



Report of the Chief Planning Officer

PLANS PANEL NORTH & EAST

Date: 4 August 2016

Subject: APPLICATION 16/01391/FU – Application for a change of use of a dwelling house (C3 use class) to a six bedroom House in Multiple Occupation (C4 use class) at 3 Grange View, Chapeltown, Leeds, LS7 4EP.

APPLICANT

A P Dwellings Ltd

DATE VALID

2 March 2016

TARGET DATE

27 April 2016

Electoral Wards Affected:

Chapel Allerton

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: REFUSE PERMISSION for the below reason:

1. The Local Planning Authority considers that the proposal, would make a significant contribution, when considered cumulatively, to the existing high concentration of houses in multiple occupation and other similar forms of housing in this part of the City, to the existing housing imbalance within the area. As such the proposal would be contrary to the Council's objectives to avoid high concentrations of houses in multiple occupation and to avoid the local housing and population imbalance and to achieve sustainable communities. Therefore the proposals fail to accord with the aims of Leeds Core Strategy Policy H6 and the guidance contained within the National Planning Policy Framework (2012).

1.0 INTRODUCTION

- 1.1 This application seeks planning permission for the conversion of 3 Grange View from a four bedroom family home to use as a six bedroom HMO within Class C4 of the Use Classes Order and is brought before Panel at the request of all three Ward Members who are of the view that there is already a high concentration of flats and Houses in Multiple Occupation (HMO) in the Chapel Allerton Ward and that larger family homes are needed. To continue to introduce HMO's into Chapel Allerton, will,

in their opinion, undermine the balance and health of communities in the Ward. Members have also raised a point that Chapel Allerton has high levels of unemployment. They also feel the proposal fails to provide sufficient parking and will put a strain on an already busy area and that this application does not accord with Core Strategy Policy H6 (part A).

- 1.2 This has previously been considered by Panel on the 2 June 2016 and was deferred with the Panel minute recording the resolution as:

“That this item be deferred whilst clarification on Core Strategy H6 was sought.”

Initially this application was put to Members advising that there was not a concentration of HMO's on Grange Terrace however when measured against a wider geographical area Officers are now of the view that the numbers of HMO's within the area set out below can be regarded as a high concentration and therefore the application fails to accord with requirements of Policy H6. Officers now have access to a mapping tool that is linked to council tax records (based on council tax records and the HMO register) which they did not have during the earlier assessment of the application.

- 1.3 This wider scope of assessment shows a far greater expanse of HMO's than was detailed using planning records, information issued by Council Tax for Grange Terrace alone and the findings of the site visit to Grange Terrace. HMOs were identified in the following streets:

- Cowper Street x 8 HMO's
- Grange Terrace x 4
- Grange Avenue x 12
- Grange View x 4
- Hamilton Avenue x 3
- Francis Street x 3
- Nassu Place x 1

2.0 PROPOSAL

- 2.1 The proposed development seeks planning permission for the conversion of a dwelling house in the C3 use class to a six bedroom House in Multiple Occupation (HMO). No external alterations to the building are proposed.

The layout would be over three floors and comprise of:

Ground Floor

Entrance hall
Communal kitchen and living areas
One bedroom

First floor

Three bedrooms
Two communal bathroom
One w.c.

Second Floor

Two bedrooms
One communal bathroom

3.0 SITE AND SURROUNDINGS

3.1 The application site is located within a well-established residential settlement close to public transport routes and local amenities and can be regarded as a sustainable location. The site also sits adjacent to the Chapeltown Conservation Area.

3.2 The property is a four storey (including basement level) end terraced dwelling (late Victorian) constructed in red brick. The front garden is hard-standing and set behind a brick wall with stone arched copings and a close boarded timber fence. To the rear is an open yard and access to the basement level.

3.3 Many of the properties on Grange View have been converted into flats with planning records showing No.55 as converted into bedsits and No.3 as a five bedroom care home. The character of the area is residential with shopping, non-retail and community buildings to the west of Grange View located on Chapeltown Road.

