

Officer Report On Planning Application: 17/01197/COU

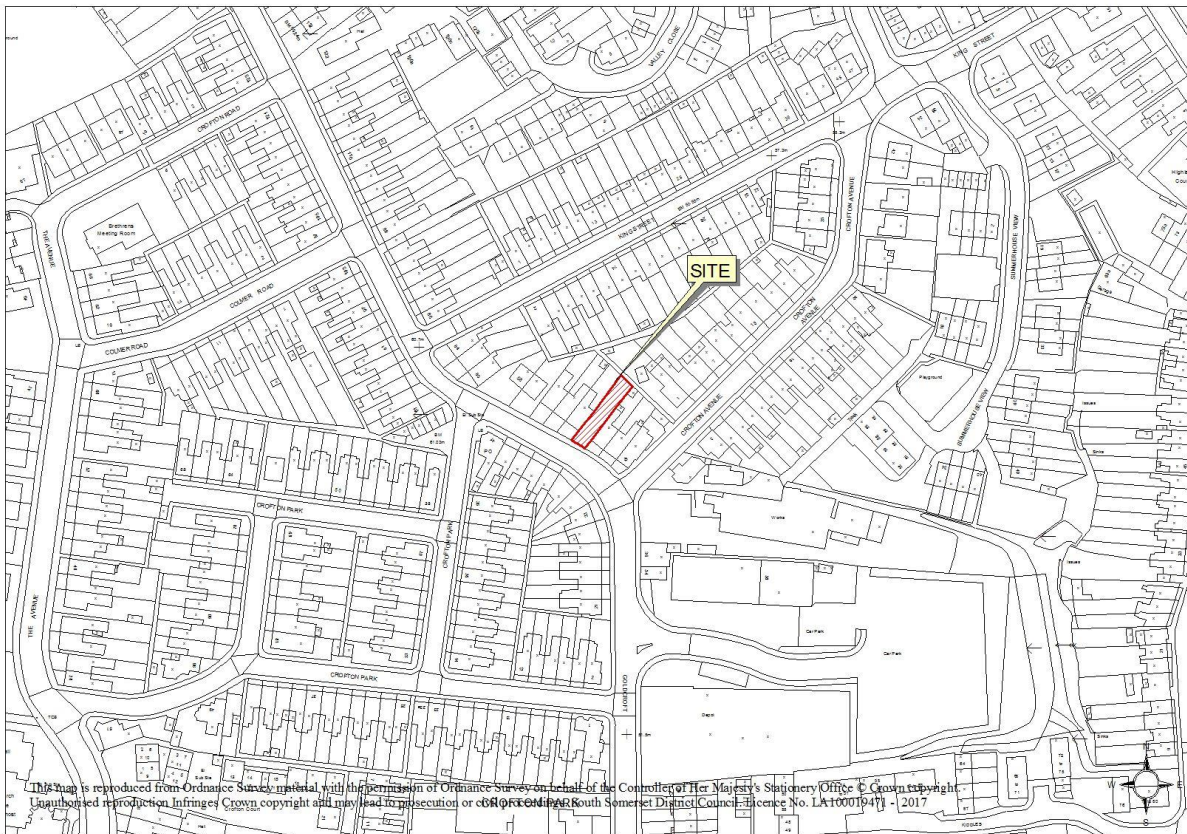
Proposal :	The change of use of premises from a dwelling to a HMO (house of multiple occupation)
Site Address:	48 Goldcroft Yeovil Somerset
Parish:	Yeovil
Yeovil (Central) Ward (SSDC Member)	Cllr K Hussain Cllr A Kendall Cllr P Gubbins
Recommending Officer:	Simon Fox Area Lead Officer (South)
Target date :	24th May 2017
Applicant :	Bravo Charles Investments Ltd
Agent: (no agent if blank)	
Application Type :	Other Change Of Use

Reason for Referral to Committee

This application is referred for Committee consideration at the Chairman's discretion in accordance with the scheme of delegation.

Site Description and Proposal





The application site comprises a three-storey residential dwellinghouse located on the eastern side of Goldcroft, just north of the junction with Crofton Avenue. It is the middle house of 7 terraced properties (Nos 42-54 even). Opposite this terrace is Nos.35-47. The property has no dedicated parking; roadside parking is available but is subject to restrictions.

This application seeks planning permission for a change of use to 5-bed House of Multiple Occupation (HMO) (Use Class C4). The property would accommodate a maximum of 5 residents.

Planning permission is required because the property falls within Zone 2 (Central Ward) of the Article 4 direction concerning HMO conversions. Previously this proposal would have been deemed permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015. The effect of the Article 4 (which came into force in November 2016) was to withdraw that permitted development right and for the development to require planning permission so as to ensure proposals could be judged against the local plan, assessed against any material considerations and be subject to local consultation which would have otherwise not been the case.

The application is accompanied by information of the type suggested by the Article 4 HMO guidance notes; this includes a survey of adjacent uses, and a bin strategy and details of cycle storage.

