

COMMITTEE REPORT

Date: 7 March 2013 **Ward:** Osbaldwick
Team: Householder and **Parish:** Osbaldwick Parish
Small Scale Team Council

Reference: 13/00171/FUL
Application at: 10 Wensleydale Drive Osbaldwick York YO10 3PH
For: Change of use from dwelling house (Use Class C3) to house in multiple occupation (Use Class C4)
By: Mrs Heather Richardson
Application Type: Full Application
Target Date: 28 March 2013
Recommendation: Approve

1.0 PROPOSAL

THE APPLICATION SITE:

1.1 The application site is a semi- detached two storey dwelling which has been previously extended at two storey height to the side elevation up to the joint boundary with 12 Wensleydale Drive, to provide an integral garage with bedroom above. In addition there is a single storey extension to the rear of the two storey element which currently provides a utility area and study. The dwelling is set back from the public highway, located within a residential cul -de- sac. The outside area comprises of an open plan frontage with some domestic planting, including a driveway and enclosed garden areas to the rear of the property.

THE PROPOSAL:

1.2 This application seeks planning permission to convert the existing use as a dwelling (Use Class C3) to a house in multiple occupation (HMO) (Use Class C4) for six individual occupants. The internal layout of the dwelling would provide four bedrooms at first floor and two bedrooms at ground floor following a sub-division of the lounge area and conversion of the existing study into a bedroom. One of the bedrooms would benefit from an existing en-suite shower room. In addition there would be a house bathroom on the first floor and an additional shower room on the ground floor.

PROPERTY HISTORY:

1.3 Outline planning application for the construction of 74 dwellings (ref: 3/100/157B/PA) approved 02.08.1982

Two storey side and single storey rear extension (ref: 01/02018/FUL approved 31.08.2001 and ref: 02/00982/FUL approved 19.07.2002).

OTHER DOCUMENTATION:

1.4 Design and Access Statement detailing the application site and the proposal.

1.5 A Flood Risk Assessment confirming the site is not within a high risk flood zone.

AREA HISTORY:

1.6 There are currently two other properties with a Class C4 (HMO) status within 100 metres of the site known to the planning authority through assessment of the current 2012/13 Council Tax records. These properties are 10 and 18 Wensleydale Drive.

FOR INFORMATION:

1.7 This application has been called in to the East Area Planning Sub Committee by Councillor Mark Warters on the basis of neighbour amenity issues.

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:

CYGP1
Design

CYH7
Residential extensions

CYH8
Conversion to flats/HMO/student accom

3.0 CONSULTATIONS

INTERNAL:

3.1 Integrated Strategy Unit:

10 Wensleydale Drive falls within a neighbourhood area where 6.4% of properties are shared houses. Within 100m of the property, 5.9% are shared houses. As such, in accordance with the provisions of the Draft HMO SPD the neighbourhood and street level threshold have not been breached and further change of use to HMO is likely to be acceptable. Albeit an assessment of residential amenity (bin storage, parking etc.) and the ability of the area to absorb further change of use should also be undertaken.

EXTERNAL:

3.2 Osbaldwick Parish Council:

- (i) Parish Council maintain long standing objection to any further loss of family homes to the student let market
- (ii) Location of proposed HMO as adjoining semi-detached at no 8 is a rental property, is not suitable & will potentially have greater impacts on neighbouring amenity in terms of noise, disruption, parking issues than a stand alone rental property.
- (iii) Location of proposed HMO & lack of parking provision will inevitably, if approved, lead to on street parking & conflict with neighbours' access to property & difficulty in service vehicles accessing the street.
- (iv) The proposed internal layout of the property represents a gross overdevelopment of the house creating a sub standard level of accommodation. The access arrangements for bedrooms 5 & 6 are of particular concern.
- (v) Insufficient toilet/ bathroom facilities for 6 bedroom property that could potentially house 12 occupants, insufficient information as to capacity of sewers to cope with both No 8 & No 10 as adjacent HMO's
- (vi) The Parish Council fully support the concerns & upset of residents over the Council Tax Exempt status of these student HMO's & whilst not a planning concern wish to draw the planning committees attention to the extra financial burden being placed on the Council Tax paying public of York.
- (vii) Ongoing concerns as to the reliability of CYC's records of known HMO/s in Osbaldwick, leading to doubts as to accuracy of neighbourhood & street level percentages,

