

COMMITTEE REPORT

Date: 5 January 2017 **Ward:** Micklegate
Team: Householder and **Parish:** Micklegate Planning
 Small Scale Team Panel

Reference: 16/02342/FUL
Application at: 48 Trafalgar Street York YO23 1HZ
For: Change of use of dwelling (use class C3) to House in
Multiple Occupation (use class C4)
By: Mr Stephen Robling
Application Type: Full Application
Target Date: 6 January 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks permission for a change of use from a three bedroom dwelling (Use Class C3) to a three bedroom House in Multiple Occupation (Use Class C4). This mid-terrace dwelling is sited within a residential area, surrounded by similar style dwellings and located close to the city centre and facilities in South Bank and Bishopthorpe Road.

1.2 This application is called to sub-committee for decision by Councillor Gunnell due to concerns relating to parking, possible anti-social behaviour, noise and loss of family home.

2.0 POLICY CONTEXT

2.1 Policies: CYH8 Conversion to flats/HMO/student accom

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management (Forward Planning)

3.1 Neither the street, nor neighbourhood levels for HMOs have been breached.

EXTERNAL

Micklegate Planning Panel

3.2 No comment received up to date of writing.

Neighbour Notification and Publicity

3.3 Three letters of objection received from neighbouring residents raising the following points:

- Increased pressure upon parking within the street which may also impede access for emergency vehicles, air pollution and road safety;
- House already in use as HMO;
- Possible anti-social behaviour;
- Increased noise;
- Loss of family housing;
- Loss of privacy to neighbouring courtyard;
- Impact upon neighbouring house values;
- Increased amounts of rubbish;

4.0 APPRAISAL

KEY ISSUES

- Concentration of HMO's in the area and loss of family housing
- Impact on the character and appearance of the area;
- Amenity of future occupants of the property
- Impact on the amenities of local residents.

POLICY BACKGROUND

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 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.

4.3 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the NPPF.

4.4 Development Control Local Plan Policy CYH8: Conversions sets out the criteria 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

Had the Article 4 Directive not been introduced, this proposal would have constituted permitted development. Given the purpose of the directive was to control concentrations of houses in multiple occupation, and protect family housing, the requirement of the above policy which requires the provision of a minimum of four no. bedrooms, is not considered to be a material consideration.

4.5 Draft Supplementary Planning Document (SPD): Controlling the Concentration of Houses in Multiple Occupancy was approved by cabinet on 15 April 2012. 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.

4.6 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.

4.7 Paragraph 5.17 advises 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 the following:

- the dwelling is large enough to accommodate an increased number of residents;
- there is sufficient space for potential additional cars to park;
- there is sufficient space for appropriate provision for secure cycle parking;
- the condition of the property is of a high standard that contributes positively 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 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 area within the curtilage of the property; and
- the change of use and increase in number of residents 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

CONCENTRATION OF HMOS IN THE AREA AND LOSS OF FAMILY HOUSING

4.8 One of the aims of the Council's SPD is to avoid situations where existing communities become unbalanced by an overconcentration of HMO's within a particular street or the wider area. Paragraph 5.2 of the SPD states a 'threshold based policy approach' is considered most appropriate method for tackling concentrations as this identifies a 'tipping point' when issues arising from concentrations of HMO's become harder to manage and a community or locality can be said to tip from balanced to unbalanced.

4.9 Within 100m of 48 Trafalgar Street there is currently 1 known HMO out of 49 properties, 2.04% (SPD threshold 10%). At the neighbourhood level there are currently 16 known HMOs out of 678 properties, 2.36% (SPD threshold 20%). The proposal is therefore below both the street and neighbourhood thresholds levels established by the SPD and it is not considered the proposal could be assessed as having the potential to create an unbalanced community. However, this still leaves the requirement for the proposal to avoid harmful impact on neighbouring amenity through noise disturbance or residential character by virtue of the conversion alone or cumulatively with a concentration of HMO's.

4.10 The loss of family homes for shared accommodation and student housing is controlled by the Article 4 Direction. The SPD document focuses on avoiding high concentrations of HMO's in particular streets/areas, in order to avoid the undue loss of family homes and maintaining community cohesion and helping the development of strong, supportive and durable communities.

Within the context of the SPD the aim is to avoid situations where existing communities become unbalanced by narrowing household types which can have a detrimental impact on neighbourhoods.

Given the HMO thresholds reported in 4.9 above, this potential situation does not arise in this case.

IMPACT ON RESIDENTIAL AMENITY AND THE CHARACTER OF THE AREA

4.11 In terms of potential impact on neighbours, given the low numbers identified above (2.04% within 100m and 2.36% at neighbourhood level) it is considered that the number of HMO's in the area, and the consequent number of comings and goings from the house would not materially harm the amenity of neighbours and the overall quality of life in the area, despite the relatively high density of the housing here.

4.12 As no change to the layout of the dwelling is proposed it is not considered any additional loss of privacy will occur. The implementation of a management plan relating to the maintenance of external areas, refuse and re-cycling collections and minimising noise disturbance has been submitted to help ensure that residential amenity is not adversely affected. It is acknowledged that a C4 HMO use would allow for up to six persons though in this instance due to the siting of the stairs and kitchen it would be difficult to convert existing ground floor space to additional bedrooms. Levels of HMO use in the area are well below SPD threshold levels 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 harm to neighbours as to refuse the application. In the event of any issues arising in terms of individual tenants, they can either be taken up with the current owner/occupier or future landlord, or by recourse to environmental protection legislation (excessive noise and disturbance)

AMENITY OF FUTURE OCCUPANTS

4.13 The property lies within a relatively short distance to the city centre and local facilities. There are currently three bedrooms in the dwelling and this application is proposing accommodation for 3 occupants, with two bathrooms, a communal living room and dining room and kitchen. It is considered the dwelling offers adequate living space, along with adequate space to the rear for cycle/bin storage areas. Due to the small amount of external space within the site, it is considered appropriate to remove permitted development rights for future extensions.

PARKING ISSUES

4.14 The property, along with its neighbours, has no off-street parking. On-street parking is not controlled under the ResPark scheme in the vicinity. Although not directly relevant as off-street parking is not provided, the Council's maximum car

parking standards are the same for a 3-bed dwelling within use class C3 and a 3-bed HMO within use class C4. It is not considered this proposed use would significantly impact upon parking over and above the use as a family dwelling.

5.0 CONCLUSION

5.1 The dwelling is considered to be a sufficient size, and with an adequate internal layout, for a 3 bedroom HMO. The 100m and neighbourhood thresholds within the Council's Supplementary Planning Document have not been exceeded and there is no evidence to suggest a potentially significant impact upon the amenity of existing local residents. The proposal is considered to be acceptable and complies with national guidance in the NPPF, Development Control Local Plan Policy H8 and the City of York Council's Supplementary Planning Document (Controlling the Concentration of Houses in Multiple Occupancy).

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Submitted existing and proposed floor plan received on 10/10/2016

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes A and E of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: Due to the small scale of the site and in order to retain sufficient bin/cycle storage areas and amenity space, and to protect neighbouring amenity the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

4. The existing detached shed, as shown on site plan received on 20/11/2017, shall be retained to provide sufficient storage area for 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.

5. Occupation of the house as an HMO shall be in accordance with information contained in the Management plan received by the Local Planning Authority on the 22nd November 2016 and titled 'HMO Management Plan for: 48 Trafalgar Street'; with particular regard to those matters referring to

- 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.

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) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

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