

Parish: Thirsk
Ward: Thirsk
16

Committee date: 18 October 2018
Officer dealing: Miss Ruth Hindmarch
Target date: 23 October 2013

18/01334/FUL

**Alterations and change of use of dwelling to create a house of multiple occupancy and alterations to the garage to form a car port
At The Old Model Lodgings, 1A Barbeck, Thirsk
For Miss Ruth Morris & Mr Samuel Borin**

This application is referred to Planning Committee at the request of a member of the Council.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The host building is a four storey property forming the middle property within a row three similar style properties. The property fronts onto Barbeck and is immediately adjacent to the public highway (footpath). To the rear the property has a single storey off shoot that provides living accommodation and a garage area, there is also a yard area. This is accessed through the parking area to the rear of the adjoining property at 1C Barbeck.
- 1.2 The site is located in a largely residential area and is close to Thirsk Town Centre. The wider area contains a mix of uses including shops and services.
- 1.3 The application seeks consent to change the use of 1A Barbeck from a residential dwelling to a property used for multiple occupation. The application states the applicants will live at the property and manage it themselves. They will occupy the ground floor bedroom that also has a kitchen/dining/lounge area and there will be five further rooms they intend to let. There is a communal kitchen area at ground floor for bedrooms 1, 3 and 4 with a further kitchen area on the second floor for rooms 5 and 6. Each room has bathroom facilities.
- 1.4 The applicant has stated the rooms are likely to be let out to single people however there is scope to let some rooms to couples. The applicant initially advised that they would like to proceed on the basis of couples but later confirms that other than the unit that they will occupy all rooms will be let for occupancy by a single person.
- 1.5 The existing garage is to be amended to a car port and a door will be placed in the ground floor off shoot to allow access to this area and the bin storage within the yard area. Other external changes include the installation of fan outlets for kitchen and bathroom areas.
- 1.6 Improvements have been secured as in terms of the layout of the building in accordance with the requirements of the Environmental Health Officer. The EHO has approached the case mindful of the requirement for licencing as a Home in Multiple Occupation.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 It is considered there is no planning or enforcement history relevant to this proposal.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Development Policy DP1 - Protecting amenity
Core Strategy Policy CP17 – Promoting high quality design
Development Policy DP32 - Design
National Planning Policy Framework - published July 2018

4.0 CONSULTATIONS

- 4.1 Town Council – recommend refusal, unclear how many residential units are proposed. Provision must be included for storage of waste/recycling and there is insufficient parking and unsuitable access. Support the neighbouring residents objections.
- 4.2 Highway Authority – Concern must be expressed with regard to the lack of off street car parking that is associated with the proposed development. All the roads around the site are protected by waiting restrictions (double yellow lines) and therefore any objection on highway grounds would not be sustainable.
- 4.3 Environmental Health – Initial concerns regarding layout however having considered the amended plans and the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be no negative impact. Therefore the Environmental Health Service has no objections. It is noted the proposal would require a HMO Licence from the Local Authority.
- 4.4 Police Designing Out Crime Officer – Should this application be granted I would ask that a planning condition be placed on it requiring that prior to first occupation, that the applicant provides full written details of what crime prevention measures are to be incorporated into the development. These measures should be agreed in writing by the Local Authority in consultation with North Yorkshire Police.
- 4.5 Public comments – two objections have been received from neighbouring residents. Concerns relate to the potential for noise, nuisance and antisocial behaviour, insufficient parking and the impact on the likelihood of being able to secure tenants in one of the objector's property and the impact on the value of their property.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) residential amenity; (iii) visual impact; and (iv) highway impact

Principle of development

- 5.2 The application site is located within the development limits of Thirsk where proposals for residential development are generally supported in principle. The site is located close to the town centre which provides a number of services within walking distance. The town centre would also provide access to public transport such as buses.
- 5.3 The site is considered to be in a sustainable location that would be appropriate for the proposed use.
- 5.4 It is also noted the property is currently in residential use, and the principle of residential development is therefore already established. The proposed house in multiple occupation retains the residential use and the applicant could operate a HMO for up to six unrelated people without the need for planning consent, this would cover the applicants at ground floor and then one unrelated person in each of the

other rooms (five rooms). On this basis and depending upon the way that the property is occupied it is possible that the creation of a series of units use would not require planning permission. Therefore it is appropriate to note the use could operate to a certain level without the need for planning permission.

