

COMMITTEE REPORT

Date: 15 October 2015 **Ward:** Osbaldwick and Derwent
Team: Householder and **Parish:** Osbaldwick Parish
Small Scale Team Council

Reference: 15/01718/FUL
Application at: 32 Tranby Avenue Osbaldwick York YO10 3NB
For: Change of use of dwelling house (use class C3) to a house
in multiple occupation (use class C4)
By: Mr and Mrs K Blade
Application Type: Full Application
Target Date: 19 October 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is a semi-detached property and permission is sought for its use as a house in multiple occupation.

1.2 Planning permission was granted on 9 January 2015 for a two storey side and single storey rear extension to the property. This permission has not been implemented to date. The applicant has indicated that the extension will be built. Whilst technically the current application relates only to the house as existing, the extension when built, would also benefit from a permission for an HMO within the C4 use class should Members be minded to grant permission. As such this report considers the impact of a four bedroom house in multiple occupation (HMO) within use class C4) incorporating the permitted extension.

MEMBER CALL-IN

1.3 The application has been called-in for consideration by Sub-Committee by Councillor Warters for the following reasons:

- Accuracy of the CYC HMO database and the validity of the threshold calculation in relation to this application.
- Impact on neighbourhood amenity over the potential establishment of another HMO on this road.
- Impact on public highway over the potential establishment of another HMO on this road in terms of displaced parking.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001
DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYGP1 Design
CYH8 Houses in Multiple Occupation

3.0 CONSULTATIONS

INTERNAL:

Planning and Environment Management

3.1 Within 100m of 32 Tranby Avenue , Osbaldwick, there are currently 2 known HMOs out of 32 properties, 5%. At the neighbourhood level there are currently 70 known HMOs out of 731 properties, 9.58%. In accordance with the provisions of the SPD neither the neighbourhood or street level thresholds have been breached. An assessment of residential amenity (bin storage, parking etc.) and the ability of the area to absorb further change of use should also be undertaken.

EXTERNAL:

Osbaldwick Parish Council

3.2 The Parish Council object on the following grounds:

- Loss of family homes
- Noise at unsociable hours
- Increased on street parking
- Over load sewerage systems
- Inadequate waste disposal
- Unhygienic storage of rubbish in front garden
- Increase in non- tax paying households
- No confidence in accuracy of HMO database with database/ concerns that street levels have been breached

Neighbour Notification and Publicity

3.3 One objection has been received on the following grounds:

- Inaccuracy with data base/ concerns that there are more rented houses in this location.

4.0 APPRAISAL

PLANNING POLICY

4.1 The National Planning Policy Framework 2012 (NPPF) sets out the overarching roles for the planning system. In Paragraph 14 it advises that there is a presumption in favour of sustainable development at the heart of the Framework, which should be seen as a golden thread running through both plan-making and decision-taking.

4.2 Paragraph 7 advises that there are three dimensions to sustainable development, which gives rise to the need for the planning system to perform the following roles:

- economic - contributing to building a strong, responsive and competitive economy
- social - supporting strong, vibrant and healthy communities
- environmental - contributing to protecting and enhancing the natural, built and historic environment

4.3 Paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 50 states that in order to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities the local planning authority should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

4.4 Development Control Local Plan Policy H8 - "Conversions". Where a material change of use has occurred, for properties changing use from C3 (dwelling house) to the new use class C4 (H.M.O). Policy H8 sets out the current criteria in conjunction with the new (SPD) by which conversions of houses to HMO's should be assessed. On this basis planning permission will only be granted for the conversion of a house to a HMO where:

- the dwelling is of sufficient size (min 4 bedrooms) and the internal layout is shown to be suitable for the proposed number of households or occupants and will protect residential amenity for future residents;
- external alterations would not harm the appearance of the area;
- adequate on and off road parking and cycle parking is incorporated;
- it would not create an 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;
- Adequate provision is made for the storage and collection of refuse and recycling.

4.5 Development Control Local Plan Policy GP1 states that development proposals will be expected, amongst other things, to respect or enhance the local environment, be of a density, layout, scale, mass and design that are compatible with neighbouring buildings, and ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.6 Supplementary Planning Document - Controlling the concentration of Houses in Multiple Occupancy. This document was approved by cabinet members on 15 April 2012. This guidance has been prepared in connection with an Article 4 Direction that City of York Council placed on all houses within the defined urban area, bringing within planning control the change of use of dwellings (Class C3) to small HMO's occupied by between 3 and 6 people (Class C4). The new SPD advises applications for change of use from dwellings to HMO's will 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.

