



Report of the Chief Planning Officer

SOUTH & WEST PLANS PANEL

Date: 19th January 2017

Subject: APPLICATION 16/06914/FU – Change of use of house (C3) to form house in multiple occupation (C4) at 7 Edwin Road, Hyde Park, Leeds, LS6 1NL

APPLICANT

Mr. Shakeel Sharif

DATE VALID

10th November 2016

TARGET DATE

5th January 2017

Electoral Wards Affected:

Hyde Park and Woodhouse

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: REFUSE PERMISSION for the following reasons:

- 1) The Local Planning Authority considers that the change of use of the property into a House in Multiple Occupation (HMO) and subsequent loss of a house suitable for occupation by a family or other C3 occupant in an area of severe housing and population imbalance caused by a high concentration of HMOs and student occupants would further add to this imbalance. This would be significantly harmful within this context and serve to undermine the Council's wider objectives to address the existing imbalance through the fostering of a more sustainable housing and population mix in this part of the city. As such the proposal would be contrary to the wider aims of Leeds Core Strategy policy H6 and the guidance contained within the National Planning Policy Framework.
- 2) The Local Planning Authority considers that the change of use of the property into a House in Multiple Occupation (HMO) in an area with an existing high concentration of HMOs would, when considered cumulatively with other similar forms of housing, significantly add to those harmful impacts associated with high concentrations of HMOs, in particular those which are already recognised to be severe in the area including problems of anti-social behaviour, noise, nuisance, crime, impacts on the physical environment and streetscape, and the restructuring of local services and facilities to meet the needs of the predominant population. As such the proposal would be contrary to the wider aims of Leeds Core Strategy policies H6 and P10,

saved Leeds Unitary Development Plan policy GP5, and the guidance contained within the National Planning Policy Framework.

- 3) The Local Planning Authority considers that the change of use of the property into a House in Multiple Occupation would, when considered cumulatively with the large number of existing Houses in Multiple Occupation in the area, significantly harm the residential amenity of immediate neighbours through increased comings and goings which would lead to increased anti-social behaviour and noise and disturbance. As such the proposal would be contrary to the wider aims of Leeds Core Strategy policies H6 and P10, saved Leeds Unitary Development Plan policy GP5, and the guidance contained within the Headingley and Hyde Park Neighbourhood Design SPD and the National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 This application is presented to Plans Panel at the request of Ward Councillor Javaid Akhtar who has noted that the applicant has suffered from noise, disturbance and anti-social behaviour in the past as a result of living in an area which has a high student population.
- 1.2 The site was the subject of a previous planning refusal for an identical proposal in 2014. There has been no significant change in local planning policy objectives or circumstances since this time.

2.0 PROPOSAL:

- 2.1 The applicant seeks planning permission to change the use of the property on Edwin Road from a dwellinghouse currently occupied in the C3 planning use class to a small house in multiple occupation (HMO) (between 3-6) occupants in the C4 planning use class.
- 2.2 No changes to the external or internal layout of appearance of the property or site are proposed as part of the application.
- 2.3 Planning permission is required as the property falls within the Council's Article 4 Direction area which controls changes of use from the C3 planning use class to the C4 planning use class.

3.0 SITE AND SURROUNDINGS:

- 3.1 7 Edwin Road is an end terrace property situated on the corner of Edwin Road and Regent Terrace. The property is a traditional Victorian red brick terrace house which has been extended and altered to accommodate six bedrooms. The property benefits from modest sized garden areas to the front and rear with a vehicular access and modest parking area included as part of the rear garden space.
- 3.2 Edwin Road is situated in Hyde Park and Woodhouse ward in an area characterised by rows of Victorian red brick built terraced streets. The local area is recognised to have one of, if not the, highest concentrations of HMOs in Leeds and as a result of this and similar forms of accommodation has long since been recognised to be an area of severe housing and population imbalance, largely as a result of the high number of students who reside in the area.

