

2.2 Policies:

CYGP1
Design

CYH8
Conversion to flats/HMO/student accom

3.0 CONSULTATIONS

INTERNAL:

3.1 Integrated Strategy Unit:

No. 3 Fourth Avenue falls within a neighbourhood area where 9.6% of properties are shared houses and within 100m of the property the proportion of shared houses is 6.6%. As such, in accordance with the provisions of the Draft HMO SPD neighbourhood and street level thresholds 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.

EXTERNAL:

3.2 Heworth Planning Panel:

There have been no comments received at the time of writing. Any comments received would be updated at the committee meeting on 6th June 2013.

3.2.2 3.3 Neighbour notification was sent on 02.05.2013 the 21 day notification period expires on 23.05.2013 .Any comments received will be reported at the Committee meeting on 6th June 2013.

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 states that to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends and the needs of different groups in the community.

4.3 SUPPLEMENTARY PLANNING DOCUMENT - Controlling the concentration of Houses in Multiple Occupancy. This document was approved by cabinet members 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 DRAFT LOCAL PLAN POLICY CYH8 - "Conversions". Where a material change of use has occurred, for properties changing use from C3 (dwelling house) to the new use class C4 (H.M.O). Policy H8 sets out the current criteria in conjunction with the new (SPD) 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.

4.5 DRAFT LOCAL PLAN POLICY CYGP1 states that development proposals will be expected, amongst other things, to respect or enhance the local environment, be of a density, layout, scale, mass and design that are compatible with neighbouring buildings, and ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

PRINCIPAL OF CHANGE OF USE:

4.6 The proposed layout of the property would utilise the two existing bedrooms of the first floor and create a new bedroom on the ground floor after sub-division of the existing living room. This would leave a communal kitchen, lounge and upstairs bathroom. There would be sufficient cycle parking available within the detached garage. Whilst there does not appear to be any defined off street parking, there are no car parking restrictions on Fourth Avenue and the width of the highway allows cars to be parked on the roadside whilst also allowing cars to pass. Furthermore, it would not be envisaged that there would necessarily be a need for high levels of car ownership amongst occupants in this location.

4.7 The key issue in determining this application is an analysis of the amount of shared houses within the street and neighbourhood, which has been undertaken by the Council's Strategy Unit in accordance with the SPD. The information received from the Council's Integrated Strategy Team has confirmed that 3 Fourth Avenue falls within a neighbourhood area where 9.6% of properties are shared houses and within 100m of the property the proportion of shared houses is 6.6%. As such, in accordance with the provisions of the Draft HMO SPD neighbourhood and street level thresholds have not been breached and further change of use to HMO is likely to be acceptable. The surrounding neighbourhood is characterised by a mix of semi-detached houses, terraces and blocks of flats. The location of the property is in close proximity to York University and local public transport links into the city centre, together with an ample supply of local shops. In view of the details provided it is considered that the principal of a change of use is acceptable in this location.

4.8 In order to safeguard the visual appearance of the dwelling and the amenities of the adjacent residents, it is considered that the implementation of a management plan should be controlled by condition on any planning approval. The management plan would assist in such issues as providing information and advice to residents, garden maintenance, refuse and recycling collections and property maintenance issues.

Given the relatively low concentration of HMO`s in the area (according to statistics based on Council Tax records) there is no specific evidence to suggest that the occupation of the property as an HMO would result in additional noise or disturbance or would adversely affect the character of the area.

4.9 In terms of managing the number of occupiers and future occupiers to the property and its potential effect on the neighbourhood, a condition has been recommended to remove "permitted development rights" from this property in order to exercise control over any future extensions or alterations. This is because it is acknowledged that there would be potential to extend the house to the side and within the spacious rear garden without the need for full planning permission to provide more rooms for additional occupiers to the property. If the overall number of occupants within the dwelling exceeded six, then the local planning authority would need to determine whether a material change of use had occurred taking the property outside Use Class C4 into a "sui generis" use, and in those circumstances a further application for planning permission would be required.

LOSS OF FAMILY HOMES:

4.10 In terms of addressing issues relating to the concentration of the amount of student housing resulting in the loss of family homes, 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) and is further reiterated in the council's visionary document City of York Sustainable Community Strategy - A City Making History 2008. 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. As the proposal complies with the thresholds set out within the SPD, the application is recommended for approval.

5.0 CONCLUSION

5.1 The dwelling is considered to be a sufficient size to accommodate three people living together as a single household. As such the proposal is considered to comply with Policy H8 of the Draft Local Plan and the Council`s SPD and subject to conditions is recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years -
- 2 PLANS1 Approved plans - Floor plans received on April 29th 2013
- 3 Prior to the dwelling being occupied a management plan shall be agreed in writing with the Local Planning Authority to demonstrate the control of the following:
 - i) Information and advice to occupants
 - 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.

4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A - E of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents 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 1995.

7.0 INFORMATIVES: Notes to Applicant

1. 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 the concentration of HMO's within the street/neighbourhood area, the effect on residential amenity, car parking and the impact on the character and appearance of the area. As such the proposal complies with Policies GP1 and H8 of the City of York Development Control Local Plan, and the Council's Supplementary Planning Document: 'Controlling the concentration of Houses in Multiple Occupation' (2012).

2. 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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