

on the highway turning area at the head of the cul de sac, to the detriment of the convenience and safety of traffic and pedestrians, and the amenity of neighbours.'

1.4 Around the time of the application being refused legislation was changed by the current government to make it permitted development to convert a house to a HMO. For this reason the applicants did not appeal the decision as they felt it was unnecessary. The applicants are now wishing to formalise the existing arrangement by gaining planning permission.

1.5 This application is being heard before Committee at the request of Cllr. Levene due to the previous application being determined by Planning Committee and the level of local concern raised. A site visit is proposed given the changes to the make up of Planning Committee and in order for members to fully understand the context of the site and the objections of local residents.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYH8

Conversion to flats/HMO/student accom

3.0 CONSULTATIONS

EXTERNAL

3.1 Heslington Parish Council - No correspondence received.

3.2 Police Architectural Liaison Officer - It is recognised that high concentrations of HMOs can result in increases in crime and anti-social behaviour. Statistics for the area show that there have been two incidents of crime and 13 incidents of anti-social behaviour within a 100m radius of the application site in the last 12 months. There is no evidence to suggest that these recorded incidents are student related.

3.3 Neighbours - Eight letters of objection have been received. The following comments were made:

- previous objections and the previous reasons for refusal are still valid;
- there has been an increase in the number of HMO's in Low Mill Close of late, comments received suggest there are between 4 and 7 HMO's within a cul-de-sac of

28 houses, the Planning Statement is wrong when it says there is only one other HMO is the street;

- there is a property for sale in the street as well as one empty and it is possible that these will be turned in HMOs as well;
- student houses bring problems of noise, untidy gardens, litter, anti-social behaviour, devaluation of property value, and car parking problems;
- all students should be accommodated on campus;
- despite the refused application in 2010 the applicant has let the property to students again for the 2011/12 term;
- the supporting statement says that 9 cars can be parked on the site and off the street, the reality is that only 2 or 3 cars could be parked independently on the driveway;
- there is an emergency vehicle entrance next to 24 Low Mill Close and any cars blocking this would be dangerous;
- there is a car parking problem in the area with car parking restrictions to be added to street later this year;
- the proposal reduces the number of family houses available;
- there is an imbalance of student accommodation in the area and the proposal would add to that;
- there has been no change to the property or its immediate surroundings since the previous application was approved;
- HMOs in the area are resulting in a reduction in school intake numbers at local schools

4.0 APPRAISAL

4.1 The key issues are:

- Principle of the change of use;
- Impact on the character and appearance of the area;
- Car parking;
- Cycle and bin storage; and
- Impact on the amenities of local residents.

4.2 Policy H8 sets out the current criteria by which conversions of houses to HMO's should be assessed. Policy H8 states that planning permission will only be granted for the conversion of a house to a HMO where:

- the dwelling is of sufficient size 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.

PRINCIPLE OF DEVELOPMENT

4.3 24 Low Mill Close was built as a four bedroom detached house. The change of use creates six bedrooms. In addition to the bedrooms there is a shower room, two bathrooms, a lounge, a kitchen, a utility room, and a conservatory as well as front and back gardens. The bedrooms are of a size which can provide an adequate level of amenity for occupiers of the property and it is considered that there are sufficient levels of shared facilities to provide a satisfactory standard of amenity for six residents. The number of potential occupants of 24 Low Mill Close is not considered to increase significantly as a result of the change of use as each bedroom would only be occupied by one person.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

4.4 No external alterations are under consideration as part of this application and therefore the proposal satisfies the second criteria of Policy H8.

4.5 Low Mill Close is cul-de-sac containing approximately 30 detached dwellings. Information supplied by neighbours indicates that there are around 4 or 5 HMOs in the street. It is understood that two of these are at the entrance of the road and are seen more within the context of Field Lane than Low Mill Close itself. It is not considered that the existing HMO's including that at number 24 have had a significant impact on the character and appearance of the area. It is not considered that there is a sufficient concentration of HMO's on this cul-de-sac to change the general character of the street.

4.6 The nature of HMO's is that they tend to be occupied for relatively short periods of time, occupants move on and other tenants move in. This can sometimes create a lack of ownership of the property and its garden areas. This has on some occasions resulted in a degradation of the appearance of areas. 24 Low Mill Close is currently well maintained and it is not considered that its use as a HMO has had a significant impact on the visual amenity of the area. In order to ensure that this continues it is considered reasonable to impose a condition relating to the maintenance of the garden areas and the storage of bins away from the public domain. This should ensure that the property maintains its appearance as a well maintained and cared for dwelling. Dwellings can currently be converted into HMOs without planning restrictions and the imposition of such a condition would provide more control over this HMO than any which have been converted within the last year without planning consent.