4.0 RELEVANT PLANNING HISTORY:

4.1 None

5.0 THE HISTORY OF NEGOTIATIONS

5.1 None

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised by site notice dated 24 March 2015. One letter of representation has been received from a local resident (No. 35 Cowper Street) and the concerns raised are summarised below:

- General Amenity issues
- Transience
- Waste generation
- Increased noise and disturbance
- Erosion of community cohesion as the property will no longer be in family occupation.
- The area should be restricted in respect of conversions to HMO's in a similar way other parts of the City are.

6.2 Ward Members have stated that in their view there is already a high concentration of flats and HMO's in the Chapel Allerton area and that larger family homes are needed. To continue to introduce HMO's into Chapel Allerton, will, in their view undermine the balance and health of communities in the ward. Furthermore, Chapel Allerton has high levels of unemployment. They also note this proposal does not provide any off-street parking which will put a strain on an already busy area.

7.0 CONSULTATIONS RESPONSES:

7.1 Highways: No objections raised subject to conditions regarding cycle parking, and details of bins and bin storage.

7.2 Drainage: No objections raised.

8.0 PLANNING POLICIES:

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises:
- (i) The Leeds Core Strategy (Adopted November 2014). This is the main document of the Local Development Framework (LDF).
 - (ii) Saved UDP Policies (2006) – Appendix 1 of the Core Strategy.
 - (iii) The Natural Resources and Waste Local Plan (2013).
- 8.2 The plans aim is to guide development and investment decisions and to provide a framework for Development Plan Documents. Following the adoption of the Core Strategy and the Natural Resources and Waste Local Plan, a number of UDP Policies have been deleted which are also identified in Appendix 1 of the Core Strategy. In addition to the saved UDP Policies a number of site specific policies are also saved until they are superseded by the Site Allocations Plan, Aire Valley Area Action Plan or future Development Plan Documents once adopted.
- 8.3 The below Core strategy and saved UDP (2006) policies, supplementary development documents and national guidance are considered to be relevant to this application.

Core Strategy

General Policy – Sets out the presumption in favour of sustainable development
Policy SP1: Seeks to concentrate the majority of new development within the main urban areas and ensure that development is appropriate to its context.

Policy H4 – Housing Mix

Policy H6 Part A – Conversions to HMO's

Policy T2 – Accessibility requirements and new development

Saved UDP (2006)

Policy GP5 - Development should not cause loss of amenity and resolve detailed considerations.

Policy BD5 - Seeks to ensure new development protects amenity.

Supplementary Planning Guidance 13 - Neighbourhoods for Living.

Street Design Guide

Parking

National Policy

- 8.3 National Planning Policy Framework (2012):
- This document promotes sustainable development (economic, social and environmental). Section 6 – Creating a wide choice of homes, of the National Planning Policy Framework (NPPF) is relevant to the consideration of this application.
 - Guidance on conditions is provided within the Planning Policy Guidance.
- 8.4 DCLG - Technical Housing Standards 2015:

The above document sets internal space standards within new dwellings and is suitable for application across all tenures. The housing standards are a material consideration in dealing with planning applications. The government's Planning

Practice Guidance advises that where a Local Planning Authority wishes to require an internal space standard it should only do so by reference in the local plan to the nationally described space standard. With this in mind the City Council is currently developing the Leeds Standard. However, as the Leeds Standard is at an early stage within the local plan process, and is in the process of moving towards adoption, only limited weight can be attached to it at this stage.

The standard only applies to new build development and not conversions. But by way of giving guidance as to the level of accommodation provided an evaluation of this development against the standard has been carried out.

In this instance the proposal consists of six bedrooms with communal facilities therefore the housing standards require at the highest minimum internal floor area and storage 138 sq/m for six bedrooms, 8 bed-spaces over 3 storeys (The maximum has been used as some rooms could reasonably accommodate double beds). The internal floor area of the bedrooms would be:

Bedroom 1: 20.3 sq/m
Bedroom 2: 19.74 sq/m
Bedroom 3: 20.3 sq/m
Bedroom 4: 7.7 sq/m
Bedroom 5: 19.11 sq/m
Bedroom 6: 10.85 sq/m

The total internal floor-space including bathrooms, living, dining and kitchen areas as well as a storage/utility room equates to some 158.4 sq/m.