3.3 Neighbours

At the time of writing four objection letters have been received from local residents, as follows:

14 Wensleydale Drive
16 Wensleydale Drive
17 Wensleydale Drive
24 Wensleydale Drive

The objections make the following points:

14 Wensleydale Drive:

- (i) The number of student properties in the area has increased steadily over the years resulting in the loss of a balanced community.
- (ii) Students are not long term members of the community and the balance is now tipping in the wrong direction.
- (iii) The large amount of student housing removes family properties from the market and deters families from moving into the area. This causes the mix of the community to change resulting in closures of essential facilities and services such as the pending closure of Burnholme Community College.
- (iv) 6 students in this property is unacceptable given the current nearby student population.

16 Wensleydale Drive:

- (i) Numbers 8 and 18 Wensleydale Drive are already occupied by a total of 10 students.
- (ii) Car parking problems and highway safety issues
- (iii) There is a shortage of family homes in York
- (iv) The University is building its own accommodation and other purpose built student accommodation is standing empty so more is not needed.
- (iv) Student lets do not contribute to the community do not pay Council Tax meaning residents of York have to pay more.

17 Wensleydale Drive

- (i) Parking problems
- (ii) Student properties are poorly maintained

(iii) Waste/litter problems

(iv) Noise

(v) Students should be accommodated in purpose built accommodation blocks

24 Wensleydale Drive:

(i) The property is in a corner location which could cause additional car parking problems.

(ii) Lack of outside maintenance resulting in properties becoming eyesores, thus downgrading the area.

(iii) Too many shared houses in the area already.

(iv) Student houses do not pay Council Tax placing more pressure on the Parish Council and CYC.

(v) Noise pollution from all night parties and shouting in the street.

Laurence Pye (on behalf of Osbaldwick Parish Council):

(i) Number 10 is one half of a pair of semi-detached houses, the other half (No 8) and already lodging some six students. House of Multiple Occupancy. Acceptance of a similar status for No 10 would produce a pair of semi-detached houses housing some twelve students at any one time! (the proposal for No 10 is for six bedrooms). All this would be on the corner of a cul - de - sac style back water on Wensleydale Drive with another HMO just across at an angle, No 18 with another 5 students.

(ii) The situation would be intolerable for those residents living beside and between these multiple lets in what is a nice quiet residential neighbourhood and they could be no worse off if they lived on York University campus.

(iii) There would be parking problems apart from all the other well known attendant problems associated with student lets.

(iv) The Parish Council do most sincerely believe that the good council tax paying residents who would be most affected do not deserve to have such a threat hanging over their lives.

(v) Irrespective of the quotas involved under the terms of the policy for Controlling the Concentration of Houses in Multiple Occupancy, this is a case where the Committee must apply its own common sense and experience and refuse this application.

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.

ACCOMMODATION:

4.6 The host dwelling would provide accommodation for up to six unrelated people. There are four bedrooms proposed on the first floor with one bathroom and an en-suite shower room connected to bedroom one. The downstairs compartments would provide two further bedrooms by converting the existing study and subdividing the existing lounge area. In addition the communal facilities situated on the ground floor would consist of a shared living room, kitchen/ utility room and a shower room. The integral garage would remain and could be used as a store for cycles and wheeled bins/ recycling boxes. The retention of the garage could be conditioned. There is an ample sized enclosed rear garden, which can be used as outdoor amenity space and is adequately screened from adjacent neighbouring properties by a close boarded fence and a detached garage on the boundary of 12 Wensleydale Drive. The rear boundary hosts a six foot brick wall separating the garden areas of the bungalows at 41 and 43 Wensleydale Drive to the rear of the application site. It is considered that the facilities provided are of a sufficient standard to accommodate six individual occupants on a shared basis.

