

COMMITTEE REPORT

Date: 19 August 2010 **Ward:** Micklegate
Team: West/Centre Area **Parish:** Micklegate Planning Panel

Reference: 10/01310/FUL
Application at: Bank Guest House 9 Southlands Road York YO23 1NP
For: Change of use from a guest house (use class C1) to a house in multiple occupation (sui generis)
By: Brothers Property Ltd
Application Type: Full Application
Target Date: 10 August 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is 9 Southlands Road. Planning permission is sought for a house in multiple occupation (HMO) as 7 of the rooms in the building are rented out, on an assured shorthold tenancy agreement basis. The application is retrospective, made by the new owners of the premises. The former lawful (planning) use of the premises was a guesthouse. Planning permission was refused in 2006 (06/00312/FUL) for a change of use from guesthouse to hostel. It appears that rooms were rented out after 2006 by the former owner, for homeless persons and full time residents.

1.2 The application for hostel use was refused due to the social conditions and disturbance experienced by neighbours as a consequence of the proposed hostel, and the cumulative impact, given other hostels or similar facilities in the area (at that time these being at 1 Southlands Road, rooms used at 34/36 Millfield Road, 114 Bishopthorpe Road, and the YACRO (facilities for care and resettlement of offenders) properties in Scarcroft Road and Nunnery Lane. The premises were also deemed unsuitable for hostel use, due to lack of on-site supervision, limited indoor and outdoor amenity space, and due to the tight-knit character of the immediate area.

1.3 The application has been requested to be determined at committee by Councillor Fraser, due to the history of the site, and to consider the amenity of neighbouring residents, and impact on residents parking.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

2.2 Policies:

CYH8 Conversion to flats/HMO/student accommodation
CYGP1 Design

3.0 CONSULTATIONS

City Development

3.1 Advise officers are currently investigating policy with regards HMO's, in particular with regards to student housing. Material considerations regarding HMO's are: visual amenity of the street, impacts on parking and storage provision for household waste.

Highway Network Management

3.2 No objections. Consider demand for residents parking permits would not be materially different from the former guesthouse use. Under the former use, the guesthouse would have been able to apply for 5 permits. Highway Network Management advise they would now provide permits, if required, to the 7 occupants of the building. Ask for details of cycle parking to be provided.

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3.3 No objection.

Publicity

3.4 Eleven letters in objection received. Grounds of objection are as follows:

- Lack of consultation with local residents.
- Adverse impact on the residential character of the area. Already Foundation House and b and b premises are in the street, a HMO would dilute the residential character.
- Development would lead to social problems. There is already one social housing project (Foundation) in the street. Problems in the past have resulted from occupants of no.1 socialising with, and visiting no.9 (which also previously accommodated homeless persons).
- Noise and anti-social behaviour that would occur. There were problems in the street when the premises was used as hostel, and again such events could occur. One letter advises there has been a noticeable reduction in disturbance during the last 2 years.
- Parking. There are extant parking problems in the street (in R45 permit zone but now residents with permits for zone R40 can park in the street), in particular at weekends, due to guesthouses. This could worsen if area were populated further.

4.0 APPRAISAL

4.1 Key issues

- Impact on the character of the area
- Impact on residential amenity
- Amenity for occupants of the application premises

Assessment against planning policy

4.2 The Town and Country Planning (Use Classes) Order 1987 was amended in 2010. The old C3 class - dwellinghouses - was split into three parts, and a new C4 class introduced for houses in multiple occupation (HMO). The C4 class covers small shared dwelling houses, occupied by between 3 and 6 people who share basic amenities. Circular 05/2010 which explains these changes advises that large houses in multiple occupation do not fall into the C4 category, but would be regarded as sui generis. A large HMO is defined as where there is a material change of use to a small HMO, where the total number of residents has increased to the point where it can be said that the use had intensified so as to change the character of the building, or where the residents do not live as a single household.

4.3 At 9 Southlands Road there are 7 bedrooms each with locks on the door and en-suite bathroom facilities. The only communal areas being the circulation areas, a kitchen/dining room, bin store/utility room and the rear yard. The occupant of each room has their own tenancy agreement. In officers opinion this arrangement does not fall within the C4 use class, as the occupants are not living as a single household. The use is considered as a large HMO.

