

COMMITTEE REPORT

Date: 10 December 2020 **Ward:** Micklegate
Team: West Area **Parish:** Micklegate Planning Panel

Reference: 20/01561/FUL
Application at: 54 Scarcroft Hill York YO24 1DE
For: Change of use of dwelling house (Use Class C3) to House in Multiple Occupation (Use Class C4)
By: Mr Webster
Application Type: Full Application
Target Date: 15 December 2020
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks retrospective permission for the change of use of 54 Scarcroft Hill from a dwellinghouse (use class C3) to a 6 bedroom house in multiple occupation (use class C4).

1.2 The property is a traditional 5 bedroomed mid-terraced dwelling situated in the Central Historic Core Conservation Area, comprising a mix of terraced and semi-detached dwellings. The area is within walking distance of the city centre and is predominantly characterised by family housing. On street parking is part of the resident's parking permit scheme in operation 09.00-17.00 Monday to Friday.

1.3 The application has been called to committee by Cllr Crawshaw on the grounds of the potential impact on the character of the area and in particular the potential detrimental impact on parking of such a large HMO.

2.0 POLICY CONTEXT

Publication Draft Local Plan 2018

D4 – Conservation Areas
CYH8 - Conversion to flats/HMO/student accom

Development Control Local Plan 2005

CYGP1 – Design
CYP4a – Sustainability
CYH8 - Conversion to flats/HMO/student accom
HE4 – Conservation Areas

3.0 CONSULTATIONS

INTERNAL

Forward Planning

3.1 Neither the street level of neighbourhood levels are breached - Street level: 0 HMOs out of 49 dwellings = 0.00% and Neighbourhood level: 43 dwellings out of 1523 dwellings = 2.8%. As such it is likely that the change of use would not have an adverse impact on housing mix in this part of the city.

Network Management

3.2 There is community parking on Scarcroft Hill and as such HMO permits can be issued. The change of use may increase the number of permits applied for but it is believed this will be minimal (2 to 3 cars could be expected for a 5 bed house against 0.5 cars per bed for a HMO) – so 3 spaces are required in this instance. As such it is not considered a big enough impact to warrant removal from the zone or a defensible refusal reason.

EXTERNAL

Micklegate Planning Panel

3.3 The Panel objects on the grounds of overdevelopment which is inappropriate in the area.

4.0 REPRESENTATIONS

4.1 Objections from 12 neighbouring properties have been received. The following issues have been raised:

- HMO licence granted for 7 people however the planning application seeks consent for only 6.
- noise disturbance due to thickness of walls
- lack of parking
- insufficient space for refuse and recycling
- insufficient space for cycle parking
- over-intensive use of a family property
- loss of family housing
- behaviour of landlord in flouting planning rules

- vermin due to insufficient bin storage
- the rear alleyway has become a smoking area and is littered with cigarette butts
- inaccuracies in the application form – ie numbers of tenants, parking, refuse and cycle provision
- reduction in broadband width in the street due to number of students accessing the internet

5.0 APPRAISAL

KEY ISSUES

5.1 The key issues in the assessment of this proposal are the impact upon the amenity of neighbours, impact on the character and appearance of the conservation area, and whether the car and cycle parking and refuse storage arrangements are acceptable.

POLICY CONTEXT

National Planning Policy Framework

5.2 The National Planning Policy Framework, February 2019 (NPPF) sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development.

5.3 Paragraph 127 states that planning policies and decisions should ensure that developments will achieve a number of aims including:

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
- establish a strong sense of place
- optimise the potential of sites

5.4 Paragraph 192 says that when determining planning applications, local planning authorities should take account of sustaining and enhancing the significance of any heritage asset, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 193 states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Local Plan Policies

Publication Draft Local Plan 2018

5.5 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

5.6 Policy H8 states that applications for the change of use from dwelling house (Use Class C3) to HMO (Use Class C4 and Sui Generis) will only be permitted where:

- it 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 or are known to the Council to be HMOs; and
- 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 permission or are known to the Council to be HMOs; and
- the accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

5.7 In Paragraph 5.53 it 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.

Development Control Local Plan 2005

5.8 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 very limited. It is considered that the following policies/criteria are relevant:

- Policy GP1 (a) requires development proposals to respect or enhance the local environment
- Policy GP4a (i) requires that development proposals make adequate provision for the storage and collection of refuse and recycling.
- Appendix E to the Local Plan outlines car and cycle parking standards for development and specifies that HMO's should provide 1 car parking space per 2 bedrooms and 1 cycle parking space per bedroom.
- Policy HE4 requires proposals to have no adverse effect on the character and appearance of the area.
- Policy H8 sets out the criteria by which conversions of houses to HMO's should be assessed including that the dwelling has a minimum of 4 bedrooms; adequate car and cycle parking is provided; there would be no adverse impact on neighbouring amenity by virtue of the conversion alone or cumulatively with a concentration of such uses.

Draft Supplementary Planning Document (SPD): Controlling the Concentration of Houses in Multiple Occupancy (2014)

5.9 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. In Paragraph 5.15 the SPD recognises that concentrations of HMOs can impact upon residential amenity and can, in some cases, create particular issues with regard to:

- increased levels of crime and the fear of crime;
- poorer standards of property maintenance and repair;
- littering and accumulation of rubbish;
- noises between dwellings at all times and especially at night;
- decreased demand for some local services;
- increased parking pressures; and
- lack of community integration and less commitment to maintain the quality of the local environment.

