

## **Badger Hill Action Group – Petition: Over development of Family Homes into Student Lets**

### **Summary**

1. The purpose of this report is to inform Members of a petition received from residents of Badger Hill concerning an increasing number of family homes on the Badger Hill Estate being converted to student lets, primarily for the University of York students.

### **Background**

#### Student Housing in York

2. York has a wide range of further and higher education establishments, such as the University of York, York St John College, The College of Law, Askham Bryan College, and York College. Approximately 12,000 students reside in the City (2001 Census). In 2001, the University of York, which is located nearest to Badger Hill, had 9,000 students and employed 2,500 staff. The University estimates that, based on the average growth rate over the last 6 years, the student population for the University of York is likely to grow by an additional 5,500 students by 2011/12. This would result in a total of approximately 14,500 students attending the University of York.
3. In 1998, approximately 26% of the University of York's students were housed in the City's private rented sector. Information from the 2001 census identifies that there are certain areas of the City which have higher proportions of student populations compared to non student populations, normally close to existing college and university campuses. In particular, Fishergate Ward has a significant student population.

#### Planning context

4. At present, due to national case law definitions of categories of housing, up to and including six persons can share a single household without having to apply for planning permission to change the use of the dwelling. Therefore, there is no distinction between a dwelling occupied in a conventional way and that of a dwelling occupied by up to 6 students living together as a single household.

The City's planning powers cannot therefore be used directly to regulate the numbers and locations of houses occupied by 6 or less students.

5. Where there are more than 6 residents living together in a shared house, it constitutes a House in Multiple Occupation (HMO), which includes:
  - Houses let in bedsits;
  - Buildings converted into self contained flats;
  - Guest Houses and B&B's;
  - Shared houses where there are 6 or more residents.

In these cases, planning permission is required and their numbers and location can be controlled through the planning process.

#### City of York Local Plan

6. In terms of the City of York Local Plan, policies H7 (Residential Extensions) and H8 (Conversions) are relevant to student accommodation issues. These are included as an Annex. These policies don't relate specifically to student housing, but seek to control amenity and design through a number of criteria.
7. In addition policy ED10 (Student Housing) states that the University of York and York St John College will be expected to accommodate any extra demand created by an increase in student numbers on their campuses or on land in their ownership or control. Where no opportunity exists for the provision of student housing on the University and College campuses, the Council will consider applications for student housing on sites allocated in policy ED10 (Former Bus Depot at Navigation Road and Minster Engineering). Due to their location close to essential local services, they are regarded as the most sustainable options.

#### Badger Hill

8. Badger Hill is a community located in close proximity to the University of York Heslington Campus, and typically consists of 1960's semi detached and detached properties, providing family dwellings. The total number of properties on the Badger Hill Estate is 565. Within the estate, there has been a recent increase in the conversion of these family dwellings to student accommodation, to house students from the University of York who choose to live off campus. This accommodation is provided by private landlords, rather than directly by the University itself. According to the information provided to support the Petition, there are currently 47 known student houses within the Badger Hill estate. This represents 8.5% of all dwellinghouses in Badger Hill.

#### Current Petition

9. The Petition letter (shown in Annex A of this report) was sent to 565 houses in Badger Hill. In total, 283 response slips were returned to the originator, who has passed them on to the Council, objecting to increased number of student

lets in Badger Hill. The total number of objections received represent 54.63 % of households in Badger Hill (excluding the 47 student houses within the estate).

10. The petitioners state that every other house on the estate has shown their objection to this over development of Badger Hill and that based on the results of the petition, if planning consent is sought for a future development of this type, theoretically, every household which borders that property would potentially object.
11. The petition states that the guidelines in Policies H7 (Residential Extensions) and H8 (Conversions) of the 4<sup>th</sup> Set of Changes to the Local Plan are clear (Policies H7 and H8 are shown in Annexes B and C of this report). However, it suggests that in light of recent planning permissions to convert family houses to student lets, greater enforcement of policies H7 and H8 is required. It also suggest that a new policy could be drafted to protect family estates which tied in with the Local Plan.
12. The petition cites a planning application recently submitted to convert a 3 bedroom home at 58 Crossways to an 8 bedroom student house in Multiple Occupation (06/01751/FUL). The Development Control Officer, in making his recommendations, considered that the proposal resulted in overdevelopment of the site to the detriment of living conditions of neighbours. Consequently, the application was refused on the grounds that it was contrary to polices GP1, H7, H8 and T4 of the City of York Draft Local Plan (See Annex D for a copy of the Decision Notice).
13. Subsequently, the applicants submitted a further application (06/02270/FUL) to erect a 2 storey side extension to the property at 58 Crossways. This application includes 4 bedrooms (including the original bedrooms). No change of use was sought as the application did not state that the property would be occupied by more than 6 people - ie. no change of use has technically occurred. Therefore, officers could only judge it as a 2 storey side extension, rather than from the point of view of policies relating to the creation of a house of multiple occupation. The Officers Committee report stated in paragraph 4.10 that:

*“In many ways it is regrettable that a family area is being changed in character as houses are extended and let out on a short term basis. However, this application is merely judging the impacts of a two storey side extension which may or may not be used as a student let now or in the future, planning policy is not currently in place to stop this on an individual house by house basis.”*

The application was refused as it was considered that the proposed development was contrary to policies GP1 and H7 of the City of York Local Plan and design principles within PPS1.

