

Item Number: 15
Application No: 22/01247/FUL
Parish: Norton Town Council
Appn. Type: Full Application
Applicant: Ms Zuzana Hatcher
Proposal: Change of use of existing dwelling (Use Class C3) to a five bedroom house of multiple occupation (HMO)
Location: 93 Langton Road Norton Malton North Yorkshire YO17 9AE

Registration Date: 10 November 2022
8/13 Wk Expiry Date: 5 January 2023
Overall Expiry Date: 17 February 2023
Case Officer: Ellie Thompson **Ext:** 43326

CONSULTATIONS:

| | |
|--|--|
| Highways North Yorkshire | No Objection |
| North Yorkshire Fire & Rescue Service | Comments |
| Housing Services | No Objection |
| Norton Town Council | Recommend refusal due to lack of parking |
| Designing Out Crime Officer (DOCO) | Comments |
| Highways North Yorkshire | Recommend Refusal |
| Environmental Health | Recommend conditions |
| Norton Town Council | Recommend refusal |
| Highways North Yorkshire | Recommend Refusal: updated wording |
| North Yorkshire Fire & Rescue Service | No response to re-consultation |
| Housing Services | No Objection |
| Environmental Health | No response to re-consultation |

Representations: Lesley & David Mather, Mr David Cheesebrough, Mr Christy McGibbon, Antony J Sheppard, Nicholette Scotter, Mr Richard Wood, Mrs Helen Robinson, Mr Peter Stansfield, Mrs Susan Brand,

SITE:

The property is a large, 6 bedroom, 3-storey, end of terrace dwelling, located on Langton Road in Norton. The site is located within the Norton development limits.

The property occupies a large, long plot which runs roughly east to west. The property is close to the main highway, but set slightly back behind a small front amenity area. There is no existing off-street parking at the site.

PROPOSAL:

This application seeks permission for the change of use of the existing 6-bed dwelling (Use Class C3) to a five bedroom house of multiple occupation (HMO). The applicants originally sought permission for up to 10 occupants, but have since confirmed that they wish to apply for a HMO with a maximum number of 8 occupants. A re-consultation was undertaken when this and some further additional information was received.

The proposed development includes some internal alterations to the layout of the property, to move the kitchen and living spaces into the existing rear extension at the property.

PLANNING HISTORY:

99/00726/FUL: Planning permission was granted for the erections of conservatory to rear of the dwelling.

The full planning history can be viewed on the uniform system.

POLICIES:

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies of the Development Plan unless material considerations indicate otherwise. The relevant Development Plan policies for the determination of this application are:

The Ryedale Plan - Local Plan Strategy (2013)

Local Plan Strategy – Policy SP1 General Location of Development and Settlement Hierarchy

Local Plan Strategy – Policy SP2 Delivery and Distribution of New Housing

Local Plan Strategy – Policy SP4 Type and Mix of New Housing

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP20 Generic Development Management Issues

Material Considerations

National Planning Policy Framework

National Planning Practice Guidance

REPRESENTATIONS:

A brief summary of the position of statutory and non-statutory consultees is included on the front sheet of the report and issues raised are addressed in the relevant appraisal sections of the report. All consultation responses are available for Members to view in full on the public access webpage, and referred to in the report accordingly.

8 Objections were received in response to the initial consultation, outlining the following concerns:

- Insufficient Parking in the area: increase in vehicles will exacerbate parking difficulties along the road, insufficient space for parking potentially 5 vehicles at the property, particularly at busy/school drop off and pick up times; Could reduce the available parking for residents; Parking at the junction of The Ridings and Langton Road already an issue.
- Highway Safety: Property is located on a busy junction at the apex of a bend; children crossing between parked cars; increased traffic has the potential for a greater risk to pedestrian safety.
- Noise and Disturbance
- Right of Access down drive of no. 97 and across gardens of 95 & 97; significant increase in footfall across this right of way resulting in privacy and security issues.
- Waste and refuse from 5 families or groups would be considerable; issues with bin liners at the front of the property. An increase in the amount of waste receptacles would make an already narrow footpath practically impassable.

- How will the long garden be managed?
- The property is already occupied prior to a planning decision.
- Concern around potential tenants and potential anti-social behaviour, and potential frequent turnover of tenants. Up to ten tenants with their own TVs could generate an unacceptable level of noise.
- No provisions for the evacuation of the house from the upstairs floors in the event of a fire
- Approval would set a precedent for similar developments in the area. Langton Road is a quiet residential area, predominantly occupied by single family dwellings; there are no licensed HMOs on Langton Road currently.
- Multiple households sharing common amenities, where all activities are done at different times by multiple individuals, is not complementary to a residential street by single occupied families.
- Proximity to Schools

1 letter of support was received in response to the initial consultation, raising the following points:

- There are major shortages of suitable accommodation for skilled workers employed in local businesses – the proposed change of use will create an increase in available accommodation for individuals who are struggling to find accommodation, which is becoming more difficult to obtain.
- The occupants will spend their salaries locally and support other local businesses; without suitable accommodation they will need to travel and live elsewhere, and will not support the Norton economy in the same way. This input into the economy can only be classed as a positive for all and lead to continued success for the Norton/Malton area.