HISTORY

No planning history is recorded for No.48.

No.50 -

08/01302/COU: The conversion of existing house into 5 No. bedsits: Application Permitted: 07/11/2008

No.54 -

10/04351/FUL: Alterations and the conversion of existing dwellinghouse into 2 No. self-contained flats:

Application Permitted: 16/12/2010

No.47 -

08/03348/FUL: The conversion of existing post office and flat into 2 no. maisonettes: Application Permitted: 10/10/2008

No.42 -

831353: Conversion of dwelling into two flats: Application Permitted: 07/09/1982

No.35 -

07/02008/FUL: Division of existing three bedroom home into 2 no. flats: Application Permitted: 06/07/2007

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

On 5th March 2015 South Somerset District Council, as Local Planning Authority, adopted its Local Plan to cover the period 2006 to 2028.

On this basis the following policies are considered relevant:-

Policies of the South Somerset Local Plan (2006-2028):

SD1 - Sustainable Development

SS1 - Settlement Hierarchy

EQ2 - Design & General Development

TA5 - Transport Impact of New Development

TA6 - Parking Standards

National Guidance - National Planning Policy Framework:

In particular-

Chapter 1 - Building a Strong, Competitive Economy

Chapter 4 - Promoting Sustainable Transport

Chapter 7 - Requiring Good Design

Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change

Other

Somerset County Council Parking Strategy (March 2012)

CONSULTATIONS

Yeovil Town Council:

"Refusal on the grounds of the lack of provision for parking and inadequate storage space for bins".

Highways Authority (Somerset County Council):

No comments received at the time of writing this report.

REPRESENTATIONS

15 adjacent properties were notified in writing. A site notice has also been displayed and a press advert placed.

Two representations had been received at the time of writing this report.

A summary of comments:

- There are already numerous HMOs in the area, adding more is not in the interests of the area and its residents
- Lack of parking cause aggravation and unlawful parking in the area
- Waste bags and bins accumulate on the pavement which is unsightly

CONSIDERATIONS

The application raises several issues which will be considered here in turn.

Principle of Development

Policy SD1 proactively promotes Sustainable Development that improves the social conditions within the District and where necessary the Council will work with applicants to improve proposals so they are capable of being approved.

Yeovil is a Strategically Significant Town as defined by Policy SS1 and is therefore the focus for development in South Somerset.

The proposal seeks to provide accommodation through a House of Multiple Occupation (HMO); a house occupied by unrelated individuals who share basic amenities such as a lounge/dining room, kitchen and bathroom.

There are no recorded statistics for the need for such accommodation in the town nor is there a local plan policy that specifically promotes or dissuades such provision but anecdotally through housing colleagues the need is considered high due to recent changes to the benefit system which means many single individuals under the age of 35 can no longer claim for anything beyond a shared house room. It is understood there is still also a large demand for (temporary) accommodation associated with Yeovil District Hospital and Leonardo.

Both Environmental Health Housing Standards (EHHS) and operational Housing Officers wish to see more HMO accommodation in the town.

Need is obviously important to quantify in order to attribute weight in the planning balance.

Character of the Area/Residential Amenity

The rationale behind the serving of an Article 4 Direction was to allow the opportunity for a planning application to assess the impacts increased HMO accommodation could have in certain areas of the town. The areas (or zones) in question were those of a particular housing stock, often Victorian terraces, which convert nicely to 5-6 rooms, and are near the town centre. Evidence suggested certain areas were targeted and HMO stock was rising raising concerns locally for those in family dwelling houses who saw change occurring in their streets and neighbourhoods without being able to engage in the planning system because the conversions were at the time permitted development.

The HMO guidance asks applicants to undertake a survey of adjacent properties to ascertain the density and spread of HMO accommodation, flats or other types of residential institution.

In this case the applicant has submitted such a plan which shows these neighbouring uses. Additional checks have been made on site and with reference to Environmental Health Housing Standards and Council Tax records.

Nos.42 to 58 (Even) have been assessed as they adjoin the property on the north eastern side of Goldcroft. Of the 9 properties:

- 3 have been split into flats (Nos.42, 44 and 54)
- 4 are HMO's (Nos.46, 50, 56 and 58)
- 2 are dwellinghouses (one of which is the application site)

On the other side of the road Nos.35-47 have been assessed. Of the 7 properties:

- 2 have been split into flats (Nos.35 and 47)
- 1 is an HMO (No.41)
- 4 are dwellinghouses

The caveat with this breakdown is that it is based on what we currently know and can observe from the street. Not all HMOs are licensed or apparent on Council Tax records.

Given only 2 properties in the row of 9 are family dwellings one is inclined to consider that given the application property has been put up for sale it would be futile to insist it remains a family dwellinghouse when it is neighboured by two other HMOs.

The EHHS Officer has remarked that the adjacent HMOs are managed by 'good' landlords and through discussion would not want to discourage the current applicant from operating another HMO in the area. Often the management of an HMO is the vital component in maintaining a nice local environment and avoiding residential amenity concerns. The property, as it is three storey's, would be licensed and therefore supervised by EHHS.