As such the proposal exceeds the standards set out above.

9.0 MAIN ISSUES

- Principle of Development and amenity
- Highway matters
- Character and appearance
- Other matters
- Conclusion

10.0 APPRAISAL

Principle of Development and amenity

- 10.1 Sustainable Development is a key aspect of the current planning policy framework at both national and a local level. Spatial Policy 1 of the Leeds Core Strategy (LCS) seeks to ensure that new development is concentrated in the main urban areas in order to ensure that shops, services and public transport are easily accessible. The application site is located within a wider established area of a residential settlement and is in current residential use. The site comprising a terraced property with associated off-street parking to the rear and a front garden. The site is close to local facilities and good public transport routes and as such is considered to be in a sustainable location.

- 10.2 HMO's often present an array of issues and the government has recognised that high concentrations of HMOs in an area can lead to negative issues of:
- Increased anti-social behaviour, noise and nuisance
 - Imbalanced and unsustainable communities
 - Negative Impacts on the physical environment and streetscapes
 - Pressures upon parking provision
 - Increased crime
 - Growth in the private sector at the expense of owner-occupation
 - Pressure on local community facilities
 - Restructuring of retail, commercial services and recreational facilities to suit the lifestyles of the predominant population.
- 10.3 However, it is recognised that HMOs, in a controlled environment, can make a valuable contribution to meeting some housing needs.
- 10.4 Policy H6 of the Leeds Core Strategy deals with *inter alia* conversions of existing dwellings for use as HMO's. Development proposals for new HMOs, within the area of Leeds covered by the Article 4 Direction for HMOs proposals for new HMOs, will be determined against the below points:
- (i) To ensure that a sufficient supply of HMOs is maintained in Leeds,
 - (ii) To ensure that HMOs are distributed in areas well connected to employment and educational destinations associated with HMO occupants,
 - (iii) To avoid detrimental impacts through high concentrations of HMOs, which would undermine the balance and health of communities,
 - (iv) To ensure that proposals for new HMOs address relevant amenity and parking concerns,
 - (v) To avoid the loss of existing housing suitable for family occupation in areas of existing high concentrations of HMOs.
- 10.5 Saved UDP Policy GP5 also requires development proposals to avoid loss of amenity. Records show that within the street and nearby streets a set out in the introduction of this report indicate that there are a number of HMO's which are considered to represent a high concentration of HMO's within the immediate area and Officers are now of the view, using the new data source (the mapping system linked to council tax) that there would be cumulative harm from the granting of permission for this application adding to the already high concentration of HMO's. This identified harm is the potential for proposals for HMOs to lead to an increase in anti-social behaviour, an imbalanced and unsustainable community, negative impacts on the physical environment, increased crime, a growth in the private sector at the expense of owner-occupation and pressure on local community facilities. These are all recognised impacts set out within the preamble to Policy H6 of Core Strategy which are considered relate to the current proposals.
- 10.6 In addition to exacerbating the existing HMO numbers; the proposal would likely increase the level of activity at the property over and above that associated with occupation of the dwelling by a single family in respect of coming and goings of tenants and visitors and the manoeuvring of any vehicles associated with tenants and visitors. Six independent adults are likely to result in more comings and goings, be of different character to the way a family home operates, at different times of the day compared to what may be regarded as a normal family occupation.
- 10.7 The living conditions within the HMO for future occupants are considered acceptable in terms of bedroom sizes, communal areas and the number of bathrooms. It is

noted that a first floor bedroom is much smaller than the others at 7.7sq/m. The city council's Advisory Standards for HMO's prepared by the Housing Regulations Team – Housing Services (January 2012) sets advice to assist landlords, managing agents and developers to design, improve and maintain houses in multiple occupation to a reasonable standard. This is not a planning policy document and should be afforded limited weight. However, it does provide some helpful guidance. The standards cover both licensed and non-licensable HMOs. These standards relate to Category A – bedsit and Category B – shared houses only. Separate advice is available for Category C – hostels. In this instance the conversion relates to a Category B HMO. This document sets out space standards and states that bedrooms should be 10sq/m except where a separate communal living room is provided in which case the bedroom may be 6.5sq/m. As such the smallest bedroom proposed is 1.2sq/m above this advice. It is considered that the proposal offers good levels of internal space, good opportunities for natural light and outlooks. It is however, unclear how proposals in the converted roof can be achieved in terms of roof slopes and head heights.