4.0 RELEVANT PLANNING HISTORY:

4.1 The site was the subject of a number of proposals for extensions and alterations from 2007 to 2009 as detailed below:

07/03084/FU - Dormer windows to front and rear (Refused 2007)

08/01333/FU - Dormer windows to front and rear and single storey side extension (Approved 2008)

09/02792/FU - First and second floor side extension (Approved 2010)

4.2 In 2014 (14/00308/FU) planning permission was refused for a proposed change of use of the property to a small HMO in the C4 planning use class. The proposal was assessed against the now deleted UDP policy H15 (Area of Housing Mix) and Core Strategy policy H6 (HMOs, Student Accommodation and Flat Conversions) which at the time of the decision had yet to be adopted and so only carried limited weight. The application was refused for the following three reasons:

1. The loss of a house suitable for occupation by a family to a HMO would add further to the severe housing and population imbalance in the area;
2. The additional impact, when considered cumulatively, of an additional HMO on those significant harmful impacts identified to be existing in the local area;
3. The impact, when considered cumulatively, of an additional HMO on the amenity of neighbouring residents.

5.0 HISTORY OF NEGOTIATIONS:

5.1 None.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been publicised by means of site notice. Councillor Javaid Akhtar (Hyde Park and Woodhouse) has requested that the application be determined at Plans Panel.

6.2 The Leeds HMO Lobby, comprising of all the local community associations within the former Area of Housing Mix have written to object to the application. The reasons for objection can be summarised as follows:

- The proposal would lead to a loss of amenity for local residents through comings, goings, noise and disturbance;
- The proposal would add to those detrimental impacts already caused by the existing housing imbalance in the area;
- The proposal would be contrary to local and national planning policy by adding to the existing housing and population imbalance in the area;
- The proposal, if approved, would go against the grain of recent planning appeal decisions in the area.

7.0 CONSULTATION RESPONSES:

7.1 Highways – No objections: Whilst an increase in car parking would be likely as a result of the building being occupied by up to 6 adults it is considered that there is sufficient parking both on and off site to accommodate the proposal.

8.0 PLANNING POLICIES:

Local Plan

8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan currently comprises the adopted Local Development Framework Core Strategy (2014), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Local Plan DPD.

8.2 The Local Development Framework Core Strategy was adopted by the Council on 12th November 2014. The following policies contained within the Core Strategy are considered to be of relevance to this development proposal:

General Policy – Sustainable Development and the NPPF

Spatial Policy 1 – Location of Development

Spatial Policy 6 – The Housing Requirement and Allocation of Housing Land

Policy H2 – New Housing Development on Non-Allocated Sites

Policy H6 – HMOs, Student Accommodation and Flat Conversions

Policy P10 – Design

Policy T2 – Accessibility and New Development

8.3 The most relevant saved policies from the Leeds Unitary Development Plan are outlined below.

GP1 - Land use and the Proposals Map

GP5 - Development control considerations including impact on amenity

BD6 - Alterations and extensions should not harm neighbouring amenity

H3 - Housing Land Supply

Supplementary Planning Documents and Guidance

8.4 Relevant supplementary planning documents and guidance are outlined below:

- Neighbourhoods for Living SPG (December 2003)
- Street Design Guide SPD (August 2009)
- Headingley and Hyde Park Neighbourhood Design Statement SPD (September 2010)
- Natural Resources and Waste Development Plan Document (January 2013)
- Parking SPD (January 2016)

Neighbourhood Plans

8.5 The Hyde Park Neighbourhood Forum has published their vision statement prior to drafting their Neighbourhood Plan. One of the Neighbourhood Forum's published objectives in the vision statement is "to rebalance the community by diversifying use of the current housing stock to attract and retain more long term residents to / in the neighbourhood". As the Neighbourhood Plan is still in its infancy the weight to be attached to the vision statement when considering planning proposals should only be very limited at this stage.

