

- The impact on the street scene.
- Concern over level of amenity provided to occupants of the property should the proposals be implemented.
- The loss of neighbour amenity.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

Schools GMS Constraints: Osbaldwick Primary 0212

2.2 Policies:

CYGP1 Design

CYH8 Conversion to flats/HMO/student accommodation

3.0 CONSULTATIONS

INTERNAL:

Planning and Environment Management Team

3.1 The Draft Supplementary Planning Document establishes a threshold of 20% of all properties being HMOs across a neighbourhood and 10% at street level (within 100m of an application property). No.5 The Leyes falls within a neighbourhood area where 66 out of 1215 properties are HMOs (5.43%) and within 100m of the property 1 out of 26 properties are HMOs (3.85%).

EXTERNAL:

Osbaldwick Parish Council:

3.2 Objections raised on the following grounds:

- Over concentration – There are five properties in total that are currently used as HMOs, four on Hambleton Avenue and one on The Leyes.
- Application opposite Primary School / property is located in an area close to parking restrictions.
- The lack of meaningful Enforcement conditions relating to bin storage and garden maintenance.
- Neighbour amenity
- Inaccuracy of HMO data base.

Neighbour Notification

3.3 No objections received.

4.0 APPRAISAL

4.1 KEY ISSUES:

- Principle of development;
- Impact on the character and appearance of the area;
- Impact on the amenities of local residents;

4.2 The NATIONAL PLANNING POLICY FRAMEWORK (2012) sets out the Government's overarching planning policies. As one of 12 core planning principles, it states 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 (paragraph 17). It states that to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends and the needs of different groups in the community.

4.3 SUPPLEMENTARY PLANNING DOCUMENT - Controlling the concentration of Houses in Multiple Occupancy. This document was approved by cabinet members 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). The new SPD advises applications for change of use from dwellings to HMO's will 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.

4.4 DRAFT LOCAL PLAN POLICY CYH8 - "Conversions". Where a material change of use has occurred, for properties changing use from C3 (dwelling house) to the new use class C4 (H.M.O). Policy H8 sets out the current criteria in conjunction with the new (SPD) by which conversions of houses to HMO's should be assessed. On this basis 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.

4.5 DRAFT LOCAL PLAN POLICY 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.

PRINCIPLE OF CHANGE OF USE:

4.6 The information received from the Council's Planning and Environment Planning Team has confirmed that 5 The Leyes falls within a neighbourhood area where 66 out of 1215 properties are HMOs (5.43%) and within 100m of the property 1 out of 26 properties are HMOs (3.85%). The application is in accordance with the provisions of the Draft HMO SPD as the neighbourhood and street level threshold have not been breached. As such the change of use to an HMO at this property is considered to be acceptable avoiding a harmful concentration of HMOs in the area and maintaining a balanced and mixed community.

4.7 Osbaldwick Parish Council states that there are currently four HMO properties in Hambleton Avenue. The Council's database concurs with this statement, however they are not within 100 m of the applicant property and so would not be included in the calculation for this property.

ACCEPTABILITY OF ACCOMMODATION

4.8 The application seeks permission to provide accommodation for up to four unrelated people. There are three bedrooms on the first floor with one bathroom. The ground floor provides one further bedroom and a living room used solely for the occupation of the owner of the property. In addition the communal facilities situated

on the ground floor consist of a shared dining, kitchen, conservatory and ground floor WC. The detached garage would remain and could be used as a store for cycles and wheeled bins/ recycling boxes. The front garden comprises of a hard standing and with the side driveway would provide off street parking for at least three cars. There is an ample sized enclosed rear garden, which can be used as outdoor amenity space and is screened from the adjacent neighbouring properties at 4 and 6 The Leyes and the playing fields associated with Osbaldwick Sports Club on the rear boundary by a close boarded fence. As such it is considered that the facilities provided are of a sufficient standard to accommodate four individual occupants on a shared basis.

IMPACT ON NEIGHBOUR AMENITY AND THE CHARACTER OF THE AREA

4.9 The location of the property is in close proximity to York University and local public transport links into the city centre, together with local shops. In addressing issues of potential problems of on-street parking in proximity to the nearby school, given the available off-street parking and the existing parking controls, it is considered unlikely that vehicles at the property would park on the street. Furthermore, it would not be envisaged that there would necessarily be a need for high levels of car ownership amongst occupants in this location. In addition there is sufficient cycle parking available within detached garage.

4.10 In order to safeguard the visual appearance of the dwelling and the amenities of the adjacent residents, the implementation of a management plan should be controlled by condition on any planning approval. In this case additional safeguards are given by the owner living at the property. However, should that change in the future the management plan would cover issues such as garden and property maintenance, refuse and recycling collections.

4.11 In terms of managing the number of occupiers and future occupiers of the property and its potential effect on the neighbourhood, a condition has been recommended to remove "permitted development rights" for side/ rear extensions, detached buildings and roof alterations from this property in order to exercise control over any future extensions or alterations. Without this condition further extensions to the house could be erected without the need for planning permission. Clearly, if the overall number of occupants within the dwelling exceeded six, then the local planning authority would need to determine whether a material change of use had occurred taking the property outside Use Class C4 into a "sui generis" use and in those circumstances a further application for planning permission would be required.

5.0 CONCLUSION

5.1 The property is within the urban area, well served by local facilities and close to public transport routes. The dwelling is considered to be of a sufficient size, and with an acceptable internal layout, for use as a HMO. The thresholds within the Council's

Supplementary Planning Document have not been exceeded. As such the proposal is considered to comply with Policy H8 of the Draft Local Plan and subject to conditions is recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 PLANS1 Approved plans - Existing and proposed floor plans

2 A management plan shall be agreed in writing with the Local Planning Authority to demonstrate the control of the following:

- i) Information and advice to residents
- ii) Garden maintenance
- iii) Refuse and recycling collections
- iv) Property maintenance issues

Reason: In the interests of the proper management of the property and the amenity of adjacent residents.

3 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A,B and E of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

7.0 INFORMATIVES:

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:

Imposition of reasonable and necessary planning conditions

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