14. At the recent Public Inquiry into the University of York expansion, the issues of increased student lets on the Badger Hill Estate was a significant concern from those opposing the expansion of the University. Typically, concern centred around loss of family dwellings for local families (which would result in lower

school attendance due to fewer school age children living on the estate, the demise of local shops etc) noise (not only during the day, but also during the night as well), amenity concerns, the fact that the properties owned by landlords and let to students gradually became less well maintained (such as poorly maintained gardens, lack of external maintenance / repair of properties), and increased car parking (often on front gardens and grass verges). It was also stated that increased student lets could lead to increased crime within the estate, as many student occupied properties were empty outside term time. Concern was also expressed that as a result of the University expansion, even greater pressures would be placed on family properties on Badger Hill to become student lets.

## **Consultation**

15. City of York Local Plan policies H7 and H8 have evolved through various stages of consultation, as part of the Local Plan process, from the Deposit Draft Local Plan, published in May 1998 to the Third Set of Changes, published in February 2003. This consultation led to the production of the Fourth Set of Changes.

## **Options**

16. The Fourth Set of Changes to the Local Plan are the final version of the Local Plan and there is no real option to make further changes to the policies. The Fourth Set of Changes will eventually be superseded by the emerging Local Development Framework for York. If a change in policy is required, this must be done through the Local Development Framework process, rather than the Local Plan.
17. Therefore, the following options are open to Members:
  - Greater enforcement of existing policies.
  - Consider revising policy approach through the LDF safeguarding family properties from being converted to student lets or HMO's.

## **Analysis**

18. Greater enforcement of policies:

The petitioners acknowledge that the guidelines in Policies H7 and H8 are clear and concise, and it should be noted that the decision on the planning applications referred to in paragraph 12 & 13 of this report indicate that these policies are applied and are used as reasons for refusal where appropriate. It should be noted however, that these policies can only be used in the context set by legislation, (ie if it is judged that no change of use has occurred, no application is required).
19. Revise policy approach through LDF process:

Officers are currently working on a number of documents which will make up the City of York Local Development Framework. The Development Control Policies Development Plan Document (DPD) will be the document which

guides development through individual planning applications. The generic policies within the Fourth Set of Changes to the Local Plan will form a basis on which to build up the Development Control DPD. Officers will consult with Development Control Officers to establish which policies currently work, and which need to be re-worded. Depending on the outcome of this work, it may be appropriate to revise the policy wording, or possibly draft a new policy to protect family estates. In order to consider this issue, it would be important for the Council to build up an evidence base on the residential considerations and patterns of students and to fully understand all the issues. Therefore, it would be logical to consider any issues with these policies as part of the emerging LDF process.

## **Corporate Priorities**

20. The proposals accord with the following Corporate Strategy Priorities:
- Improve the actual and perceived condition and appearance of the City's streets, housing estates and publicly accessible spaces.

## **Implications**

21. The following implications have been assessed:
- **Financial** - *None*
  - **Human Resources (HR)** - *None*
  - **Equalities** - *None*
  - **Legal** - *None*
  - **Crime and Disorder** - *None*
  - **Information Technology (IT)** - *None*
  - **Property** - *None*
  - **Other** - *None*

## **Risk Management**

22. There are no known risks in this proposal.

## **Recommendations**

23. Members are asked to:
- 1) *Ensure that policies H7 and H8 are enforced through the decision making process.*

*Reason: To ensure that development accords with approved Local Plan policies.*

- 2) *Request that as part of the Local Development Framework, officers explore a policy approach to ensure student housing is accommodated in an appropriate way in the City.*

*Reason: To help strengthen the policy approach to student lets, protecting family dwellings.*

- 3) *Ask Officers to advise the main petitioner of the outcome of the recommendation.*

*Reason: To keep the petitioner informed of progress of the issues.*

## Contact Details

**Author:**

*John Roberts  
Assistant Development Officer  
City Development  
01904 551464*

**Chief Officer Responsible for the report:**

*Bill Woolley  
Director of City Strategy*

**Report Approved**

**Date** *4/1/07*

**Specialist Implications Officers** : None

**Wards Affected:** *Hull Road and Heslington Wards*

**All**

For further information please contact the author of the report

**Background Papers:**

*None*

**Annexes**

**A – Copy of the standard Petition letter;**

**B – Policy H7 (Residential Extensions) – City of York Local Plan – 4<sup>th</sup> Set of Changes (April 2005);**

**C – Policy H8 (Conversions) – City of York Local Plan – 4<sup>th</sup> Set of Changes (April 2005);**

**D – Copy of Decision Notice (06/01751/ FUL) – Erection of two storey pitched roof side extension and a change of use of dwelling into a house in multiple occupation.**