storage exists. the existing density levels of current HMO's is well below the policy threshold (at both Street Level and Neighbourhood Level). 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:-

Drawing No's - Proposed Floor Plans - CO3622-CAL-00-PL-DR-DRA-1XXX- Revision C - Dated 20th June 2022

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 first use as a house in multiple occupation the Sheffield Cycle Stands indicated within the detached garage on Plan No.17ND-DKPL-shall be installed. The garage shall retain the capacity to store up to 6.no cycles, unless otherwise approved in writing by the Local Authority.

Reason - To promote sustainable modes of transport.

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
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- 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.

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:

Negotiated an additional layout plan to assess off-road parking provision

2. The applicant should be aware that the hereby approval is for a Small House in Multiple Occupation, within Use Class C4. The number of occupants within this use class is between 3.no and 6.no unrelated persons sharing the property as a single residential dwelling. Any intensification of this use (over 6.no occupants) or sub-division of the property, would require a further application.

Contact details:

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