- 10.8 As part of this assessment Officers have engaged with LCC's Council Tax Service and they have also provided data in union with the mapping data source now made available to Officers, which confirms that on Grange Terrace there are 23 flats and 1 other HMO. Members should note that the flat numbers also include a block of purpose built flats (x12) that sit on the street.
- 10.9 Whilst the provision of the shared house could provide a greater choice of housing and accords with the LCS in that the Cities Strategic Housing Market Assessment - 2011 anticipates growth in the need for HMOs in the early years of the Development Plan to accommodate for young people and because of strong demand for private rented accommodation from working people unable to buy, it is considered high concentration as set out above that now leads Officers to the view the proposal fails to meet the aims of LCS Policy H6 (part A).

Highways matters

- 10.10 Leeds Core Strategy Policy T2 seeks to ensure that all developments achieve safe and secure access and are located in accessible locations and part (iv) of Policy H6 deals with parking concerns. As part of this application a technical view was sought from Highways who have raised no objection subject to conditions as set out at the head of this report.

Character and Appearance

- 10.11 The change of use application does not propose any alterations to the property and in terms of the buildings appearance it would remain as existing. The building would also remain in residential use within a residential context and whilst not a family home it would not alter the appearance of the street or immediate area. Conditions can be imposed for details bin storage to cater for the increased intensification.

Other matters

- 10.12 This application has attracted one letter of objection from residents of 35 Cowper Street and objections from all three Ward Members. The local resident raise concerns regarding numbers of HMO applications within the Chapeltown area of the City and that the same approach the Council has applied in Headingley should be followed in Chapeltown. Other comments are in regard of parking and bin facilities,

noise and disturbance, transient residence, a badly maintained property and loss of family housing.

10.13 Ward Members have stated that in their view there is already a high concentration of flats and HMO's in the Chapel Allerton area and that larger family homes are needed. To continue to introduce HMO's into the Chapel Allerton Ward, will, in their view undermine the balance and health of communities in the ward. Furthermore, Chapel Allerton area has high levels of unemployment. They also note this proposal does not provide any off-street parking which will put a strain on an already busy area. As a result the members are of the opinion that the application fails to accord with Policy H6 (part A) of the LCS.

10.14 In the main the matters raised above have been covered within this report. The fact that the property would be a HMO does not necessarily means that its state of repair would suffer and this would fall to the owner to manage. Properties in rental or private use is not an absolute indicator of a property that is well maintained. A high level of unemployment within the Ward acts to support this type of housing option as cost would be lower and thus makes a more realistic and achievable housing option.