5.10 In Paragraph 5.17 it outlines 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 that the condition of the property is of a high standard that contributes positively to the character of the area and that 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.

5.11 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.

ASSESSMENT

5.13 Under Local Plan Policy and the SPD, in consideration of a proposal to establish an HMO, there is a requirement to avoid 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. In this respect, Paragraph 5.2 of the SPD states a 'threshold based policy approach' is considered most appropriate method for controlling the number of HMO's across the City, as this tackles concentrations and 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.

5.14 Council data indicates that within 100m (Street level) of the site that there are currently no known HMOs out of 49 properties - 0.00%. At the neighbourhood level there are currently 43 known HMOs out of 1523 properties – 2.8%. Neither of the thresholds have been breached and as such, the proposed change of use to a HMO is unlikely to significantly affect the balance of the community or the stock of family sized dwellings. Whilst a family house would be lost in this instance, HMO properties are required to provide accommodation for non-family occupiers who also require accommodation throughout the city. By introducing the Article 4 Directive, it helps to balance York's housing market and ensure that communities are not unbalanced by large concentrations of HMO properties. The use of this particular property as a HMO would be acceptable in this instance as it meets the requirements for adequate accommodation and facilities for the occupiers.

Car Parking

5.15 The Development Control Local Plan 2005 (DCLP) contains a car parking standard of 1 space per 2 HMO bedrooms. This is a maximum, which the DCLP states should be assessed downwards depending on the individual characteristics of each site. The property is located within a residents parking zone and permits would be available for the occupants of the HMO as they had been when it was a C3 dwelling. Whilst the application site is in a sustainable location, it would not be considered unusual for a family dwelling of this size to have at least two cars. The maximum requirement for a 6 bedroomed HMO would be for 3 car parking spaces. Whilst it is acknowledged that the HMO use may result in more permits being applied for, it is not considered that this would be a significant change to the existing overall number of cars requiring to park on Scarcroft Hill. As such the proposed change of use is not considered to have a significant additional impact on parking arrangements. Comments have been made that there may be more visitor parking as a result of the change of use, however it is unlikely that this would be significantly more than the use as a family dwelling, and it is unlikely that multiple tenants would have visitors at the same time.

Cycle Storage

5.16 Cycle Standards require provision of 6 no covered and secure spaces for a 6 no bedroom HMO. The cycle storage provided is a covered shelter with hoops for 6 no bicycles to the rear of the garden. Access to the rear is via the gated alleyway that runs along the rear of the property and there is a secure access pad on the rear gate into the garden. Access to the shelter would be directly off the alleyway and in this instance cycle storage facilities are considered to meet the cycle standards for covered and secure spaces.

Amenity of Occupants

5.17 The property is currently well-maintained, both internally and externally. There is a large open plan kitchen/diner and lounge to the rear of the ground floor. Two bedrooms would also be provided on to the ground floor, with 2no. bedrooms and a bathroom on the first and second floors. In addition, a small room to the rear of the first floor would be used as an office. Bin and recycling box storage is provided in the rear garden as per the previous arrangements for the house. The area is predominantly a black bag collection area and as such bins are provided for the storage of bags until collection day. A 360L bin would provide adequate storage for 6 individuals, however a second wheelie bin has also been provided for any additional bags. The property is considered to provide a good level of accommodation for 6no. individuals.

5.18 Concerns have been expressed by residents about the number of individuals residing at the property as a HMO licence has been granted for up to 7 individuals. The applicant has confirmed that it is only intended to have 6 bedrooms and 6 individuals however and this is reflected in the information submitted with the planning application. Use class C4 allows occupation by up to 6 people.

Impact on the Amenity of the Occupants of Neighbouring Properties

5.19 Objections have been received from adjoining neighbouring residents in relation to noise nuisance due to the limited thickness of the walls. The property is a large house, whether it is occupied by a large family or as an HMO the potential for noise and disturbance exists. Whilst it is acknowledged that students may have different lifestyles to that of a family, it is not considered that the occupation of the property as an HMO would individually or cumulatively result in significant harm to the amenity of neighbouring residents. The applicant has confirmed that a 'management plan' aimed at addressing issues which can arise in terms of properties in multiple occupation has been provided to the current tenants. Issues relating to anti-social behaviour, noise, disturbance etc can occur anywhere in the city and there are agencies and legislation to deal with this, should it happen.

Impact on the Conservation Area

5.20 The site lies within the Central Historic Core Conservation Area, character area 24 (The Mount). The main elements of the character and appearance of the area are set out in the Historic Core Conservation Area (CHCCA) character appraisal. The area is described as 'a leafy suburb with a good number of grand Victorian houses and attractive terraces'. Scarcroft Hill, Telford Terrace and Wentworth Road were added to the conservation area in 2011 due to their importance in maintaining the character of the area. The application property is typical of housing stock in the area and is currently well maintained externally. It is

not considered that the proposed use of the property as a house in multiple occupation would harm the character and appearance of the conservation area.

6.0 CONCLUSION

6.1 On balance and subject to conditions, it is considered that the use of the property as a HMO within the C4 use class is acceptable in terms of the balance of the community, impact on the conservation area, highways impact and local amenity. The application accords with the requirements of the NPPF, Policy H8 of the Publication Draft York Local Plan 2018 and Policies GP1 and H8 of the Development Control Local Plan 2005.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Proposed site plan, floor plan and refuse and recycling layout

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

3 A management plan shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of this decision 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.

8.0 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 (paragraph 38) 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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