

COMMITTEE REPORT

Date: 12 August 2010 **Ward:** Heslington
Team: East Area **Parish:** Heslington Parish Council

Reference: 10/01325/FUL
Application at: 24 Low Mill Close York YO10 5JN
For: Change of use from dwelling (use class C3) to house in multiple occupation (use class C4)
By: Mr And Mrs Harris
Application Type: Full Application
Target Date: 3 August 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks planning permission to convert a four bedroom house into a six bedroom House in Multiple Occupation. The site is 24 Low Mill Close which is within Heslington Parish. Vehicular access is off Field Lane with pedestrian access being available from Hull Road which the application site backs onto. Low Mill Close is a cul-de-sac of relatively modern detached houses. The application site has already been converted into and is operating as a HMO. The applicants were not aware of the recent change in legislation which meant that planning permission was required to operate a HMO from what was a residential dwelling.

1.2 Downstairs, 24 Low Mill Close consists of two bedrooms and a kitchen, lounge, utility room, shower room, and conservatory. The property has a front and back garden including a bin storage and cycle storage area. Upstairs are four bedrooms and two bathrooms. The property has a long driveway which can accommodate a number of parked cars. The detached garage on site is used by the owner for personal storage.

1.3 This application is being heard before Committee at the request of Cllr Jamieson-Ball who called it in due to concerns of local residents about the balance of student housing in their community. A site visit is proposed 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

Internal

3.1 Highway Network Management - The applicant states that there are 8 or 9 car parking spaces, this figure is derived by including the whole length of driveway. However, cars would be independent of each other, therefore having this many cars would block each other in. However, there are two independent spaces in front of the double garage which would be adequate to comply with standards. There is a shed in the front garden for bicycle storage, however this is not large enough for six bicycles, therefore a condition should be added to any approval to secure additional cycle parking facilities.

3.2 City Development - Following the elections and the recent changes in Government, further changes in legislation are being made to the planning requirements relating to HMO's, whereby the need for planning permission for changes from C3 uses to C4 uses will not be required. This was outlined in a Statement by the Housing Minister on 17th June 2010 (CLG ref 1617148) and therefore should be taken as a material consideration. There is no revised policy to take these changes in to account therefore the provisions of Policy H8 'Conversions', particularly the last three bullet points should be taken into account when determining a planning application. Consideration should be given to the impacts of the proposal on the streetscape with regard to visual amenity, alongside the impact additional residents may have on parking provision. Adequate provision should be made for the storage and collection of refuse and recycling. This is in response to increasing concerns of the negative impacts that concentrations of HMOs are having on the surrounding environment and local amenity for existing residents.

External

3.3 Heslington Parish Council - Object on the following grounds:

- the property does not provide adequate provision for the number of vehicles that will be associated with this property;
- The proposal would mean an imbalance to the residential area as there are a considerable number of HMO's locally;
- the property is already being occupied by students, prior to this planning application being granted;
- the proposal is considered overdevelopment of the cul-de-sac and would change the character of the area.