Norton Town Council were consulted and recommended refusal, due to lack of parking.

The Local Highway Authority responded to the initial consultation stating that they had no objections to the proposed development, but recommended an informative to advise applicants to consider providing parking for cycles within the application site boundaries.

The Housing Technical Officer was consulted on the application and confirmed they have no objections to the proposed development, but recommended an informative for the applicants to apply for a HMO license.

North Yorkshire Fire and Rescue Service were consulted and confirmed they have no objection to the proposed development. North Yorkshire Designing Out Crime Officer was also consulted, and recommended that the Case Officer liaise with the Council's Environmental Health Officer to ensure that a condition is placed on the licence requiring reasonable steps be taken to prevent or reduce anti-social behaviour by occupants or persons visiting the house.

The Environmental Health Officer was consulted, and recommended a condition to ensure a noise management plan be provided and agreed by the Local Planning Authority prior to the commencement of the development, and an informative to recommend that expert help is likely required to design and construct acoustic insulation to the higher standards advocated in Annex E to the Building Regulations, for commercial to domestic transmission.

At this stage in the application process, the Local Highway Authority wrote to the Case Officer with a revised response to the application, stating that they now recommend that planning permission is refused due to lack of parking. They confirmed that due to further on street parking issues being brought to the attention of the Local Highway Authority, the Local Highway Authority would not be able to support an application which could increase the likelihood of on-street parking and the consequent detrimental impact on the free flow of traffic at this location.

Following this, the applicants submitted some further information which confirmed that they would like to seek permission for a total number of 8 occupants. The additional information also stated that the

current occupants work on a long-term contract at Karro Foods, and do not currently own any vehicles. The applicant confirmed that the existing sheds to the rear of the property can be used as bicycle storage, and that the proposed internal alterations to the property would move the internal communal living spaces to the rear extension at the property, away from the adjoining walls. They also stated that bin storage could be moved to the front of the property to relieve concerns around the use of the right of access over nos. 95 and 97's rear amenity spaces.

Further to this additional information being received, 3 objections were received raising the following issues:

- 8 occupants would result in the likelihood of noise nuisance increasing greatly, particularly in the summer months. Occupiers of neighbouring properties would be unable to enjoy the peace and privacy of their rear gardens to which they are entitled.
- Insufficient parking; potential increase in vehicular owners living at the property, which will reduce parking availability for residents.
- Increase traffic has potential for a greater risk to pedestrian safety.
- Approval would set a precedent for similar developments.
- Langton Road is a quiet residential street; there are no licensed HMOs on Langton Road.
- Bins to the front of the property would be a blight on the residential street especially if they start to overflow.
- The applicant does not envisage that tenants will own cars but the assumption in determining the application must be that they will have cars, and this would result in parking difficulties.
- Karaoke noise from the property is intrusive: can be heard from within no. 95 Langton Road. Noise levels will only increase when more people occupy the property. Moving living areas to the extension will not solve the anti-social noise levels.
- The house is too small for 8 residents; the gardens are long and thin and there is not the space to absorb loud noise due to the properties being terraced.
- Potential damage to rear lawns of no. 95 from bicycles being wheeled across right of way.

In addition to these written responses, several recordings of noise disturbance (karaoke) were sent to the Case Officer from the occupiers of neighbouring properties.

Norton Town Council responded to the re-consultation and recommended refusal.

The Housing Technical Officer responded to the re-consultation with the same response, confirming they have no objections to the proposed development, but recommended an informative for the applicants to apply for a HMO license.

APPRAISAL:

The main issues relating to this application are:

- i. Principle of the Development
- ii. Fall-Back Position
- iii. Impact on Neighbouring Amenity
- iv. Highway Safety

The Principle of the Development

The application site lies within the Norton development limits and within Ryedale's Principal Town. The principle of the proposed change of use to provide further residential accommodation is considered to be acceptable, as residential development is considered to be acceptable in principle in this location, under Policies SP1 and SP2 of the Local Plan Strategy.

Policy SP4 of the Ryedale Local Plan Strategy aims to ensure the provision of an appropriate type and mix of new housing, in order to respond to changing demographics and market drivers. The proposed development would result in the creation of a 5-bed HMO, which could be occupied for up to 8 occupants. It is acknowledged that shared residential accommodation meets a specific housing need and that there is a demand for this type of accommodation, particularly in Malton and Norton. As such, the proposed development will contribute to addressing specific housing requirements and is considered to comply with Policy SP4 of the Ryedale Local Plan Strategy.

