

COMMITTEE REPORT

Date: 16 August 2012 **Ward:** Holgate
Team: Major and **Parish:** Holgate Planning Panel
Commercial Team

Reference: 12/01921/FUL
Application at: 1 Salisbury Road York YO26 4YN
For: Change of use from residential (use class C3) to House in Multiple Occupation (use class C4)
By: Mr Mark Hutchinson
Application Type: Full Application
Target Date: 2 August 2012
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 three bedroom house in multiple occupation (HMO) (Use Class C4). The application site is a detached two storey dwelling located at the junction of Livingstone Street and Salisbury Road. It sits in a triangular shaped plot which has a large front garden and a small rear yard. A driveway leads to a detached garage to the side. The site is situated behind a high close boarded fence with mature conifer hedging behind and as such is partially screened from the highway. The surrounding neighbourhood comprises of semi-detached dwelling and terrace properties.

1.2 The applicant has stated that he intends to let the property to professionals and not to students and that he owns two additional properties in York which are both let to professionals.

1.3 The application does not seek permission for any external alterations or extensions.

1.4 The application is being brought to committee at the request of Cllr Crisp and Cllr Alexander on the grounds for objection listed in paragraph 3.4.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Floodzone 3 GMS Flood Zone 3

Schools GMS Constraints: St. Barnabas' CE Primary 0224

York North West Boundary GMS Constraints: York North West Boundary CONF

2.2 Policies:

CYH8

Conversion to flats/HMO/student accom

3.0 CONSULTATIONS

INTERNAL

Integrated Strategy Team

3.1 The application site falls within a neighbourhood area where 1.6% of properties are shared houses. Within 100m of the property 3% are shared houses. As such, in accordance with the provisions of the Draft HMO SPD the neighbourhood and street level threshold have not been breached and further change of use to HMO is likely to be acceptable. Albeit an assessment of residential amenity (bin storage, parking etc.) and the ability of the area to absorb further change should also be undertaken.

EXTERNAL

Holgate Planning Panel

3.2 No objections

Neighbours

3.3 Letters of objection from 3, 5, 7, 9 and 11 Salisbury Road object on the following grounds:

- Change of use does not sit with the intended use of the house or the street
- It is the only detached dwelling in the area
- The street has long standing residents and is family focused
- Many other HMOs in the area
- Should not turn a family home into a HMO
- Only one off street car parking space (and the garage) would lead to additional on street parking to an already congested area
- Could lead to increased crime and vandalism
- Who would be responsible for the upkeep of the garden

Ward Councillors

3.4 Comments from Cllr Crisp and Cllr Alexander objecting on the following grounds:

- Lack of family homes within this small area of Holgate Ward
- History of homes in the area being subdivided into flats
- Transient population threatening the community aspect of the area
- The increase in HMOs, flats and micro flats has led to an increase in fly tipping and general lack of respect for the area
- More likely to have additional cars than if it were to remain as a family house

4.0 APPRAISAL

4.1 KEY ISSUES:

- Principle of development;
- Impact on the character and appearance of the area;
- Impact on the amenities of local residents;

4.2 THE NATIONAL PLANNING POLICY FRAMEWORK (2012) sets out the Government's overarching planning policies. As one of 12 core planning principles, it states 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 (paragraph 17). It also 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 DRAFT SUPPLEMENTARY PLANNING DOCUMENT – “Controlling the concentration of Houses in Multiple Occupancy”. This document was approved by Cabinet 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.

4.4 DEVELOPMENT CONTROL LOCAL PLAN POLICY CYH8 - "Conversions".

Policy H8 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.

PRINCIPAL OF CHANGE OF USE

4.5 The application site is a detached three bedroom dwelling located at the junction of Livingstone Street and Salisbury Road. It lies within a sustainable location in an established residential area within a convenient distance from local amenities and good transport links to the city centre. The property would continue to use the three first floor bedrooms and retain the ground floor as existing, being a small kitchen with open dining room and living room. The ground floor would be communal with each bedroom being private. The external amenity space would be shared between the occupants.

4.6 Information received from the Council's Integrated Strategy Team has confirmed that 1 Salisbury Road falls within a neighbourhood area where 1.6% of properties are shared houses. Within 100m of the property 3% are shared houses. It is worth noting that as the application site lies at a junction the 100m street frontage calculation includes properties along Salisbury Road, Salisbury Terrace, Lincoln Street, Livingstone Street, Chudleigh Road, Bromley Street and Albany Street. As such, in accordance with the provisions of the HMO SPD the neighbourhood and street level threshold have not been breached and further change of use to HMO is likely to be acceptable. Albeit 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.

4.7 With regard to Policy H8 it states that changes of use to HMOs will only be granted where the house has 4 bedrooms. When the policy was written planning permission was not required for the change of use of a dwelling to allow 3 unrelated people to live together, only 6 or more. As such the bedroom requirement was considered reasonable to accommodate such a number of tenants. However, with the removal of permitted development rights and the requirement for an application it appears outdated and unreasonable to attach significant weight to this aspect of the policy.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

4.8 The internal and external layout is suitable for three occupants in terms of providing a reasonable level of residential amenity. The site has a small rear garden area but has ample space to the front. This area is located behind the existing boundary hedge and fence and as such is relatively private. The property has a detached garage, which appears large enough to accommodate bicycles and bin storage. In addition the applicant is proposing two additional off street car parking spaces adjacent to the existing drive, giving a total of three off-street spaces. As there are no external alterations proposed there would not be any visual impact upon the character of the area as a result of the change of use. On balance it is not considered the proposal has a negative effect on the residential character of the area.

MANAGEMENT PLAN

4.9 The applicant has submitted supporting information described as a maintenance plan to protect the amenity of the adjacent occupiers. The supporting information has stated that there would be three off street parking places as well as cycle storage and bin storage in the garage. In addition arrangements for garden maintenance / grass cutting, regular maintenance and cleaning are to be undertaken by the applicant. The implementation of a comprehensive management plan would be required and can be controlled by condition, which would provide an opportunity for any problems that may arise to be referred to the applicant. The occupiers are required to adhere to the plan at all times.

RESIDENTIAL AMENITY

4.10 The applicant has supplied appropriate plans that clearly demonstrate the property would provide adequately sized accommodation suitable for three occupants. The property is a detached dwelling and as such the potential of noise disturbance arising from internal noises is minimal. On this basis it is not considered

the proposed change of use would have a detrimental impact on adjacent residential amenity.

5.0 CONCLUSION

5.1 It is considered that the proposed change of use accords with the supplementary planning guidance 'Controlling the concentration of Houses in Multiple Occupancy'. Adequate off street parking has been provided and the applicant has agreed to enter into a management plan. Officers recommend 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 and other submitted details:-

Plans received 18th May 2012

Letter and plan dated 24th July 2012

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

3 Prior to the commencement of the development hereby approved, a management plan shall be submitted to and approved in writing by the Local Planning Authority, to include arrangements for the regular maintenance of the front garden, including boundaries, and the storage of bins and recycling boxes within the site. The approved management plan shall be implemented prior to occupation and shall subsequently be adhered to at all times.

Reason: In the interests of visual amenity and the amenity of adjacent occupiers.

7.0 INFORMATIVES:

REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to residential amenity and the impact on the character and appearance of the area. As such the proposal complies with Policy H8 of the City of York Development Control Local Plan, and the Council's Supplementary Planning Document: 'Controlling the concentration of Houses in Multiple Occupancy' (2012).

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