

## COMMITTEE REPORT

**Committee:** East Area                      **Ward:** Clifton  
**Date:** 13 December 2007                **Parish:** Clifton Planning Panel

**Reference:** 07/01723/FUL  
**Application at:** Cherry Lodge 38 Burton Stone Lane York YO30 6BU  
**For:** Change of use to house in multiple occupation  
**By:** Steven Green  
**Application Type:** Full Application  
**Target Date:** 13 September 2007

### 1.0 PROPOSAL

1.1 The application comprises the conversion of a large detached former dwellinghouse to a house in multiple occupation (HMO) for 10 people. Each would occupy their own en-suite room and have use of two shared kitchens and a laundry. Four off-street parking spaces and a shared cycle store would be provided. To the rear would be a shared garden and refuse/recycling enclosure. There would be no external alterations other than the erection of the refuse/recycling enclosure.

1.2 The site is owned by the applicant who has already converted the property to an HMO. Seven of the 10 bedrooms are let.

1.3 The application is referred to committee at the request of Councillor Scott. A committee site visit is to take place because objections have been received and the application is recommended for approval.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Clifton 0013

City Boundary York City Boundary 0001

2.2 Policies:

CYGP1  
Design

CYH8  
Conversion to flats/HMO/student accom

CYL1c  
Public open space contribution

### 3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - No objections subject to revised details being submitted. The four proposed parking spaces are adequate but they should be set further into the lawn to provide satisfactory turning space. The size of the communal cycle store is adequate but security devices for each cycle should be provided. The site lies within R34 Respark Zone. Neither guesthouses nor HMOs are eligible for permits in this zone so the impact of the development on the public highway - and on-street parking in particular - is considered neutral. This is further enhanced by car parking spaces and turning arrangements being proposed within the site.

Environment, Conservation, Sustainable Development (Conservation) - The proposals appear to preserve the character and appearance of the conservation area. No objections subject to a management strategy for the shared areas being submitted for approval.

Housing Standards - If the property is to be let to five or more occupiers a license will be required from the council to ensure that: living conditions and amenities within the building are adequate; the license holder is a fit and proper person; and management of the property is adequate.

### 3.2 External

Clifton Planning Panel - Objection. Too many bedrooms for not enough kitchens. Overcrowding. Not enough parking.

Public Consultation - The consultation period expired on 22 August 2007. Eight individual letters of objection and 20 pro-formas have been received raising the following planning issues:

- Impact on the character of the residential area and the community
- Inadequate maintenance of the property
- Harm to the amenity of residents.
- Noise nuisance, anti-social behaviour and general disturbance
- Overcrowding
- Inadequate facilities for occupiers
- Inadequate access/highway safety
- Impact on on-street parking
- Inadequate provision for cycling/cycle storage
- Harm to the character of the conservation area.
- Further assessment of the impacts is needed.

## 4.0 APPRAISAL

### 4.1 Key Issues

- Principle of development
- Impact on the conservation area
- Occupier amenity
- Neighbour amenity
- Highway issues
- Refuse/recycling
- Public open space.

### 4.2 The Application Site

Large, attractive, detached, 3-storey former dwellinghouse fronting onto Burton Stone Lane. To the side, within the site, is a gated private drive to four parking spaces at the rear. The occupier of the adjacent house at No.36 has vehicular right of way over the drive in order to access his domestic garage at the rear of his house. The building is unlisted and in a conservation area. The area is predominantly residential.

4.3 It would appear that the building was last used as annexe guest accommodation for the language school operating at 8 St. Peter's Grove to the rear. This property was granted planning permission in 2007 (06/2828/FULM) for conversion to 12 2-bed apartments. The two properties are now separate planning units.

#### 4.4 Principle of Development

National planning policy on housing (PPS3) includes the aim of creating sustainable, inclusive, mixed-use communities in all areas. The site lies in a residential area in a sustainable location close to public transport and local services. The principle of use as an HMO is therefore acceptable.