4.4 In determining whether the proposal is acceptable in planning terms, the relevant policy of the DLP (Draft Local Plan) is H8, which relates to the conversion of premises for HMO's or flats. H8 states that for such uses, planning permission will only be granted where criteria a to e, as listed below, is met.

a. The dwelling is of sufficient size (4 bed) and the internal layout is shown to be suitable for the proposed number of households or occupants and will protect residential amenity for future occupiers.

4.5 The building has been converted from a former guesthouse. Whilst not overly spacious each room has its own bathroom facilities and a reasonable amount of space for occupancy. There is a shared kitchen and dining room of reasonable size for cooking and dining. It is also noted that at this time individuals have different working patterns and are therefore unlikely to use these facilities simultaneously.

b. External alterations to the building would not cause harm to the character or appearance of the building or area.

4.6 No additional works are proposed.

c. Adequate off and on street parking and cycle parking are incorporated.

4.7 Car parking is controlled by the residents permit parking scheme in this area. Occupants would have to apply, and pay, for a permit if desired. Given the location of the premises, and as it is offering low cost accommodation it is likely that demand for vehicle parking will be lower than the previous use (guesthouse). However each occupant would be able to apply for a permit for the res-park zone. Highway Network Management consider the res-park area has sufficient capacity to accommodate this development.

4.8 Cycle storage is available in the back yard and utility room at the rear. Presently cycles are stored informally in the uncovered yard area. The minimum requirement in

the DLP is 1 covered and secure space per unit. The utility room is covered, but there is no means of locking cycles and there is not enough space to comfortably accommodate 7 cycles. As such the development does not fully accord to criteria c of policy H8.

d. It would not create an adverse impact on neighbouring residential amenity, particularly through noise disturbance or residential character of the area by virtue of the conversion alone or cumulatively with a concentration of such uses.

4.9 The former lawful use of the premises was a guesthouse. Survey plans from a 2006 application at the site show 6 guestrooms and a staff room at ground floor (in the back room). In considering the impact on the residential amenity of neighbours (in particular no.8 which is a single dwelling), consideration should be given as to whether the intensification of the use would have a material impact. In relation to the previous guesthouse use, officers consider the intensification is not to a material extent in this case.

4.10 Along Southland Road on the north side, between Nunmill Street and Russell Street are two blocks of terraces. Within the 14 premises are 6 guesthouses and Foundation House at no.1, which is a staffed, supported housing scheme, accommodating young persons on shorthold tenancy agreements. As the host premises were formerly a guesthouse, the change to a HMO would not dilute the residential character of the area.

e. Adequate provision is made for the storage and collection of refuse and recycling.

4.11 Bins are collected from the area on a weekly basis. There is a single litter bin, and recycling facilities within the utility area. This is adequate provision and does not, due to its location, detract from the visual amenity of the street.

4.12 Policy L1c of the DLP requires a contribution toward open space to be made, for all residential development. There is no open space on-site and in accordance with L1c this application triggers the need for a contribution to be made of £3,888.

5.0 CONCLUSION

5.1 The proposed HMO offers low cost rented accommodation, which is not unsuitable in terms of space for occupation. However there is limited cycle storage. As the site's former use was as a guesthouse, there would not be a material impact on the amount of activity at the site due to the number of occupants. As a residential use is being introduced, the scheme would not dilute the residential character of the street. Many of the objections relate to the previous use of the building, as a hostel. This application is not for a hostel, residents are not occupying the premises on a short term basis (i.e. weekly/overnight) and are not placed by the Local Authority as with a hostel. Officers consider that the proposed use can be accommodated in the building, without undue harm to residential amenity and the character of the street. As such approval, subject to a condition requiring an open space contribution is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 PLANS1 Approved plans - LHL floorplans dated 15.6.2010.
- 2 S106OS IN Section 106 Open Space - 3,888
- 3 Within one month of the date of this permission the existing guest house sign at the front of the premises shall be fully removed.

Reason: In the interests of the character and amenity of the street.

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 amenity of occupants of the host premises and surrounding properties, the residential character of the street and highway safety. As such the proposal complies with Policies H8 and GP1 of the City of York Development Control Local Plan.

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