3.4 Third Parties - Seven letters of objection were received from local residents, the following points were made:

- Low Mill Close is a small cul-de-sac with very limited on street parking, the property can only accommodate two cars, each student may have a car which when combined with visitor parking could create severe problems in the street;
- On-street car parking in large numbers can create health and safety issues;
- Councils now have the power to stop the spread of student housing into areas which were not designed for it, more student lets results in a loss of family housing and also has a disruptive effect on numerous families that have happily settled into an area, the proposal may set a precedent for more student houses in the area;
- Long term residents of the area have looked on with sadness at the gradual deterioration of Badger Hill Estate which were very neatly kept family properties and a very happy area in which to bring up children, today the area is almost devoid of children as property after property has been converted into student accommodation with unkempt gardens and overflowing rubbish bins which are left in the front garden;
- it appears that very little consideration was given to the accommodation of the large numbers of students that would come to York with the expansion of the university;
- converting the former dairy on Hull Road into student lets makes sense, converting a perfectly good family house into a student-let makes no sense;
- Low Mill Close is a quiet cul-de-sac with children playing in the street, it is thought that six students who may all have cars would pose a danger to them;
- as the applicants are a family of builders with connections to a number of HMO's in the area it is hard to believe that they were not aware that they needed planning permission;
- the snicket at the side of the house is designed as an emergency access point to the estate, a lack of car parking space in the area could result in this being blocked by on-street parking;
- all housing in Low Mill Close was built as family housing and should remain as such, once a property has been taken out of the family housing stock it is rarely returned to such use;
- HMO's degrade the natural family environment making property prices rise whilst not supporting the local community, an example of this is falling admission numbers at local schools;
- there has already been an example of students creating noise while leaving the property at 1am, this was not because the students were behaving badly but because it is a very quiet area where voices resonate;
- from an environmental perspective students generally tend to be nocturnal and this does not normally fit in with general residential lifestyles and can cause unnecessary tension in the neighbourhood.

4.0 APPRAISAL

4.1 It is considered that the key issues are:

- 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.

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 proposed 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 a reasonable level of amenity for occupiers of the property and it is considered that there are sufficient levels of shared facilities to provide a reasonable level of amenity for six residents. The number of potential occupants of the 24 Low Mill Close is not considered to increase significantly as a result of the proposed change of use as each bedroom would only be occupied full time 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 serving a little under 30 detached dwellings. The latest information indicates that there are no student lets within Low Mill Close itself at present. Some neighbour letters state that there are two student lets towards the entrance to the cul-de-sac. 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 local objections received stated that the cul-de-sac is not suitable for a HMO 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. It is not considered justifiable in planning terms to state that creating one HMO within a street would detract from the residential character of an area or the way it functions.

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. It is therefore considered reasonable and necessary to impose a condition relating to the maintenance of the garden areas and the storage of bins away from the public domain.

CAR PARKING

4.7 24 Low Mill Close has a long driveway which can accommodate a number of parked cars. It is considered that at least two cars could use the driveway independently of each other as the hardstanding area widens towards the garage, 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 space on the drive for visitor cars if needed. A number of local residents' objection letters argue that off-street car parking could cause potential dangers for children playing in the street and may also block the emergency access to the estate which runs adjacent to the house. These concerns are understandable within a quiet cul-de-sac, however, planning is not there to mitigate against any inconsiderate parking choice of individuals. The level of potential off-road car parking space is above what one would normally expect to see for a six bedroom HMO. A further consideration is the property's close proximity to a number of local services and facilities, local bus services, and the University campus, meaning that the property is in a sustainable location where a car is not necessary for residents.

CYCLE AND BIN STORAGE

4.8 There is a shed in the front garden which can be used for the storage of bicycles. The Highway Network Management team feel that this is not of sufficient size for the storage of six bicycles. Therefore, a condition is recommended to be added to any approval whereby further cycle storage is created to allow all residents space to be able to park a bicycle safely and securely, this would encourage their use. There is capacity within the front and back garden to create additional cycle storage.

IMPACT ON THE AMENITIES OF LOCAL RESIDENTS

4.9 As discussed above the potential occupancy level of 24 Low Mill Close would not increase significantly as a result of the change of use as each bedroom would only be occupied by one person. The application site is detached and therefore the potential noise and disturbance for neighbours is reduced as there are no shared walls. It is considered that there is no sustainable planning justification for objecting to 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 properties closeness to the university. However, this does not mean that their 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.

5.0 CONCLUSION

5.1 Subject to suitable conditions the proposal is considered to comply with Policy H8 of the Local Plan and is therefore recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 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.

3 Within two months of the date of this decision details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. Within a month of the written agreement of these details, the cycle parking areas and means of enclosure shall be provided in complete accordance with the approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

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.

Contact details:

Author: Michael Jones Development Management Officer

Tel No: 01904 551339