

## COMMITTEE REPORT

**Date:** 12 August 2010                      **Ward:** Hull Road  
**Team:** East Area                              **Parish:** Hull Road Planning Panel

**Reference:** 10/01196/FUL  
**Application at:** 45 Millfield Lane York YO10 3AW  
**For:** Change of use from dwelling (use class C3) to house of multiple occupation (use class C4)  
**By:** Mr Keith Burgess  
**Application Type:** Full Application  
**Target Date:** 28 July 2010  
**Recommendation:** Approve

### 1.0 PROPOSAL

#### THE SITE

1.1 The application site consists of a semi detached, two-storey, three-bedroomed dwelling with a single width shared driveway providing access on the rear of the dwelling. The dwelling has a detached garage located on the north east side elevation approximately 6.0 metres from the dwelling house. The rear garden is enclosed by extensive vegetation and adjacent trees located on the shared neighbouring boundaries. The surrounding neighbourhood consists of similar style semi - detached properties set behind a strong building line. The predominant treatment of the front boundaries consists of low walls and front lawns with infill planting.

#### PROPOSAL

1.2 This application seeks planning permission to convert a three bedroom single occupancy dwellinghouse (Use Class C3) into a four bedroom house in multiple occupation (HMO)(Use Class C4). No external changes are proposed as part of the proposed development. Two car parking spaces are proposed at the front of the property and in the garage with access for enclosed cycle storage in the rear garden shed .

1.3 This application has been brought before East Area Planning Sub-Committee due to the level of objection from local residents and concerns by local councillors on the amount of (H.M.O) conversions within the vicinity. A site visit will allow members to understand the nature of the objections raised and put them into context.

#### SUPPORTING INFORMATION

1.4 The applicant has produced a Management Plan detailing the continued control and maintenance of the garden area, refuse and recycling cycle and car parking.

## ADDITIONAL INFORMATION

1.5 An amendment to the Use Classes Order came into force on 6th April 2010 whereby a new use class (C4) was introduced. This amendment separates dwelling houses from houses in multiple occupation, so that planning permission is required if a single household dwelling is being converted into a property occupied by more than one household and more than two people, including shared houses.

## 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

CYGP1  
Design

## 3.0 CONSULTATIONS

3.1 INTERNAL

Highway Regulation (Network Management) - no objections.

City Development - There are no policy objections to the principle of development. However consideration should be given to the protection of the character of the area and the amenity of local residents, and the provision of adequate storage for waste recycling and litter collection. The relevant local policies are GP1 (Design) and H8 (Conversions).

3.2 EXTERNAL

Hull Road Planning Panel - No objections

Neighbouring properties were notified on 14.06.10  
Letters have been received from Nos. 43, 39 & 56 Millfield Lane. The letters raised concerns relating to:-

- Large number of H.M.O properties on Millfield Lane.
- Deterring families to move into the area.
- Limit the number of H.M.O properties.

- Parking on the grass verge.
- Access problems because of single drive way and additional amount of cars.
- Accidents caused by on street parking.
- Lack of external maintenance.

## **4.0 APPRAISAL**

### 4.1 key issues are:

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

4.2 NATIONAL PLANNING POLICY STATEMENT 1 sets out the Government's overarching planning policies. It sets out the importance of good design in making places better for people and emphasises that development that is inappropriate in context or fails to take the opportunities available for improving an area should not be accepted.

4.3 DRAFT LOCAL PLAN POLICY CYH8 - "Conversions". In April 2010 the planning law relating to HMOs changed. A new use class was introduced for smaller HMOs occupied by between three and six people. The Town and Country Planning (Use Classes) order 1987 has been amended to provide for a specific definition of an HMO. Planning permission is now required, 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). There is no new local policy framework, which specifically deals with this the recent changes in legislation, however Policy H8 sets out the current criteria 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.

4.4 DRAFT LOCAL PLAN POLICY CYGP1 - "Design" sets out a series of criteria that the design of development proposals would be expected to meet. These include requirements to (i) respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the

character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

#### 4.5 PRINCIPAL OF H.M.O

The application site lies within a sustainable location in an established residential area. The property is a convenient distance from local amenities and good transport links to the city centre. Information from Council Tax records have documented that there are at least three properties of multiple occupation in the street that are exempt from Council Tax payments. The proposed layout of the property would continue the three existing upstairs bedrooms on the first floor with the one ground floor reception room converted to provide one additional bedroom. This would leave a communal kitchen on the ground floor and bathroom on the first floor. It is considered that this internal layout is suitable for four occupants in terms of providing a reasonable level of residential amenity. The property has a large sized garden, which can be used, as outdoor amenity space.

#### IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

4.6 In introducing the new legislation, Central Government has acknowledged that high concentrations of Houses in Multiple Occupancy can create a high level of occupancy and activity, in particular if occupied by groups such as students, which can create lack of ownership of the property resulting in untidy areas and minimum maintenance. In considering this issue, there is no indication that existing concentration of student housing on Millfield Lane has had a negative effect on the residential character of the area.

#### MANAGEMENT PLAN

4.7 The applicant has submitted a management plan to protect the visual appearance of the surrounding area, the amenity of the adjacent occupiers and ensure there are adequate measures in place to control the number of resident's vehicles at the site. The plan includes arrangements for the fortnightly maintenance / grass cutting of the garden area to be undertaken by the applicant. The occupiers of the property will be issued with a copy of The City Of York Council "Waste Presentation" document to ensure the removal of refuse and recycling, along with the storage of bins and recycling boxes within the site are controlled. Also the management plan can control the maximum number of resident's vehicles. The supporting information has stated that there would be two off street parking places as well as storage for up to four cycles. Recycling would be contained within the utility area, as demonstrated by the existing occupiers. Bin storage would be located to the rear in the existing shed. The occupiers are required to adhere to the plan at all times.

#### NEIGHBOUR OBJECTIONS

4.8 Letters received from Nos. 43, 39 & 56 Millfield Lane raising the following issues:-

## LARGE NUMBER OF H.M.O PROPERTIES ON MILLFIELD LANE / DETERRING FAMILIES TO MOVE INTO THE AREA/ LIMIT THE NUMBER OF H.M.O PROPERTIES

4.9 There is no guidance on how to measure the concentration of HMO's on Millfield Lane. The proposed plans demonstrate that the property would provide adequately sized accommodation suitable for four future occupants with adequate provisions for refuse and recycling. On balance, it is difficult to conclude that creating an additional HMO in the street would create an excessively high concentration, which would be detrimental to the area. The area remains predominantly residential in character, which is consistent with its suburban location, therefore it is unlikely intensity of use of the property would have adverse impact on the existing residential environment, or any future occupiers to the area other than what can be normally expected from a family of four members in one house.

## PROPERTY MAINTENANCE AND DISPOSAL OF SEWERAGE/ ADDITIONAL NOISE

4.10 The management plan and email has demonstrated the location and control over the maintenance, rubbish and recycling. It is considered that any sewerage disposed from the mains sewer would be no greater than that of a family living at the property. In terms of additional noise any potential creation of disturbance and noise would be controlled through a separate legislation managed by the Council's Environmental Protection Unit.

## PARKING ON THE GRASS VERGE/ACCIDENTS FROM ON STREET PARKING

4.11 In terms of additional on street parking, there are no car parking restrictions on Millfield Lane, as such there are cars parked on the road side and grass verges in front of the properties. Although residents have raised concerns about the visual and highway safety impacts of cars being displaced onto the roadside, highways regulation have raised no objections on highway safety grounds to the proposed conversion. On the basis that two car parking spaces are acceptable at the front of the property and in the garage, with access from a generous shared driveway, it is considered unlikely that the level of car ownership at the property would significantly increase problems for other residents from excessive levels of on-street car parking. Furthermore, the council's highway authority has no objections to the proposal.

## REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

4.12 Current guidance published by the Communities and Local Government appears to conclude that C4 houses have permitted development rights. If this is indeed the case, permitted development rights for such dwellings would allow significant extensions to the rear of the house and in the roof space without the need for planning permission. This could create a significant increase in occupancy levels. On this basis it is considered important that the Local Planning Authority retains the ability to control this.

## 5.0 CONCLUSION

5.1 The proposal is considered to comply with Policy H8 and GP1 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

2 PLANS1 Approved plans - Approved Plans Dated 01.06.10

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, C, E, and F 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.

### Contact details:

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