Residential amenity

- 5.5 Concern has been raised from a local resident regarding the potential for noise and disturbance. It is acknowledged the proposed use is likely to bring about intensification in the number of persons residing in the property as a whole however the impact in terms of noise and disturbance is not considered to be significantly greater than the use of the property as a single dwelling. Furthermore, the Environmental Health Officer considers there will be no negative impact in terms of the impact on amenity and the likelihood of the development to cause a nuisance. The Environmental Health Officer therefore raises no objection.
- 5.6 With regard to the potential for anti-social behaviour, the Police Designing Out Crime Officer (DOCO) has provided comments on the proposal. The development lies within an area with relatively moderate crime and disorder levels. However any new development has the potential to increase these levels if the designing out of crime is not considered and implemented. The DOCO notes the use will require a licence and states that a condition should be placed on the licence requiring that reasonable steps be taken to prevent or reduce anti-social behaviour by occupants or persons visiting the house. This is noted and it is further recommended that if approved a condition be added to ensure written details of the crime prevention measures to be incorporated into the development are agreed and implemented prior to occupation.
- 5.7 In terms of the amenity of the proposed occupants, the layout was changed to be in line with requirements of the Environmental Health Officer and it is also noted the proposed use will require a licence which includes controls on the size of rooms, the facilities and safety.
- 5.8 Due to the limited external changes it is considered there will be no impact on neighbouring properties in terms of overshadowing and overbearing.

Visual Impact

- 5.9 The proposal includes limited external alterations. The changes proposed are considered appropriate in terms of scale and appearance and it is considered there will be limited visual impact.

Highway Impact

- 5.10 Local Residents and the Town Council have raised concerns over the level of parking available and unsuitable access. The Local Highway Authority has been consulted on the proposal and whilst raising concern about the lack of off street parking associated with the property, it is stated that all the roads around the site are protected by waiting restrictions (double yellow lines) and therefore any objection on highway grounds would not be sustainable.
- 5.11 The plans for the existing property show there are four bedrooms, this proposal includes an additional two bedrooms and there could be additional people accommodated within the property. As stated by the Highway Authority there are double yellow lines in operation close to the application site and they do not consider an objection is sustainable.
- 5.12 The site is located within walking distance of the town centre and the occupants would therefore have access to modes of transport other than a motor vehicle. There

is also space within the site to provide secure cycle storage which could encourage occupiers to use bicycles as a mode of transport. The lack of convenient parking would reduce the attractiveness of the property for those who wish to park a private vehicle close to the property. Occupiers and their visitors would have to find parking on streets beyond the areas with double yellow lines. As it cannot be determined where future residents would choose to park it is not possible to determine the level of impact on neighbouring streets other than to note the scale of the change in the occupancy level is limited by the scale of change between the existing and proposed room arrangement.

- 5.13 It is also acknowledged that due to the location of the site occupiers would have access to services and places of employment without the need to use a motor vehicle.
- 5.14 Paragraph 109 of the National Planning Policy Framework states that 'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety'. On balance it is considered that due to the site already being in residential use and its location in proximity to services, employment and public transport links, the level of demand for parking caused by this development would not be significantly greater than the existing. The lack of off street parking and the impact on highway safety would not therefore be significant enough to warrant refusal of the application.

Amenity for residents

- 5.15 The space available within each of the units differs. Ranging from Unit 1 at 48.3 sqm to Unit 5 which is the smallest of the units 9.4 sqm, of which 7.9 sqm is within the lounge/bedroom and a further 1.5 sqm in the adjacent shower/WC. Adjacent to Unit 5 is a kitchen to serve Units 5 and 6. It is considered that the space available to the occupier(s) of Unit 5 are too small to meet the expectations of Policy DP1 which requires that: "Development must make provision for the basic amenity needs of occupants and/or users, including where appropriate provision of an adequate level of open space for the use of occupants/users of the development." The outdoor space available for the 6 units is shared yard and parking and carport area of about 43 sqm. Overall the extent and quality of the space available for residents is considered to fail the requirements of the policies of the LDF at CP1, DP1, CP17 and DP32.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** subject for the following reason:
1. The proposed development would result in a poor standard of development with insufficient internal space and inadequate access to open amenity space of a suitable quality such that the proposal is contrary to the provisions of the Local Development Framework Policies CP1, DP1, CP17 and DP32