Other Relevant Local Documents

8.6 Other relevant local documents include:

- LCC Advisory Standards for Houses in Multiple Occupation (January 2012)

NPPF

- 8.7 The National Planning Policy Framework (NPPF) (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.
- 8.8 Paragraph 50 of the NPPF states: "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, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)".
- 8.9 Paragraph 69 of the NPPF states that: "the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities".

Article 4 Direction – C3 to C4

- 8.10 The application site falls within an area that is subject to an Article 4 Direction. The Council confirmed the making of an Article 4 direction which requires planning permission for the conversion of dwelling houses (Class C3 use) to houses in multiple occupation (HMOs) (Class C4 use) of between 3 and 6 unrelated occupants in 2011. The direction came into force on 10th February 2012.
- 8.11 The Article 4 Direction was introduced in response to changes to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) in October 2010 and to the Town and Country Planning (Use Classes) Order 1987. At that time the government stated that Article 4 directions could be used by Local Authorities to remove permitted development rights for a change of use from the C3 use class to the C4 use class in areas where high concentrations of HMOs are leading to the harmful impacts.
- 8.12 Revised guidance contained within 'Department for Communities and Local Government Replacement Appendix D to Department of the Environment Circular 9/95: General Development Consolidation Order 1995 November 2010' in relation to the use of Article 4 directions for this purpose was published by the government on the 4th November 2010. This guidance states that Article 4 directions can be used where the exercise of permitted development rights would 'undermine local objectives to create or maintain mixed communities'.
- 8.13 The Council recognises that HMOs can provide an affordable type of housing and contribute to the overall mix of housing types and tenures available. However it is also recognised that high concentrations of HMOs can result in numerous harmful impacts.
- 8.14 The government published the report 'Evidence Gathering – Housing in Multiple Occupation and possible planning response – Final Report' in September 2008. This report identified the following impacts that occur as a result of high concentrations of HMOs:
- Anti-social behaviour, noise and nuisance

- Imbalanced and unsustainable communities
- Negative impacts on the physical environment and streetscape
- Pressures upon parking provision
- Increased crime
- Growth in private sector at the expenses of owner-occupation
- Pressure upon local community facilities and
- Restructuring of retail, commercial services and recreational facilities to suit the lifestyles of the predominant population

8.15 In making the Article 4 direction the Council recognised that some or all of the above impacts are occurring in areas with existing high concentrations of HMOs in Leeds. The Article 4 Direction boundary was subsequently chosen to include areas which are either recognised to be suffering from some, or all, of the harmful impacts identified above or be likely to suffer encroachment of HMO concentrations due to their proximity to existing areas of high concentrations.

8.16 The Article 4 direction does not serve as a justification for refusing or approving planning permission in the Direction area. Planning applications which are required by the Direction will be assessed against national and local planning policies.

9.0 MAIN ISSUES:

9.1 The following main issues have been identified:

- (1) Existing Lawful Use
- (2) Housing Mix and Balanced Communities
- (3) Harmful Impacts of High Concentrations of HMOs
- (4) Impact on Neighbouring Amenity
- (5) Design and Character
- (6) Highway Safety, Parking and Bin Storage;
- (7) Other relevant considerations.

10.0 APPRAISAL:

Existing Lawful Use

10.1 The existing property is occupied by the applicant and his family as a dwellinghouse under the C3 planning use class. The applicant has noted that a building control application was approved by the Council in 1991 (Council reference H9-26/368/91/REG) for works to convert the property into 5 bedsits. However, no information has been provided to demonstrate that these works were undertaken and no planning records exist for the subdivision of the property into bedsits. Notwithstanding this it is noted that the historical use of the property has little relevance to the consideration of the current application and that planning records as far back as 2007 demonstrate that the property has, at the very least, been occupied for a considerable period of time by a family in the C3 planning use class.

