



### **3.0 CONSULTATIONS**

#### INTERNAL

##### Housing Standards

3.1 Confirmed that the prohibition on the small first-floor bedroom has been removed. The dividing wall between this bedroom and the larger front bedroom, has been moved. The smaller front bedroom has been enlarged and now measures 6.55 square metres. This meets bedroom size standards.

#### EXTERNAL

##### Neighbour Notification / Publicity

3.2 Twelve letters of objection received - summarised below.

- Owner has flaunted the rules regarding the 'granny annexe'
- Threshold limits for HMO's already breached
- General concerns re HMO's in terms of rubbish, re-cycling, noise, ant-social behaviour
- Too many HMO's in Newland Park Drive.
- Why has it been allowed to operate in multiple occupation, when no consent was ever granted
- Annexe had been let as a separate dwelling subsequent to the Article 4 Directive coming into force (2012)
- Newland Park Drive already saturated with student accommodation
- Problems with noise, rubbish
- Parking problems - Damage to grass verge.
- Street will become a 'student ghetto'

### **4.0 APPRAISAL**

#### 4.1 KEY ISSUES

- Principle of the development
- Impact on the amenities of local residents
- Impact on the character and appearance of the area
- Amenity of future occupants of the property

4.2 The National Planning Policy Framework (2012) states that Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen

opportunities for home ownership and create sustainable, inclusive and mixed communities (paragraph 50) Paragraph 17 advises that planning should always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings.

#### City of York Council Publication Draft Local Plan 2018

4.3 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. The emerging Draft Local Plan policies can be afforded limited weight at this stage of preparation, and subject to their conformity with the NPPF. The evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications. Policy ENV2 states that development will not be permitted where future occupiers and existing communities would be subject to significant environmental impacts including noise.

#### City of York Council Development Control Local Plan 2005

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 very limited except where in accordance with the content of the NPPF. It is considered that the following policies/criteria are relevant as they are in accordance with Paragraph 17 of the NPPF, which advises that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings:

4.5 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.

#### Draft Supplementary Planning Document - Controlling the Concentration of Houses in Multiple Occupation (2012, amended July 2014)

4.6 Members will be aware that this document relates to applications for development consisting of a change of use of a building from a use falling within the Use Class 'C3' (a family dwelling house or flat for example) so is not relevant to this application.

#### Principle of the Development

4.7 The change of use would increase the number of bedrooms from 6 to 7. It is noted in that the number of shared houses in the immediate area of the application site is significantly above the threshold set out in the Draft Supplementary Planning Document (SPD): "Controlling the Concentration of Houses in Multiple Occupation", with 47% of properties in the neighbourhood area being shared houses (threshold 20%), and within 100m of the property 21% are shared houses (threshold 10%).

4.8 Records indicate that the property has been subject to student exemption for Council Tax since October 2011. Tenancy agreements submitted with the withdrawn Certificate of Lawfulness application indicate that the use had 5 residents, but that when the annexe was built (2013) the property (house and annexe) operated with up to 7 occupants. Visits to the premises by planning enforcement officers confirm this use. The Article 4 Direction, removing permitted development rights for changes of use from class C3 dwelling houses to class C4 HMOs, came into force in April 2012.

4.9 The evidence shows that the use of the property was changed to a house in multiple occupation prior to the Article 4 Direction and that an HMO use has existed at the property since. Officers consider that the use of the premises falls within use class C4 (small house in multiple occupation). The impact of the application in respect of the number of properties in multiple occupation in the street or neighbourhood area would therefore be neutral and the guidance in the SPD in respect of threshold levels cannot reasonably be used. The key issue is the increase in the number of bedrooms from 6 to 7.

#### Impact on the amenities of local residents and the character of the area

4.10 Issues relating to multiple occupancy of dwelling houses, are well versed. Accounts of, in particular, current student lifestyles and in addition, impact on the street environment, form the basis of concerns received in writing. It is acknowledged that the existing number of HMOs in the area is above the thresholds set out in the SPD. It is acknowledged that concerns arise in terms of rubbish, re-cycling, noise, anti-social behaviour and parking.

4.11 Given the property has been in multiple occupation since 2011, it is not considered that the change of use to a large HMO, effectively providing an additional bedroom for HMO use will result in any significant additional loss of neighbour amenity or unacceptable change to the character of the area.

4.12 The grant of planning permission would allow for the imposition of planning conditions for the implementation of a management plan relating to maintenance of external areas, refuse and re-cycling collections, property maintenance and any other relevant issues. Cycle parking can also be conditioned.

4.13 It is recognised that the annexe had previously been advertised as a separate residential unit, this would be a breach of a condition of the original planning permission. However the most recent site visit to the property noted that there was freedom of access throughout the ground floor and rear garden.

4.14 In terms of off-road parking, there is 1.no space on the front drive of the property. Had the application been for a change of use, from a Use Class C3 family dwelling, to a Large HMO (Use Class C4) then the off-road parking provision would have been a significant issue, given the potential intensification of parking requirements. However,

given the property has been in multiple occupation since October 2011 there will be no significant additional impact as a result of this proposal.

### Amenity Of Future Occupants

4.15 The proposed layout consists of, a porch, entrance hall, 2.no living rooms, kitchen, utility room, shower room and 3.no bedrooms at ground floor and 4.no bedrooms (1.no en-suite) and a bathroom at first floor. There is a carport (accessed through gates) and a rear garden. Internal and external amenity space is adequate. There is sufficient secure space for cycle storage and adequate space for refuse bins, within the car port.

## **5.0 CONCLUSION**

5.1 The application site was in use as an HMO prior to the making of the April 2012 Article 4 Direction which brought changes of use from a C3 dwelling house to a HMO within planning control. The house has remained in some form of multiple occupation up to the date of the current application. The concentration of HMO uses in the area is above the SPD threshold levels, but, as the property is already in HMO use, the proposal would not increase the number of HMOs in the area. The change of use, in effect changing the property from a 6 bed to a 7 bed HMO, is not considered to result in any significant harm to residential amenity or the character of the area.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

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 Prior to the occupation of the property as a large house in multiple occupation details of secure cycle parking for 7 cycles within the car port shall be submitted to the local planning authority for written approval. The cycle parking shall be provided in

accordance with the approved details prior to occupation and the cycle parking shall not be subsequently removed or altered without the prior written planning permission of the local planning authority.

Reason: To promote the use of cycles in the interest of sustainable transport thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

4 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) the car port shall not be externally altered (with the exception of replacement gates) or converted into habitable accommodation without the prior written planning permission of the local planning authority.

Reason: Conversion of the car port would result in the loss of bin and cycle storage facilities to the detriment of the appearance of the street scene and to the detriment of the promotion of sustainable transport.

5 There shall be no more than 7 residents accommodated within the property at any one time.

Reason: It is considered that an increase in the number of residents may result in an impact on residential amenity and the character of the area that should be assessed through the submission of a planning application.

## **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.

#### **Contact details:**

**Author:** Paul Edwards Development Management Assistant

**Tel No:** 01904 551642