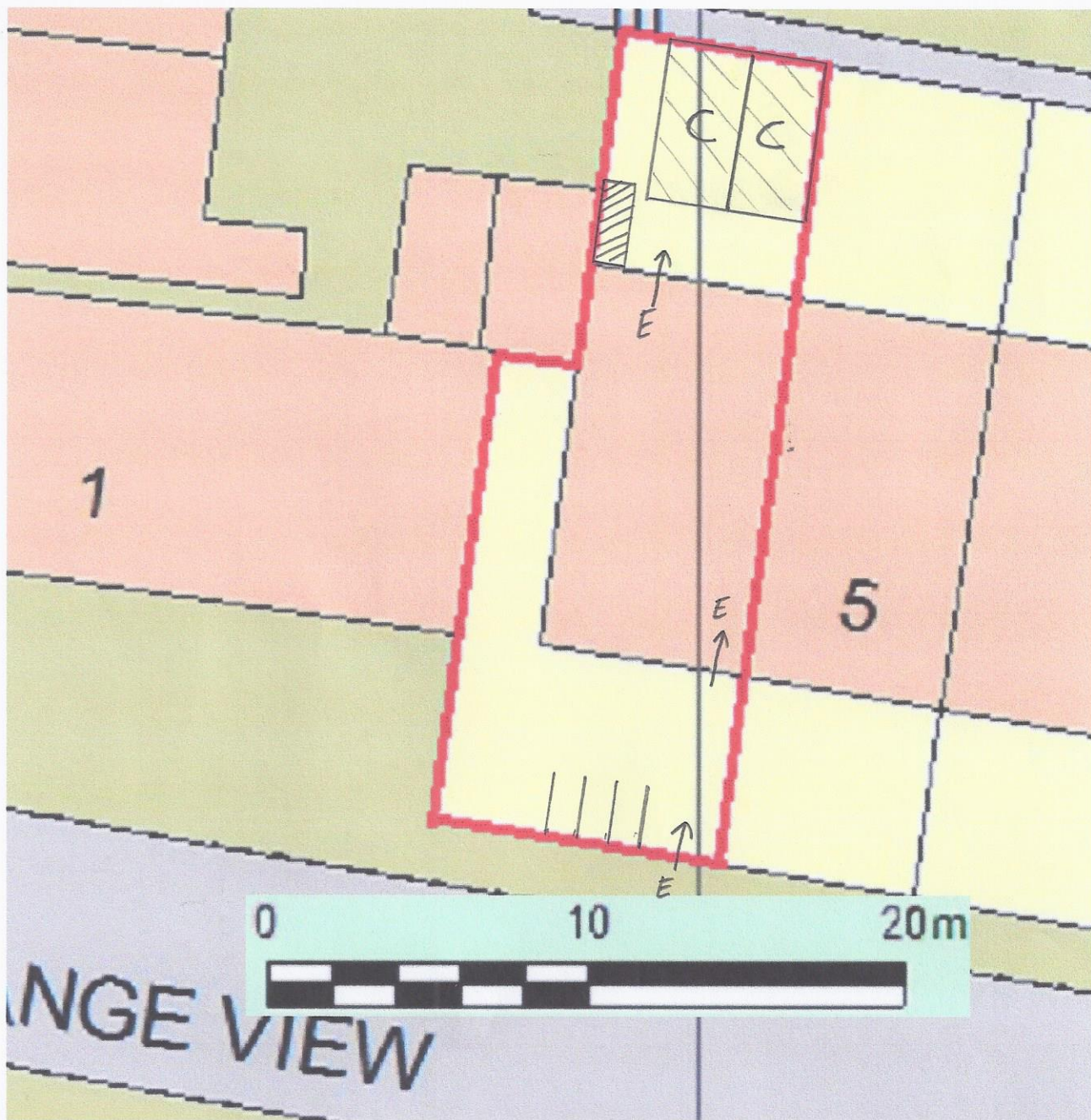
11.0 CONCLUSION

11.1 In light of the above, the principle of the HMO on this site within the immediate location is not considered to be acceptable in terms of adding to the already numerous HMOs within the immediate vicinity which Officer consider to represent a high concentration. It is considered that this would, when considered cumulatively, make a significant contribution, to the existing high concentration of houses in multiple occupation and other similar forms of housing in this part of the City, adding to the existing housing imbalance within the area. As such the proposal would be contrary to the Council's objectives to avoid high concentrations of houses in multiple occupation and to avoid the local housing and population imbalance and to achieve sustainable communities. Additionally the impact from disturbance from six individuals on the residential amenity of neighbours are considered to be greater than what would occur if the property was in family occupation and would result in undue harm. All other material planning considerations have been covered and refusal of planning permission is recommended for the reason set out at the head of this report.

Background Papers:

Application file

Certificate of ownership: Miss Dos Santos.