PRINCIPLE OF CHANGE OF USE:

4.7 Information received from the Council's Integrated Strategy Team has confirmed that 10 Wensleydale Drive falls within a neighbourhood area where 6.4% of properties are shared houses. Within 100m of the property, 5.9% are shared houses. This equates to two properties. As such, in accordance with the provisions of the Draft HMO SPD the neighbourhood and street level threshold have not been breached and further change of use to HMO is considered to be acceptable.

IMPACT ON THE NEIGHBOUR AMENITY/ CHARACTER AND APPEARANCE OF THE AREA:

4.8 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. The internal layout would seem reasonable to meet the needs of six people. There would be sufficient car and cycle parking available within the existing integral garage and side driveway. Thus, the proposal conforms to the Council's maximum car parking standards and therefore no objections could be sustained on these grounds. In terms of additional on street car parking, there are no car parking restrictions on Wensleydale Drive and the width of the highway allows cars to be parked on the roadside whilst also allowing cars to pass. Furthermore, it would not be envisaged that there would necessarily be a need for high levels of car ownership amongst occupants in this location. On balance, the application property would provide adequately sized accommodation suitable for six occupants that would not have a negative effect on the adjacent neighbours or the residential character of the area.

4.9 However, in order to safeguard the visual appearance of the dwelling and the amenities of the adjacent residents, it is considered that 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 residents, garden maintenance, refuse and recycling collections and property maintenance issues. Given the low concentration of HMO's in the area (according to statistics based on Council Tax records) 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.

4.10 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" from this property in order to exercise control over any future extensions or alterations. It is acknowledged that the house has been extensively extended and any further extensions would be relatively restricted. Nevertheless, without this condition further extensions to the rear of 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.

LOSS OF FAMILY HOMES:

4.11 In terms of addressing issues relating to the concentration of the amount of student housing resulting in the loss of family homes, this situation is controlled by the Article 4 Direction placed on all houses within the urban areas of York, which is supported by the SPD (Controlling the Concentration of Houses in Multiple Occupancy) and is further reiterated in the council's visionary document City of York Sustainable Community Strategy - A City Making History 2008. The SPD document focuses on avoiding high concentrations of HMO's in particular streets/areas, in order to avoid the undue loss of family homes and maintaining community cohesion and helping the development of strong, supportive and durable communities. Furthermore, within the context of the SPD the aim is to avoid situations where existing communities become unbalanced by narrowing household types which can have a detrimental impact on neighbourhoods. As the proposal complies with the thresholds set out within the SPD, the application is recommended for approval.

5.0 CONCLUSION

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 six unrelated individuals. The thresholds within the Council's Supplementary Planning Document have not been exceeded. Furthermore, from a sustainability perspective the use for effectively single person accommodation would be acceptable and would help to meet an identified need in the city. As such the proposal is considered to comply with Policy H8 of the Draft Local Plan and subject to conditions is recommended for approval.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 PLANS1 Approved plans - Approved layout plan and supporting documentation

3 Prior to the dwelling being occupied 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.

4 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-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.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the garage indicated on the submitted drawings shall not be externally altered or converted to living accommodation.

Reason: To ensure that there is adequate cycle parking/storage space at the property and any proposals to increase living accommodation can be assessed on their merits.

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 residential amenity and the impact on the character and appearance of the area. As such the proposal complies with Policy H8 of the City of York Development Control Local Plan, and the Council's Supplementary Planning Document: 'Controlling the concentration of Houses in Multiple Occupancy' (2012).

2. 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 taken account of all relevant local policies, and 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 identify solutions to problems arising from the proposed development.

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