

COMMITTEE REPORT

Date: 1 December 2016 **Ward:** Huntington/New Earswick
Team: Householder and **Parish:** Huntington Parish
Small Scale Team Council

Reference: 16/02036/FUL
Application at: 23 Minster Avenue, Huntington, York YO31 9DJ
For: Change of use from dwelling (use class C3) to House in Multiple Occupation (use class C4)
By: Alex Szepietowski
Application Type: Full Application
Target Date: 17 November 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks planning permission to change the use of No.23 Minster Avenue, a four bedroom semi detached house, to a house in multiple occupation (HMO) (Use Class C4) for between three and six unrelated adults to occupy the house.

1.2 Relevant Property History - The property has previously had a two-storey side extension added to it - Ref 97/00709/FUL - Approved 21.05.1997.

1.3 Cllr. Runciman has called the application in to committee due to the potential impact on neighbour amenity.

2.0 POLICY CONTEXT

2.1 Policies: CYH8 Conversion to flats/HMO/student accom

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management (Forward Planning)

3.1 No. 23 Minster Avenue, falls within a neighbourhood area where 0.31% of properties are shared houses and within 100m of the property 0.00% are shared houses. As such, in accordance with the provisions of the Draft HMO SPD neither the neighbourhood nor the street level threshold has 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.

Highway Network Management

3.2 Confirmed that neither the garage, nor off-road hard standing area (approx 7.8m width approx 5.0m depth) meet parking standards. However, given that parking on the frontage is an established practice on this cul-de-sac, they raise no objections to the proposal.

EXTERNAL

Huntington Parish Council

3.3 The Council objects to the proposal:

- Loss of residential housing stock
- Negative effect on character of neighbourhood
- Parking and access issues
- Lack of parking provision
- No disabled access provision

Neighbour Notification and Publicity

3.4 Nineteen letters received in objection for the following planning reasons:

- Street already saturated with vehicles
- Would become difficult for emergency services to gain access
- Already 56 cars in the 37 houses on Minster Avenue
- The empty garage could be used as an additional bedroom
- Proposed bin store and cycle store to front an eyesore
- Multiple occupancy will result in friction amongst neighbours
- Increased comings and goings
- Multiple occupancy unsuitable to a quiet cul-de-sac
- Would mean adding another 10 cars onto the street
- Lead to homeless hostels - multiple occupancy in relation to bail conditions
- Already a shortage of family homes
- Size and lack of storage space means property unsuitable for multiple occupancy

4.0 APPRAISAL

4.1 KEY ISSUES:

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

PLANNING POLICY AND GUIDANCE

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).

4.3 Draft Development Control Local Plan (2005) Policy CYH8 "Conversions" 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.

Had the Article 4 Directive not been introduced, this proposal would have constituted permitted development. Given the purpose of the directive was to control concentrations of houses in multiple occupation, and protect family housing, the requirement of the above policy which requires the provision of a minimum of four no. bedrooms, is not considered to be a material consideration.

4.4 Draft Development Control Local Plan (2005) 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.

4.5 Supplementary Planning Document (SPD) - Controlling the Concentration of Houses in Multiple Occupancy. This document was approved 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).

4.6 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.

4.7 Paragraph 5.17 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

IMPACT ON RESIDENTIAL AMENITY AND THE CHARACTER OF THE AREA

4.8 One of the principle aims of the Council's SPD is to avoid situations where existing communities become unbalanced by an overconcentration of HMO's within a particular street or the wider area. 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.

4.9 The number of shared houses in the immediate area of the application site is below the threshold in the policy: 0.31% of properties in the neighbourhood area are HMOs (threshold 20%), and within 100m of the property 0% are HMOs (threshold 10%). Therefore in terms of the Council's own policy, it is not considered that there are

grounds to refuse the application on the basis that it would create an unbalanced community.

4.10 There remains, however, a need to assess what impact the proposal would have on residential character and amenity in the light of the parameters outlined in the SPD and Local Plan. In this respect external alterations are not an issue as none are proposed.

4.11 In terms of unsociable noise and behaviour from the tenants, the house is shown as offering four bedrooms and this is not excessive. Levels of C4 uses are low 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 and can be covered in the recommended management plan.

4.12 The loss of family homes for rented accommodation and student housing is controlled by the Article 4 Direction placed on all houses within the urban areas of York, which is supported by the SPD. 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. 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. Given the HMO thresholds reported in 4.9 above, this potential situation does not arise in this case.

4.13 In terms of car/cycle parking and bin storage, a revised plan has removed the proposed bike store and refuse area, originally indicated on hard standing at the front of the property. Cycle storage and refuse storage will now be housed within the existing attached garage. It is recommended that a condition of any approval will require it to remain as a storage area and also prevent it from being converted into an additional bedroom.

PARKING ISSUES

4.14 Though not meeting Highway Management standards in terms of its depth, it is possible to park 2.no vehicles clear of the footway on the existing paved forecourt. Two no. parking spaces for a 4.no bedroom HMO complies with the maximum parking standards with annexe E of the 2005 DCLP.

AMENITY OF FUTURE OCCUPANTS

4.15 The property lies within a relatively short distance to bus routes into the city centre and also some local facilities. It consists of an entrance hall; living/dining room and kitchen at ground floor; and 4 bedrooms and a bathroom at first floor. There is a patio and garden at the rear of the property. The property is considered acceptable for use as an HMO in terms of the amenities that it offers to future residents.

5.0 CONCLUSION

5.1. The property is reasonably 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 a 4 bedroom HMO. The thresholds within the Council's Supplementary Planning Document have not been exceeded. Car parking can be accommodated to DCLP standards and cycle parking and refuse can be stored in the existing garage. 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 the NPPF, Policy H8 of the DCLP and the guidance contained within the SPD.

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:-

Revised Drawings - YB 433-02 Rev A - YB433 - 003 Rev A - Received 16th November 2016.

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 dwelling being occupied as a House in Multiple Occupancy, a management plan shall be submitted to and agreed in writing by the Local Planning Authority and shall be implemented as agreed unless otherwise agreed in writing by the Local Planning Authority. The Management plan shall relate to the following areas:

- Information and advice to occupants, including minimising noise and disturbance for neighbours
- Refuse and recycling facilities

- Property maintenance
- Secure cycle storage

Reason: In the interests of the proper management of the property and the amenity of adjacent residents and which may otherwise be compromised unless approved prior to the commencement of development on the site.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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 and shall be retained for the storage of refuse/recycling and cycles.

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) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Negotiated a revised plan which omitted the originally proposed cycle store and refuse store from the front of the property and re-located them within the existing garage.

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