- Bin Storage for 2 Landfill & 2 Recycling wheelie bins (2.5m x 1m)



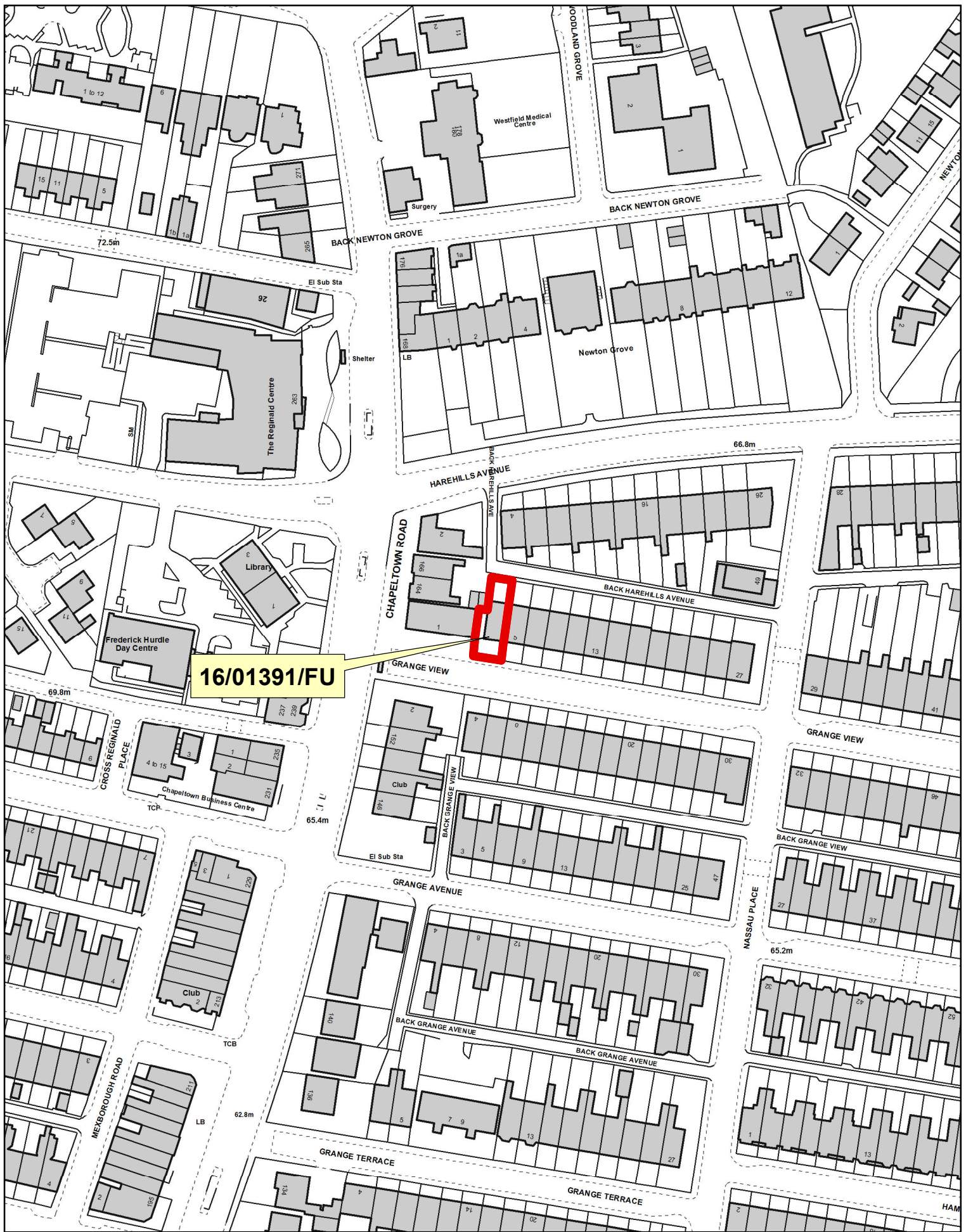
- Car Parking Space (5m x 2.5m)



- Bicycle storage racks for up to 8 Bicycles (3m x 2m)



- Entrance / Exit



16/01391/FU

NORTH AND EAST PLANS PANEL

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SCALE : 1/1500

