

3.1 In accordance with the provisions of the SPD neither the street or neighbourhood level thresholds have been breached.

EXTERNAL

Publicity

3.2 The application was advertised by site notice and neighbour notification letter. Four responses have been received. The following issues have been raised:

- increase in noise levels/potential for anti-social behaviour
- the change of use of a family house to a HMO is not suitable to this area
- loss of house value
- having vulnerable/homeless people living next door could potentially impact/compromise the work/safety of neighbouring occupant

4.0 APPRAISAL

KEY ISSUES:-

- Principle of change of use
- Impact on neighbouring property
- Parking

RELEVANT PLANNING POLICY

4.1 The National Planning Policy Framework (2019) sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development.

4.2 Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

4.3 Paragraph 59 states that it is important that the needs of groups with specific housing requirements are addressed.

4.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

-The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

4.5 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

4.6 Policy H8 'Houses in Multiple Occupation' states that changes of use from dwellinghouse to HMO will only be permitted where it is a neighbourhood area where less than 20% of properties are HMOs and less than 10% of properties within 100m are HMOs and the accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

4.7 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:

- 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.

ASSESSMENT

4.8 It is proposed to convert the existing 3 bedroom dwelling into an 4 bedroom HMO. No external changes are proposed other than the provision of an additional shed to the rear to accommodate bin and cycle storage. The lounge to the front of the property would be converted to a fourth bedroom, and the three existing bedrooms would remain as existing. It is considered that the dwelling would provide an acceptable level of accommodation (and storage) for 4no. individuals in a sustainable location and the rear garden would provide adequate amenity space for the proposed tenants.

Principle of Change of Use

4.9 Where concentrations have occurred, the conversion of dwellings to small HMOs has an adverse impact upon environmental conditions and amenities of residents. In order to be able to exercise control over this situation the Council

adopted a Draft Supplementary Planning Document (SPD): Controlling the Concentration of Houses in Multiple Occupancy on 15 April 2012 and updated this in 2014. This Guidance was prepared in connection with an Article 4 Direction which the Council made in respect of houses within the defined urban area. It has the effect of bringing the change of use of dwellings to small HMOs within planning control.

4.10 In terms of whether an area is already experiencing the effects of an over concentration of HMOs, and whether it can accommodate any further intensification of such uses, the Council's SPD identifies a 'tipping point' when issues arising from concentrations of HMO's become harder to manage and a community can be said to tip from balanced to unbalanced. The SPD identifies this point as when 20% of all properties across a defined neighbourhood area and 10% at street level are Houses in Multiple Occupation. Following on from this the SPD states that applications for the change of use from dwelling house to HMO's will only be permitted where less than 20% of properties in a neighbourhood area and less than 10% of properties within 100 metres of street length either side of the application property are HMO's.

4.11 In assessing this application, neither the 20% neighbourhood level or 10% street level thresholds have been breached. There are no known HMOs at street level and 2 known HMOs at the neighbourhood level. This is 0% at street level and 0.23% at neighbourhood level. As such the change of use would comply with the requirements of policy H8 and the Council's SPD and is therefore considered to be acceptable, although it is recognised that an assessment of residential amenity and the ability of the area to absorb further change of use should also be undertaken.

Parking

4.12 The property has two parking spaces which is in accordance with the Council's maximum parking standards for such uses. The HMO is intended to be run by a housing charity Restore (York). It is understood that support workers would visit the property 2/3 times per week. The addition of these visits is not considered significant in parking terms, with a large proportion of support workers choosing to cycle rather than drive to appointments.

Impact on Residential Amenity

4.13 The change of use would result in a minimal increase in bedrooms, and as such it is not considered that the change of use would automatically have an adverse impact on neighbouring residents as it is not considered that the comings and goings of up to 4no. tenants would be significantly greater than those of a family unit. An existing 2.6m x 2.2m shed to the rear plus the addition of a second similarly sized shed (3m x 2m) would provide adequate provision for bin/recycling and cycle storage and would not appear out of keeping with the surrounding residential setting. The side access would be of a good size to access this storage.

Concerns regarding anti-social behaviour have been expressed by surrounding neighbours with regard to the type of occupants residing at the HMO. The planning application seeks permission for the use of the premises. The nature of the occupier is not material to the determination of the application in this case.

5.0 CONCLUSION

5.1 The proposed change of use of the dwelling to a House in Multiple Occupation (use class C4) would provide adequate sized accommodation and amenity space, in an area where the thresholds within the Supplementary Planning Document have not been breached. The proposal would be unlikely to have a significant adverse impact on the residential amenity and is considered to be in accordance with the NPPF and policy H8 of the emerging Draft Local Plan (2018).

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 Details of cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The cycle parking areas and means of enclosure shall be provided within the site in accordance with such approved details prior to the first occupation of the development, 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 (paragraph 38) 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:

Officers requested a more detailed site plan showing bin and cycle parking.

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