

COMMITTEE REPORT

Date: 11 January 2018 **Ward:** Osbaldwick And Derwent
Team: Householder and **Parish:** Osbaldwick Parish
Small Scale Team Council

Reference: 17/02432/FUL
Application at: 44 Tranby Avenue Osbaldwick York YO10 3NJ
For: Change of use from dwelling (use class C3) to House in
Multiple Occupation (use class C4)
By: Mr Nikolai Krasnov
Application Type: Full Application
Target Date: 15 January 2018
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks planning permission to change No.44 Tranby Avenue, Osbaldwick from its existing authorised use as a dwelling (Use Class C3) to a house in multiple occupation (HMO) (Use Class C4) for between three and six unrelated occupants.

1.2 The application has been called in for determination by sub-committee at the request of Councillor Warters. The Councillor is concerned about the accuracy of the HMO database; the impact of amenity because of extra noise, disruption, parking problems and rubbish storage/disposal; disproportionate impact from noise on a nearby house which is already attached to an HMO; concern over cumulative loss of family homes and impact on community cohesion.

2.0 POLICY CONTEXT

2.1 Policies:

CYH8 Conversion to flats/HMO/student accom

3.0 CONSULTATIONS

INTERNAL

Forward Planning

3.2 No. 44 Tranby Avenue, Osbaldwick, falls within a neighbourhood area where 6.42% of properties are shared houses, and within 100m of the property 7.14% 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.

EXTERNAL

Osboldwick Parish Council

3.3 No response

Neighbour Notification/Publicity

3.4 One letter of objection received raising the following issues:

- The area is becoming scruffy because of the number of HMOs
- Parking problems with additional vehicles
- Tranby Avenue will become a student Ghetto
- Unfair that the owner of the property will be exempt from Council Tax

4.0 APPRAISAL

4.1 KEY ISSUES:

- HMO thresholds and impact on residential character of the area
- Impact on the character and appearance of the area;
- Impact on the amenities of local residents;
- Amenity of future occupants of the property

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

HMO THRESHOLDS AND IMPACT ON RESIDENTIAL 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, the aim of which is to control the housing mix in an area. In the neighbourhood area 6.42% of properties are shared houses (threshold 20%), and within 100m of the property 7.14% are shared houses (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 The loss of family homes for student and non-student houses in multiple occupation 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, 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. Given the HMO thresholds in the area this potential situation is not considered to arise in this case.

IMPACT ON NEIGHBOUR AMENITY

4.11 The house contains 3 bedrooms which is not considered to be excessive for this property type. Members should note however that the C4 use class allows for occupation by up to 6 residents. The existing density of HMO's is quite low at neighbourhood level, and below the SPD threshold at street level. General comings and goings associated with such a use, which can be an issue where there is an unacceptable concentration of such properties are unlikely to result in such harm to neighbours as to refuse the application. The implementation of a management plan will help to address neighbour concerns relating to maintenance of external areas, refuse and re-cycling collections, property maintenance and any other relevant issues, including noise. Issues relating untidy land, accumulations of rubbish and late night noise from the property could also be addressed under separate legislation.

AMENITY OF FUTURE OCCUPANTS

4.12 The property is a traditional semi-detached dwelling, located on a corner plot, which also faces onto Baysdale Avenue. The property is within easy cycle distance of the university and also bus routes into the city centre. Limited local shopping facilities exist nearby. Internally, the property consists of a front porch and hall, a lounge, a kitchen and an attached conservatory at ground floor; and 3.no bedrooms and a bathroom at first floor. The 3.no bedrooms all meet Housing Act standards in terms of floor-size. It is noted that a sub-division of the existing through lounge could result in a further bedroom being created without the need for planning permission (subject to any other legislative or licensing provisions) but this does not impact on the conclusions of this report.

CAR AND CYCLE PARKING

4.13 The long driveway can accommodate 3.no off-road parking spaces which would be in accordance with the draft local plan standards. A condition is recommended to require secure cycle parking to be provided.

5.0 CONCLUSION

5.1. The proposed change of use would not breach the thresholds set out in the approved SPD and the use would not have any significant adverse impacts upon the amenity of neighbours or the character of the area. Therefore, subject to conditions, the proposal is in compliance with the NPPF, the SPD on 'Controlling the Concentration of Houses in Multiple Occupation' and draft Local Plan policy H8: Conversions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

Application Reference Number: 17/02432/FUL

Item No: 4e

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 use commencing details of a secure and enclosed cycle parking area capable of accommodating 4 cycles , shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking area has been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

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.

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