

2.2 Policies:

CYH8 Conversion to flats/HMO/student accomm

3.0 CONSULTATIONS

INTERNAL:

Planning and Environment Management Team

3.1 No. 47 The Leyes falls within a neighbourhood area where 66 out of 1,215 properties are HMOs (5.43%) and within 100m of the property 1 out of 50 properties is an HMO (2.00%) As such, in accordance with the provisions of the Draft HMO SPD the neighbourhood and street level threshold have not been breached.

Highway Network Management

3.2 The lack of off street parking for three unrelated people would have no impact on highway grounds.

EXTERNAL

Osballdwick Parish Council:

3.3 Object in principle to the loss of anymore residential properties to student let HMOs.

Neighbour Notification and Publicity

3.4 Three letters of objections received on the following grounds:

- Additional noise.
- The rooms should be sound proofed.
- No available off street parking
- Street is very busy when there is an event at the sports club and at the beginning and end of the school day
- Increase in cars, taxis and antisocial behaviour.
- Reduction in family homes due to more HMO properties.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of development and compliance with the SPD

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

4.2 The National Planning Policy Framework (NPPF) 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 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 limited except where in accordance with the NPPF.

4.5 Policy H8 relates to conversions including changes to Houses in Multiple Occupation. The specific requirements of the policy are that:

- 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.

It is considered that the four bedroom size criteria are not applicable to small HMO's as at the time the policy was written there was no small HMO use class (3-6 residents) and a HMO was defined as a property containing 7 or more bedrooms

PRINCIPLE OF CHANGE OF USE

4.6 No. 47 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 50 properties are HMOs (2%). 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.

ACCEPTABILITY OF ACCOMMODATION

4.7 The host dwelling provides accommodation for up to three unrelated people. There are two bedrooms proposed on the first floor with one bathroom. The ground floor provides one further bedroom and living room/ kitchen. There is a detached shed outbuilding that would remain and could be used as a store for cycles and wheeled bins/ recycling boxes. There is an ample sized enclosed rear garden, which is adequately screened from the adjacent neighbouring properties at 46 and 48 The Leyes and the playing fields associated with Osbaldwick Primary School 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 three individual occupants on a shared basis. However, in terms of managing the number of occupiers and future occupiers to the property and its potential effect on the neighbourhood, a condition has been recommended to remove "permitted development rights" for 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.

IMPACT ON NEIGHBOUR AMENITY AND THE CHARACTER OF THE AREA

4.8 This property is a mid-terraced house within a block of three identical houses situated in an area of similar house styles. The location of the property is in close proximity to York University and local public transport links into the city centre, together with an ample supply of local shops. However, 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. The management plan would assist in such issues as providing information and advice to the residents on garden maintenance, refuse and recycling collections and property maintenance issues.

4.9 In terms of addressing issues raised in relation to noise and disturbance it is noted that there is a low concentration of HMOs in the area. There is no specific evidence to suggest that the occupation of the property as an HMO would result in additional noise or disturbance or would adversely affect the character of the area. Issues relating to untidy land, rubbish and late night noise from students could be dealt with under separate legislation and a management plan for the property could be secured by condition.

CAR PARKING/ HIGHWAY SAFETY

4.10 There is no off street car parking connected to this property and the width of the grass verge to the front of the dwelling would mean it would be difficult for a cross over to be installed so that off street parking could be created. The maximum car parking standard contained in Appendix E of the Local Plan for a proposed 3 bed HMO is 2 spaces. The maximum standard for the existing 2 bedroom dwelling is 1 space. In this location the width of the highway allows cars to be parked on the roadside whilst also allowing cars to pass. It is not considered that there would be a harmful impact on highway safety.

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 a sufficient size, and with an adequate internal layout to accommodate three unrelated individuals. 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 TIME2 Development start within three years -

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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: 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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