

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 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.

2.2 Paragraph 130 states that planning policies and decisions should ensure that developments will achieve a number of aims including:

- 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

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. 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 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 significant 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

Network Management

3.1 The driveway is of adequate size for 2.no vehicles to access and leave the application property independently of each other. They recommend that the property be restricted to a 4.no bedroom HMO, as the domestic frontage is not of adequate size for 3.no vehicles to enter and leave independently of each other. They recommended that secure cycle storage should be provided in the rear garden of the property and that a HWAY 18 condition should be attached to any approval.

Strategic Planning

3.2 Within 100m (street level) of No.9 St Marys Grove, there are currently 2.no HMO's out of 33.no properties = 6.06%. With No.9 St Marys Grove being included, this would increase to 9.09%. At neighbourhood level there are currently 87.no HMO's out of 1461.no properties = 5.59%. With No.9 St Marys Grove being included this would increase to 6.02%. 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.

Osballdwick Parish Council

3.3 Letter of objection received:

- The PC maintains a standing objection to all such applications
- As St. Mary's Grove is a small cul-de-sac and any adverse effects of the establishment of a student let HMO will be felt more acutely by neighbouring residents than on a straight road.
- Questions the Local Authority's ability to accurately assess the existing density of HMO's in the area
- The application property cannot provide adequate off-road parking provision.
- The position of the property will lead to unacceptable noise and disturbance
- Increased levels of waste, poorly managed storage

4.0 REPRESENTATIONS

4.1 A total of 19.no letters of objection have been received:

- Will lead to increase in street traffic
- Owner of property lives in London raising maintenance issues
- Increased student occupation changing the character of the street
- Cars already parked on the pavement

- Bags of rubbish left on street from existing HMO
- Increased noise pollution
- Additional number of cars could block emergency service vehicles
- Refuse collection vehicles could be blocked
- Proposed 4.no tenant HMO could be intensified by the landlord
- Concerns over maintenance of rear garden
- Already 3.no student houses in this area
- Will devalue the price of houses in this area

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.

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.

The Application Property

5.3 No.9 St Marys Grove, Osbaldwick is a semi-detached dwelling, located at the hub of a small residential cul-de-sac. The revised proposed internal layout will consist of a living/dining room, kitchen/diner, bedroom and study, at ground floor; 2.no bedrooms, a storage room and bathroom at first floor; and 1.no bedroom (en-suite) and a storage room in the loft space. Following the receipt of a revised plan, all 4.no bedrooms now meet Housing Standards requirement of 6.51 square metres internal floor-space, for a bedroom in an HMO. The property frontage is hard-standing and a timber gate at the side of the property provides external access to the rear garden. In all these respects, the property is deemed adequate for the needs of 4.no tenants.

Concentration of HMOs and Residential Amenity

5.4 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.

5.5 Both the 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. Within 100m (Street level) of the application site 6.6% of properties are HMOs. At the neighbourhood level 5.6% 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, 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.

5.6 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 within St Marys Grove 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 to control numbers 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

5.7 The council's car parking standards set out in Appendix E to the draft 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. The council's Highway Design Guide advises that for practical purposes on places such as a household plot, a car parking space needs to be 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. 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.

5.8 The existing driveway can only accommodate two independent car parking spaces. Given the existing pressures on this narrow cul-de-sac, there appears limited scope for on-street car parking. Appendix E car parking standards suggest 2.no spaces to be appropriate for a 4 person HMO, it is recommended that a planning condition be imposed to restrict the occupancy the HMO should permission be granted.

Cycle Parking and Bin Storage

5.9 External access to the rear of the property will be retained. In consequence, were the application to be approved, a condition could be attached, requiring a secure, enclosed cycle store to be provided at the rear of the property. This should be of adequate size to store 4.no cycles, independently of each other. A store incorporating 4.no Sheffield Hoops (for example) would suffice. A condition is recommended in order to ensure an adequate store is provided.

Amenity of Future Occupants

5.10 The revised internal layout is considered to be acceptable. There is adequate internal and external amenity space 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 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 - Internal floorplan layout - Received 28th June 2023.

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 development commencing details of cycle parking for 4 no. cycles, including 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.

4 Notwithstanding the provisions of the Town and Country Planning (Use Classes Order) 1987, there shall be no more than 4.no tenants of the proposed House in Multiple Occupation at any one time.

Reason: In the interests of the amenities of future tenants and those of the occupants of neighbouring properties, 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 management plan shall be submitted to and approved in writing by the Local Planning Authority and shall throughout the duration of the use hereby permitted 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.

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:

Notes to Applicant

Application Reference Number: 23/00532/FUL

Item No: 4e

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 a revision to ensure that the size of all of the proposed bedrooms met Housing Standards

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