#### 4.5 Impact on the Conservation Area

The building and grounds contribute to the character of the conservation area. No external alterations are proposed except provision of a refuse/recycling enclosure and four parking spaces to the rear. The enclosure would not be visible from the public highway or be easily visible from surrounding buildings. The proposal would have negligible impact on the character and appearance of the conservation area. The applicant has submitted adequate details of his proposed maintenance and management regime.

#### 4.6 Occupier Amenity

The internal alterations to convert the building to an HMO have already been carried out. The building has 10 single bedrooms and two kitchens. This arrangement contrasts with the plans as initially submitted, which showed 11 bedrooms and one kitchen. Whilst officers have not been inside all the rooms the conversion appears spacious and to a good standard. The applicant has agreed to a planning condition limiting the number of occupiers to 10. The Housing Act provides further safeguards for occupiers in that the HMO will require a license to ensure that facilities are adequate and the HMO is well managed. Housing standards officers of the council are aware that the HMO is in operation and a license application is expected shortly.

#### 4.7 Neighbour Amenity

Cherry Lodge is a detached building in sizeable grounds. Bearing in mind that the proposed use is residential, and for just 10 occupiers, the impact on adjacent dwellings and the area generally is likely to be small. The impact is unlikely to be significantly different to the impact of a flatted conversion of the building.

#### 4.8 Highway Issues

The existing access from Burton Stone Lane is adequate and would be unaltered. Four parking spaces have been created to the rear of the building. They are sufficient to serve the proposed number of occupiers, although the layout would need to be amended to provide adequate turning space and to avoid interfering with

the right of way through the site. Details have been revised since the application was first submitted and are now acceptable. The site is in a Respark Zone. Neither guesthouses nor HMOs are eligible for permits in this zone so the impact of the development on on-street parking is considered neutral.

The building has a domestic-sized, integral garage with its own access from Burton Stone Lane. This garage would become the communal cycle store. It is adequate for at least 10 cycles and secure Sheffield stands would be provided.

The council's highway officers have no objections to the revised proposals.

#### 4.9 Refuse/Recycling

The revised proposals show a communal bin store in a discreet location to the rear of the building. The store is acceptable subject to details being provided.

#### 4.10 Public Open Space.

A financial contribution of £3,600 would be required for the provision of public open space in accordance with policy L1 of the local plan.

### 5.0 CONCLUSION

5.1 The proposal accords with national planning policy in PPS3 and with policies GP1 and H8 of the City of York Local Plan Deposit Draft. The application is acceptable subject to conditions. An open space contribution of £3,600 would be required.

### COMMITTEE TO VISIT

#### 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out only in accordance with the approved site plan numbered 2150-1A and un-numbered floor plans all received 30 November 2007 or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Within three months of the date of this permission all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the egress of water and loose material onto the public highway.

4 Within three months of the date of this permission the areas shown on the approved plans for turning, parking and manoeuvring of vehicles shall be constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

5 Within three months of the date of this permission the cycle store shown on the approved plans shall be provided in accordance with the approved details. The cycle store shall thereafter be retained and used for no other purpose except with the written consent of the local planning authority.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

6 The premises hereby approved shall be occupied by no more than 10 occupiers unless otherwise approved in writing by the local planning authority.

Reason: In the interests of highway safety and the amenities of local residents.

7 Within three months of the date of this permission details (including location, dimensions and materials) of refuse/recycling enclosures for the dwelling hereby approved shall have been submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details. The refuse/recycling enclosures shall thereafter be retained and used for no other purpose except with the written consent of the local planning authority.

Reason: In the interests of sustainability, visual amenity and the character of the conservation area.

8 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the local planning authority. The open space shall thereafter be provided in accordance with the approved scheme or the alternative arrangements agreed in writing by the local planning authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1 of the City of York Draft Local Plan.

#### INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £3,600.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

1. 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 the principle of development, impact on the conservation area, occupier amenity, neighbour amenity, refuse/recycling and highway issues. As such the proposal complies with policies GP1, and H8 of the City of York Local Plan Deposit Draft.

### **Contact details:**

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