Housing Mix and Balanced Communities

10.2 As is noted at paragraph 3.2 above the application site falls within a part of Hyde Park which is recognised to have one of, if not the, highest concentrations of HMOs in Leeds, with some nearby streets consisting of houses being made up of eighty or ninety percent HMOs. The area also includes a high number of other forms of residential accommodation such as flats, bedsits and purpose built student

accommodation which, like HMOs, are attractive to students. As a result of this it is recognised that the local area in which the application site is situated has a severe housing and population balance. This has been recognised by a succession of local planning policies over the last 15 years which have formed the Council's response to the rapid growth of accommodation aimed at, and occupied by, students since the late 1990's and early 2000's.

- 10.3 Until November 2014 the application site was situated in the Council's Area of Housing Mix as designated by the now deleted policy H15 of the Leeds Unitary Development Plan. In introducing policy H15 the Council recognised that the growth in student numbers brought significant benefits to Leeds including the widening of educational opportunity, injection of spending power into the local economy, enhancement of the city's academic status and contribution to the city's culture. However, the uneven distribution of the resulting student population posed a serious problem with the overwhelming majority of students being situated in the Council wards of Headingley and Hyde Park and Woodhouse.
- 10.4 In a further attempt to tackle the housing and population imbalance in this and other areas the Council made an Article 4 Direction in February 2012 so that conversions of houses falling within the C3 use class (dwellinghouses) to houses in multiple occupation falling within the C4 planning use class (small HMOs) require planning permission. Headingley, Hyde Park and Woodhouse, the areas with the greatest concentrations of HMOs in the city, were noted at the time of the drafting of the Article 4 Direction in 2011 as areas which were perhaps the most affected by those impacts which result from a high concentration of HMOs and other forms of housing occupied by highly transient residents such as students.
- 10.5 In light of the wider aims of the now deleted policy H15 and the introduction of the Article 4 Direction (in addition to other mechanisms which the Council has looked to employ over the last 15 years in response to the impacts resulting from the identified housing and population imbalance) the Council's Core Strategy looked to address these ongoing issues through the introduction of policy H6. Policy H6 aims to take a universal approach to tackling those three types of accommodation which have resulted in housing and population imbalances in certain parts of the city. Its wider objective, to address housing and population imbalances through the creation of mixed, sustainable communities, are consistent with paragraph 50 of the NPPF noted above at paragraph 8.8. Indeed, at the time of the Core Strategy adoption the examining Inspector noted "the maintenance of mixed and diverse communities is a legitimate policy objective and accords with national guidance". This view was in compliance with the earlier comments of the UDP examining Inspector who noted in relation to the preceding policy H15 that "seeking to maintain a reasonable range of housing to meet different needs, and thus help sustain a balanced community, is a valid planning objective".
- 10.6 Alongside the wider objectives of the policy, the detailed criteria for Policy H6 part A requires proposals for new HMOs in the Article 4 Direction area to both (1) "avoid detrimental impacts through high concentrations of HMOs which would undermine the balance and health of communities" and (2) "avoid the loss of existing housing suitable for family occupation in areas of existing high concentrations of HMOs", amongst other criteria. In assessing the impact on a 'community' the policy should not be assessed on a single street basis but on a wider community area. This is clear from both the supporting text to the policy and from recent appeal decisions. It is further noted that, as those impacts of high concentrations of HMOs identified by the policy occur in a much wider area than any individual street, to not do so would be inappropriate within the context of policy H6.