Fall-Back Position

Some concerns have been raised stating that the property is already in use as a HMO, and that there are already noise issues as a result of this.

Under Schedule 2, Part 3, Class L of the Town and County Planning (General Permitted Development) (England) Order 2015, a HMO is considered to be permitted development providing it houses no more than 6 occupants. The applicants have confirmed that there are currently 4 occupants at the property, and as such they are able to live there without the need for planning permission.

Furthermore, it should be noted that the property could be retained as a 6-bed dwelling-house, and occupied by a family of any size, without the need for planning permission.

Impact on Neighbouring Amenities

The property is an end of terrace property located within a residential area on Langton Road. It is understood that the majority of properties in this area are single-family dwellings, and there is a converted building on the opposite side of Langton Road which houses several flats.

The applicant proposes several internal alterations to the property, to move communal and living spaces to be within the existing rear extension, away from walls which adjoin the attached neighbouring properties. Several comments have been received objecting to the current level of noise and disturbance issuing from the property, however as outlined above the current occupants are entitled to live at the property as it stands, and there is no current planning control over the level of noise and disturbance experienced at neighbouring properties.

It is acknowledged that the proposed increase in the number of occupants at the site may increase the level of noise that is generated from the property. However, taking into account the fall-back position of what could be achieved under permitted development, the consideration is in effect the potential impact of an additional 2 residents. Due to the number of proposed bedrooms, the additional occupants would not increase the number of households at the property, which is a function of the number of licenced bedrooms. It is therefore considered that any increase in the level of noise or activity that would be experienced at the site, over and above the way in which the property could be lawfully occupied, would be minimal.

The Environmental Health Officer has been consulted and has requested that a Noise Management Plan be conditioned if approval is granted, which will seek prior approval of noise mitigation methods. They have also recommended an informative advising the applicant to seek professional advice with regards to sound proofing. It is considered that, taking into account the fall-back position of what could be achieved under permitted development rights, the addition of some level of noise management at the property through the recommended condition would be a benefit of the proposed development, as it would help to control the noise and disturbance which is generated from the property. On balance, therefore, the proposed development is considered to be acceptable in terms of the impact on neighbouring properties, on the basis of the addition of a noise management plan condition.

Highway Safety

As outlined above, the Local Highway Authority (LHA) initially raised no objections to the proposed development, but subsequently revised their response to recommend refusal due to lack of parking, and the potential increase in on-street parking as a result of the proposed development. The Case Officer requested some further reasoning from the Local Highway Officer, to understand why the position on the application had changed.

The LHA confirmed that it wouldn't be able to support an application which has the potential to increase on-street parking in this location. The LHA outlined that as many of the properties on the eastern side of Langton Road do not have the benefit of off-road parking, and rely on on-street parking, which reduces the available road space to one-way working. Additionally, there are existing waiting restrictions in the vicinity so there are limited opportunities of parking outside or close to the existing terraced properties. Consequently, the on-street parking that occurs causes issues at busy times with traffic backing up in both directions. This is particularly prevalent at the start of the school day, given the proximity of the site to both Norton Primary School and Norton College. The LHA confirmed that it finds it difficult to support a proposal which could add additional on-street parking to this existing issue.

On this basis, it is considered that the proposed development could potentially result in a detrimental impact on highway safety and traffic movements in this location, which is contrary to the requirements of Policy SP20 (Generic Development Management Issues) of the Ryedale Local Plan, and sections 111 and 112(c) of the NPPF.

Conclusion

The proposed development is considered to be acceptable in principle. It provides much needed accommodation for individuals in a relatively central location, with good access to services and facilities. It is considered that it is also an important source of accommodation for workers that are employed by local businesses, and as such help to support the local economy. These matters weigh significantly in favour of the proposed development. The objection of the LHA on the basis of highway capacity and safety is understood. In view of the fall-back position however, the proposal is, in officer's opinion finely balanced. However given the position of the LHA, it is considered that the benefits of the proposed development do not outweigh the fundamental highway safety issues raised by the Local Highway Authority. On balance, therefore, the recommendation is one of refusal for the following reasons:

RECOMMENDATION: Refusal

- 1 In the absence of adequate on-site parking, the proposed development would be likely to result in additional vehicles parked outside the site on the County Highway. This would be to the detriment of the free flow of traffic and road safety. The proposal would add to the existing congestion which is experienced in this location, particularly at the beginning and end of the school day by virtue of the on road parking narrowing the carriageway to one-way working. This is contrary to the requirements of Policy SP20 (Generic Development Management Issues) of the Ryedale Local Plan, and sections 111 and 112(c) of the NPPF.