PRINCIPLE OF CHANGE OF USE

4.7 A key issue in determining this application is an analysis of the amount of shared houses within the street and neighbourhood, in accordance with the Council's SPD. The aim of this percentage based criteria is to avoid high concentrations of HMOs developing in an area. This is important for maintaining community cohesion and helping the development of strong, supportive and durable communities (paragraph 5.1). The document considers that the 10% street level and 20% neighbourhood level figure represents a 'tipping point' beyond which the make-up of the community becomes unbalanced.

4.8 No. 32 Tranby Avenue falls within a neighbourhood area where 70 out of 731 properties are HMOs (9.58%) and within 100m of the property 2 out of 32 properties are HMOs (5%). The application is in accordance with the provisions of the Draft Supplementary Planning Document as the neighbourhood and street level threshold have not been breached. As such the principle of the change of use is considered to be acceptable.

IMPACT ON THE CHARACTER OF THE AREA AND RESIDENTIAL AMENITY

4.9 The extended property would remain domestic in appearance, and would effectively function as a single household albeit as a shared house. The surrounding neighbourhood is characterised by traditional semi detached dwellings, many of which have been extended.

4.10 In terms of the impact on neighbouring living conditions from unsociable noise and behaviour from the tenants, the house is shown as offering accommodation for four people and this is not considered to be excessive. It is acknowledged that a C4 use would allow for up to six persons and in this instance there would be the possibility for the applicant to convert one of the downstairs rooms into a bedroom. There is no undue concentration of HMOs in either the street or the neighbourhood so general comings and goings associated with such a use, which can be an issue where there are a number of such properties in close proximity should not materialise here. Normal comings and goings from this one property are unlikely to result in such significant harm to neighbours as to justify the refusal the application. There is no specific evidence to suggest that the occupation of the property as a HMO would result in additional noise or disturbance that would adversely affect the character of the area. Issues relating to harmful noise, untidy land, rubbish and late night noise from students can be addressed under separate legislation as well as through enforcement of a recommended management condition.

4.11 In terms of the concerns relating to the loss of family homes for HMO accommodation, this situation is controlled by the Article 4 Direction placed on all houses within the urban areas of York, which is supported by the SPD (Controlling the Concentration of Houses in Multiple Occupancy). The application of the thresholds in the SPD to decision making avoids the undue loss of family homes within the C3 use class .

PROPOSED ACCOMMODATION

4.12 The approved plans for the extended property have been considered and illustrate that the internal areas of extended property would provide bedroom accommodation for up to four people .The layout shows that there would be communal areas on the ground floor level including kitchen, family room, dining and sitting room. In addition there would be a ground floor WC, bathroom and shower room at first floor. In addition the layout would include a garage for the storage of one car, access to the rear garden is retained.

4.13 In addressing issues of property maintenance, the applicant would be required to submit a comprehensive management plan on the grant of planning permission. The management plan would ensure that the property is properly maintained so that it does not detract from the local environment. The Management Plan would also

provide information and advice to residents, garden maintenance, refuse and recycling collections and property maintenance issues.

HIGHWAYS AND PARKING

4.14 The submitted drawings show an extended hard surface to accommodate two cars, however the existing dropped kerb and crossover of the grass verge is not shown to be extended in width which would limit the effective use of the hardstanding. The parking spaces shown (including the garage) would be in accordance with the Council's maximum car parking standards for HMOs. There are no car parking restrictions on Tranby Avenue and the width of the highway allows cars to be parked on the roadside whilst also allowing cars to pass. It is not considered that the HMO use would necessarily generate greater demand for parking than a family dwelling. However, in order to address issues of off street parking a suitable condition is recommended for the attached garage to remain and not converted into habitable accommodation.

4.15 A new cycle store is shown in the rear garden which can be secured by condition. Tranby Avenue is on the no.4 bus route to the University and City Centre which has a 10 minute frequency during the day.

5.0 CONCLUSION

5.1 The property is within the urban area, well served by local facilities and close to public transport routes. The dwelling is considered to be a sufficient size, and with an adequate internal layout. It is not considered that that normal comings and goings from this one property would result in significant harm to neighbours. The thresholds within the Council's Supplementary Planning Document have not been exceeded. As such the proposal is considered to comply with Policy H8 of the DCLP Plan and subject to conditions is recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years

2 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.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the garage indicated on the submitted drawings shall not be externally altered or converted to living accommodation.

Reason: To ensure that there is adequate cycle parking/storage space at the property and any proposals to increase living accommodation can be assessed on their merits.

4 HWAY18 Cycle parking details to be agreed

7.0 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 (paragraphs 186 and 187) 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:

The imposition of appropriate planning conditions.

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