- 10.7 The application site falls within the Hyde Park Neighbourhood Forum Area which has been defined by the local community as an appropriate boundary for their neighbourhood/ community. This area is therefore an appropriate starting point for the consideration of policy H6. The NPPF at paragraph 69 notes that the planning system can play an important role in creating healthy and inclusive communities. The concept of a sustainable community must embrace a mix of people of varied age, status, and background.
- 10.8 The most recent data available to the Council shows that the longstanding severe housing and population imbalance in this area has not improved in recent years despite the longstanding efforts of the Council. Indeed, the number of students living in the Hyde Park area is, if anything, thought to have increased over the last 10 years with the most recent data from Unipol showing around a ten percent increase in student residents in Hyde Park between 2007 and 2011. The proposal to create a new HMO at the application site would therefore further undermine the balance and health of the community by providing a form of accommodation which adds to both the existing housing imbalance (a HMO) and the existing population imbalance given the high likelihood the resulting HMO would be occupied by students due to the exceptionally strong demand from students for housing in this area.
- 10.9 The proposal would also lead to the loss of a house suitable for occupation by a family which will further add to the existing imbalance. It is noted that whilst the applicant has argued previously that family occupation presents certain challenges in the area, as a result of the high number of student residents, the property nonetheless has a number of attributes which would be likely to make it attractive to a family. For example the property includes front and rear garden spaces and is within 30m of the Hyde Park recreation and play area and within 250m of Woodhouse Moor, a large city park. It is also noted that there is anecdotal evidence of demand for properties in this location from families, including that presented by the Hyde Park Neighbourhood Forum at the recent planning appeal public inquiry which the Council successfully defended at Victoria Road, only a relatively short distance from the application site and also within the Hyde Park Neighbourhood Forum boundary.
- 10.10 The proposal would also fail to meet the wider objective of the policy to address housing and population imbalance in an area with a recognised longstanding severe imbalance in these respects. Indeed the proposal would run directly contrary to the Council's long term planning response in this part of Hyde Park to encourage a more sustainable housing and population mix. As such the proposal could only be considered significantly harmful when considered alongside the aforementioned objectives.

Harmful Impacts of High Concentrations of HMOs

- 10.11 In addition to the harm caused in relation to housing and population mix as noted in section 2 above, there are a number of further resulting harmful impacts of high concentrations of HMOs which have been identified in the area. Those harmful impacts associated with high concentrations of HMOs, which are now nationally and locally recognised, were first noted in the government published report 'Evidence Gathering – Housing in Multiple Occupation and possible planning response – Final Report' in September 2008 as:
- Anti-social behaviour, noise and nuisance
 - Imbalanced and unsustainable communities [addressed in section 2 above]

- Negative impacts on the physical environment and streetscape
- Pressures upon parking provision
- Increased crime
- Growth in private sector at the expenses of owner-occupation
- Pressure upon local community facilities and
- Restructuring of retail, commercial services and recreational facilities to suit the lifestyles of the predominant population

- 10.12 The above list is also replicated in the supporting text to Core Strategy policy H6. The above harmful impacts have long since been recognised to a greater or lesser degree to be occurring in Hyde Park. When considering a proposal for the creation of a new HMO these impacts should be considered cumulatively with other HMOs and similar forms of housing in an area. To not take such an approach would undermine the wider policy objectives. To allow individual conversions on a piecemeal basis would also undermine the policy. Whilst evidencing some of the above harmful impacts beyond testimony from local residents can be challenging, the Council does collect data in relation to a number of these impacts which is detailed further below.
- 10.13 In relation to anti-social behaviour, noise and nuisance the Council's Anti-Social Behaviour Team recently reported that the wards of Hyde Park and Woodhouse and Headingley had a higher number of noise nuisance cases being opened (where statutory noise nuisance has been witnessed or where cases are persistent and serious) for individual properties than any other part of the city from the beginning of 2015 to September 2016. Indeed over this period 27% of all such noise nuisance cases in the city were located in these two wards (out of a total of 33 wards). This disparity is even greater when looking at the noise abatement notices served across the city, with 78% of notices served in this period in Leeds being in the Hyde Park and Woodhouse and Headingley wards. In response to these issues the Council and other bodies dedicate considerable resources to tackling the problems which arise and this has led to acute pressures to delivering the individual and combined anti-social behaviour services. For the Council's Anti-Social Behaviour Team this has resulted in services being routinely drawn away from other parts of the city which has impacted on the wider service.
- 10.14 In relation to crime it is recognised that other parts of the city also suffer from levels of crime which are similar to the wards of Headingley and Hyde Park and Woodhouse. However, in recent history the areas around the application site have suffered from particular types of crime including high rates of burglary, robbery and sexual offences. For example, according to the latest data available to the Council in the period 2014 to 2015 Hyde Park and Woodhouse Ward and Headingley Ward were ranked first and second for burglary in Leeds. These ranks fell to second and third respectively in the period 2015 to 2016. Hyde Park and Woodhouse Ward was also ranked third and second for robbery and fourth and sixth for sexual offences in the respective periods 2014 to 2015 and 2015 to 2016. The latest Headingley and Hyde Park Cumulative Impact Policy statement also outlined that the two wards had high instances of burglary, robbery, theft from person, assault and sexual assault in 2010.
- 10.15 In relation to negative impacts on the physical environment and streetscape, the large number of HMO's leads to a number of significant pressures on local services. These include significant implications of a large transient population for refuse collection and services during the student term times and at the end of the academic year. The area also suffers from problems of graffiti. For example the Council's West North West Locality Team responded to 241 service requests to clear graffiti