4.7 Dwellings on Low Mill Close are generally three and four bedroom in size with front and back gardens which means they are suitable for families. A number of objections from local residents state that the cul-de-sac is not suitable for HMOs and

that approving the application would detract from the character of the area. Problems can occur when a high percentage of dwellings in a street become HMO's, evidence suggests that incidents of anti-social behaviour can increase when streets become dominated with HMO's. There is no evidence to suggest that the increase in anti-social behaviour is the result of the student occupiers of the HMO's. In this case the level of HMO occupation on Low Mill Close is considered to be reasonably low and the street has a reasonable balance of occupation which is generally promoted within planning guidance, which places the emphasis on sustainable development. It is not considered that legitimate concerns regarding high levels of HMO concentrations within certain streets in York should not be applied to HMO applications in streets which currently do not suffer those problems and to sites where there is no demonstrable harm to neighbouring amenity. It is considered that the Council's intention of introducing an Article 4 Directive to prevent future changes of use from dwellings to HMO's without planning permission would sufficiently protect Low Mill Close and ensure that the balance of accommodation is maintained.

CAR PARKING

4.8 24 Low Mill Close has a long driveway which can accommodate a number of parked cars. It is considered that two or three cars could use the driveway independently of each other, that is there would be no need to move one car to allow another to enter or leave. There is no disincentive to park on the driveway. There is additional space on the drive for visitor cars if needed. A concern of local residents is the volume of car parking and the increase in demand that a HMO may bring over and above the likely number of cars if the property was a typical dwellinghouse. It is understood that there are car parking difficulties within the cul-de-sac at present, the primary cause of which is understood to be its proximity to the new University of York Campus and therefore staff, students, and visitors are using adjacent residential streets as free car parking. It has been confirmed that Low Mill Close is to become part of the residents parking scheme and therefore existing problems with parking in the street would be controlled. Officers consider that car parking restrictions would also overcome the potential harm of residents or visitors to 24 Low Mill Close parking on the street and blocking driveways or emergency vehicle routes. The level of off-road car parking space is significantly higher than a number of other dwellings and HMOs in the area. It is considered that the level of parking provided is likely to be sufficient for future occupiers of the house given its close proximity to a number of local services and facilities, bus routes, and the University campus, therefore reducing the likelihood and desire of future occupiers to own a private car.

CYCLE AND BIN STORAGE

4.9 There is a shed in the front garden which can be used for the storage of bicycles. There is capacity within the front and back garden to create additional cycle storage should there be a need. Bins and recycling boxes are stored to the side of 24 Low Mill Close out of view from public areas.

IMPACT ON THE AMENITIES OF LOCAL RESIDENTS

4.10 As referred to above the potential occupancy level of 24 Low Mill Close has not significantly increased as a result of the change of use as each bedroom is only occupied by one person. The application site is detached and therefore the potential for noise and disturbance to neighbours is reduced as there are no shared walls. It is considered that there is no sustainable planning justification for resisting this application based on harm to neighbouring amenity. The current residents of the property are students and it is reasonable to assume that future occupants may also be students given the proximity of the property to the University. However, it does not follow that there would necessarily be an increase in noise or disturbance for existing residents in the area. Assumptions about how certain individuals or a household may act or behave does not form a strong basis for a planning objection. Other (non-planning) legislation is in place to control issues such as noise or anti-social behaviour. The property has been occupied as a HMO for over a year and the Council's Environmental Protection Unit have confirmed that no complaints have been received from local residents about noise or disturbance during this time.

4.11 The previously refused application at this site is a material consideration in the determination of this application. However, current legislation which states that dwellings can be converted to HMOs without planning permission must be given significant weight. This sets the context for the proposal and is a change from the previously refused application which was considered at a time of significant changes in planning legislation relating to the control of HMOs. It should be taken into account that at the present time any owner of any other dwelling within Low Mill Close could convert their property from a dwellinghouse into a HMO for up to six people without planning permission. As previously mentioned planning permission is only required retrospectively in this case due to the timing of the change of use. Under current legislation, the applicant could move the existing tenants out, occupy the house as a private dwelling for a period of time, and then change it back into a HMO without any planning control. Within this context, and given that no significant harm has been identified as a result of the proposal, no objections are raised to this change of use.

5.0 CONCLUSION

5.1 The proposal is considered to comply with Policy H8 of the Development Control Local Plan and is for a type of development which, under current legislation, could typically be carried out under permitted development rights. For these reasons, the application is recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 Within two months of the date of this decision, a management plan shall be submitted to and approved in writing by the Local Planning Authority, to include arrangements for the regular maintenance of the garden areas and the storage of bins and recycling boxes within the site. The approved management plan shall be implemented immediately and shall subsequently be adhered to at all times.

Reason: In the interests of visual amenity and the amenity of adjacent occupiers.

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:

- Principle of development;
- Impact on the character and appearance of the area;
- Car parking;
- Cycle and bin storage; and
- Impact on the amenities of local residents.

As such the proposal complies with Policy H8 of the City of York Development Control Local Plan.

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Item No: 4e

Page 7 of 7