

COMMITTEE REPORT

Date: 3 September 2015 **Ward:** Osbaldwick and Derwent
Team: Householder and **Parish:** Osbaldwick Parish
Small Scale Team Council

Reference: 15/01533/FUL
Application at: 47 Thirkleby Way Osbaldwick York YO10 3QA
For: Change of use from dwelling (use class C3) to House of
Multiple Occupation (use class C4)
By: Miss Luciana Nok Sze Lau
Application Type: Full Application
Target Date: 9 September 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks planning permission to convert a three bedroom single occupancy dwelling house (Use Class C3) into a four bedroom house in multiple occupations (HMO) (Use Class C4). The current layout provides a lounge/dining room, kitchen and utility on the ground floor with three bedrooms and bathroom room on the first floor. The application site is a semi detached property with an attached garage set back from the public highway and situated with ample gardens to the front and rear.

1.2 This application has been called in to the Area Planning Sub Committee by Councillor Mark Wartens on the basis of neighbour amenity issues.

PROPERTY HISTORY:

1.3 The application to construct a single storey rear extension and side dormer at this property has been withdrawn on 03.08.2105 (ref 15/01364/FUL).

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

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

2.2 Policies:

CYGP1 – Design
CYH8 – Houses in Multiple Occupation

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management

3.1 Within 100m of 47 Thirkleby Way, Osbaldwick, there are currently 2 known HMOs out of 42 properties, 4.76%. At the neighbourhood level there are currently 92 known HMOs out of 746 properties, 12.33%. In accordance with the provisions of the SPD neither the neighbourhood or street level thresholds have been breached.

Highway Network Management

3.2 Verbally officers confirm that no proposed traffic calming measures are in place in this location.

EXTERNAL:

Osbaldwick Parish Council

3.3 The Parish Council object on the following grounds:

- Loss of family homes
- Noise at unsociable hours
- Increased on street parking
- Over load sewage 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

3.4 Objections have been received from 5 neighbouring properties on the following grounds:

- The numbers of HMO properties in Osbaldwick are approaching a point where they are detrimental to local community and create an unbalanced community.
- The street level is breached
- Alter the street from being family orientated
- Increase in HMO could result in a reduction of school places for the families in neighbourhood
- Noise

- Poor Parking
- Safety of Children
- Additional rubbish
- Small Avenue with an existing two HMO property.

3.5 A Petition received from the occupiers of eleven properties in Thirkleby Way raising the following issues:-

- External maintenance of the HMO houses
- Exposed waste/ recycling boxes
- Loss of balanced community
- Parking/ parking in the customer car parks for the nearby shops
- Three houses in a row uses as HMO (if approved)

4.0 APPRAISAL

KEY ISSUES

4.1 The key issues in assessing the proposal are:

- Whether the change would lead to an unacceptable concentration of HMOs in a single location.
- Whether the accommodation is of an appropriate standard and whether the use would impact adversely on local residents.

4.2 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.

4.3 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 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.

4.5 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

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

4.7 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.

4.8 Paragraph 5.17 of the SPD 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

PRINCIPLE OF CHANGE OF USE:

4.9 The application property falls within a neighbourhood area where 92 out of 746 properties are HMOs (12.33%) and within 100m of the property, 2 out of 42 properties are HMOs (4.76%). The application is in accordance with the provisions of the Draft HMO SPD as the neighbourhood and street level threshold have not been breached. As such the principle of the change of use to HMO is considered to be acceptable.

ACCOMMODATION:

4.10 There are three bedrooms proposed on the first floor with one bathroom. The downstairs would provide a living room/ kitchen and utility area. There is one further bedroom proposed by converting the existing dining room located at the rear of the dwelling. The external areas incorporate an attached garage that can be used as vehicle parking, cycle storage and storage for wheeled bins/ recycling boxes. Also additional parking for one car can be achieved on the side driveway. There is an ample sized enclosed rear garden, which can be used as outdoor amenity space and is adequately screened from adjacent neighbouring properties and rear boundary by a close boarded fence. It is noted that the smallest bedroom on the first floor is small but that this was originally designed to be used as a bedroom. The facilities provided are of a sufficient standard to accommodate four individual occupants on a shared basis.

4.11 The property is in close proximity to York University and local public transport links into the city centre, as well as a range of local shops. There would be sufficient car and cycle parking available within the existing garage and side driveway. The proposal conforms to the Council's maximum car parking standards.

RESIDENTIAL AMENITY/ PUBLICITY OBJECTIONS:

4.12 In terms of neighbour amenity the use of the property as a C4 HMO is not in itself a reason to refuse the application on neighbour amenity grounds. However, the objections received from the local neighbourhood have been assessed in connection with suitability of the property, noise, disturbance, pollution and the associated parking and cycle storage facilities.

4.13 In terms of the concerns raised by the residents on issues of additional on-street car parking, there are no car parking restrictions on Thirkleby Way and the width of the highway allows cars to be parked on the roadside whilst also allowing cars to pass. Highway Officers have confirmed that parking problems around the shops occur mostly during deliveries to the local supermarket. Furthermore it is not considered that the HMO use would necessarily generate greater demand for parking than a family dwelling. However, a condition is recommended that the attached garage shall remain and not be converted into additional accommodation, so that acceptable off street car and cycle parking is retained.

4.14 In addressing issues of the lack 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. It is also the case that this would be controlled by condition, which would provide an opportunity for any problems that may arise to be referred to the applicant.

4.15 In terms of unsociable noise and behaviour from the tenants, the house is shown as offering accommodation for up to four people and this is not excessive. Levels of C4 uses are acceptable in the area so general comings and goings associated with such a use, which can be an issue where there is an unacceptable concentration of such properties 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. There is no specific evidence to suggest that the occupation of the property as HMO would result in additional noise or disturbance that would adversely affect the character of the area. Issues relating to noise, untidy land, rubbish and late night noise from students could be addressed under separate legislation such as the Environmental Protection Unit.

4.16 In terms of the concerns relating to the loss of family homes for rented accommodation and primarily student housing, 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).

Whilst these concerns are appreciated, nevertheless, 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. Furthermore, 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.

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, for the ongoing to accommodation of three unrelated individuals. The thresholds within the Council's Supplementary Planning Document have not been exceeded. There is no evidence to suggest a potentially significant impact upon the amenity of existing local residents. As such the proposal is considered to comply with Policy H8 of the Draft Local Plan and subject to conditions is recommended for approval.

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:-

Existing and proposed floor plans and location plan.

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

3 HMO1 HMO Management Plan

4 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.

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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