In this case, on balance, it is considered the conversion should be allowed in principle.

Highways and Parking

The Highway Authority has not responded to the consultation at the time of writing this report.

The site lies within the inner zone and as such the Parking Strategy suggests the starting point for assessment is that there should be one parking space for every bedroom. This needs to be balanced against the fact that a 4-bed house already exists and the fact there is no dedicated parking on the site. The site is also a short walk into the town centre and the hospital.

The Highway Authority has been asked specifically to assess the situation regarding on-street parking given the area is subject to resident parking restrictions. When additional car parking demand is created it can cause aggravation for existing residents who find it increasing difficult to park near their home. This can led to stress, confrontation and unlawful parking in the area.

The applicant, in line with the HMO guidance published on the Council's website, has set out that cycle storage is available in a lockable shed in the back garden. The back garden is served by a rear pathway onto Crofton Avenue and so represents a realistic and practical proposal. Upon visiting the site it is evident the rear pathway is not maintained appropriately and therefore some work will be necessary to make it a viable access/exit point. A side boundary fence to No.1 Crofton Avenue also needs repair and the applicant has spoken to the owner of that property to seek remediation.

Unless the Highway Authority respond with a strong objection based on a lack of capacity in the resident parking permit scheme then on balance it is considered the site is suitably sustainable to not warrant refusal on highways and transport grounds, subject to restoration and proper surfacing of the rear pathway. It is understood two other properties in the terrace are owned by landlords considered good by EHHS. As such it is proposed the Council seek improvement to the pathway through these landlords working collectively as a benefit to all their tenants.

Refuse Storage

The applicant, in line with the HMO guidance published on the Council's website, has set out a strategy dealing with waste and recycling bins. The applicant has also responded to comments raised by the Somerset Waste Partnership (SWP) and suggestions made by the case officer.

SWP suggest an HMO requires 2 wheelie bins and 5 recycling crates. The nature of the property's means storage at the frontage is inevitable and tis can raise issues with pavements being blocked and

so the visual impact of such a collection of receptacles. The applicant has agreed to create a larger landing area at the bottom of the steps onto the pavement for these receptacles to be accommodated. This would involve some excavation and a new retaining wall but could be achieved in a visually acceptable manner. A suitably worded condition or the deferment of issuing a decision until such a scheme is produced would seem to be appropriate. This approach along with the renewal of the rear pathway to provide another option for bin storage, it is considered, would address the issue raised by the Town Council.

SECTION 106 PLANNING OBLIGATION/COMMUNITY INFRASTRUCTURE LEVY

There are no requirements to secure any mitigation or planning obligations via Section 106 of the Act.

The development does not trigger a requirement for CIL to be paid.

RECOMMENDATION

Grant planning permission, subject to no adverse comments from the Highway Authority, for the following reason:

01. The proposed change of use to a House of Multiple Occupation is considered acceptable on the basis that no adverse impact on highways and parking above and beyond the property's use as a dwellinghouse would occur, no adverse impact on visual or residential amenity is foreseen and other matters can be appropriately conditioned. As such the proposals comply with Policies SD1, SS1, EQ2, TA5 and TA6 of the adopted South Somerset Local Plan and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out and operated in accordance with the following approved plans and documents:

- a) Location Plan (Map Return Scheme)
- b) Proposed Layout, date stamped 9th March 2017
- c) Email dated 12th April 2017

Reason: For the avoidance of doubt and in the interests of proper planning.

03. The use hereby approved shall be occupied by no more than 5 people and the communal areas (Dining, Kitchen, Utility, Bathroom on the Ground Floor and Shower room on the First Floor) shall remain available for all residents.

Reason: To determine the scope of the application and in the interests of residential amenity in accordance with Policy EQ2 of the adopted South Somerset Local Plan (2006 - 2028).

04. A scheme shall be submitted detailing the restoration and resurfacing of the rear pathway onto Crofton Avenue. The pathway shall be properly consolidated and not loose stone or gravel. The agreed scheme shall be fully implemented prior to the first occupation of the property as a House in Multiple Occupation.

Reason: To improve rear access to the suite in the interests of providing bicycle storage and refuse storage in the rear garden and in the interests of health and safety.

05. A scheme shall be submitted detailing bicycle storage in the rear garden. The scheme shall include security measures and sufficient space for 5 bicycles. The agreed scheme shall be fully implemented prior to the first occupation of the property as a House in Multiple Occupation and thereafter remained and maintained thereafter.

Reason: In the interests of sustainable travel in accordance with the Somerset Parking Strategy (March 2012).

06. A scheme shall be submitted detailing bin and recycling crate storage in the front garden. The agreed scheme shall be fully implemented prior to the first occupation of the property as a House in Multiple Occupation and thereafter remained and maintained thereafter.
Reason: In the interests of providing the HMO will adequate waste and refuse storage in a visually acceptable manner in accordance with Policy EQ2 of the adopted South Somerset Local Plan (2006 - 2028).