between January and July 2016 in the three Council wards of Headingley, Hyde Park and Woodhouse, and Weetwood. For comparison a similarly sized area, in terms of population size, includes the three Council wards of Armley, Bramley and Stanningley, and Kirkstall which received only 70 service requests in the same period. The Council also dedicates considerable resources to the management and upkeep of local parks and greenspaces including Woodhouse Moor which is in close proximity to the application site including additional enforcement staff funded by the Inner North West Area Committee (at a cost to the Area Committee of £11,998 for the 2015/1 financial year) due to the demand for these public spaces. Indeed the Headingley and Hyde Park Neighbourhood Design Statement SPD adopted by the Council in 2010 notes that “Woodhouse Moor is the most intensively used green space in Leeds and suffers abuse, especially from barbecue trays, during the summer term”.

- 10.16 In relation to the restructuring of local services and facilities, the large growth of the student population in the area has had a profound impact on the retail, commercial and recreational services in Headingley and Hyde Park and Woodhouse Wards over the past 10 to 15 years. These wards include Headingley Town Centre and the local centres at Hyde Park Corner, Royal Park, Cardigan Road and Woodsley Road. Over this period, in response to the huge increase in the numbers of transient residents, these centres have seen a marked increase in the number of letting agencies (A2), drinking establishments (A4), and take-aways (A5) which are targeted at the student population. Whilst it is recognised that students and young professionals, and the spending power they bring, make a significant contribution to the local economy, including in these centres, this has been to the detriment of other members of the local community who desire a different offer in terms of services and facilities.
- 10.17 Taking the above into consideration, the proposal, when considered cumulatively with similar forms of accommodation, would add to those existing harmful impacts occurring in the local area which result from a high concentration of HMOs. As noted above some of these impacts are in themselves severe in Hyde Park and as such the proposal could only be considered significantly harmful within this context.

Impact on Neighbouring Amenity

- 10.18 Alongside those impacts on residential amenity, such as anti-social behaviour, noise and nuisance which occur as a result of high concentrations of HMOs in the wider area, more localised impacts on the amenity of neighbours can occur as a result of new HMOs. These impacts are predominantly felt by immediate neighbours. There are no changes proposed to the exterior of the property or internal layout and as such the proposal will not lead to any additional harmful impacts on neighbouring privacy, outlook or lead to harmful overshadowing impacts.
- 10.19 However the proposal does lead to concerns relating to the intensification of the use of the site and the potential for noise, disturbance and anti-social behaviour both at the application property and through an increased number of comings and goings when considered cumulatively with the large number of other HMOs in the area. This can result from an increased number, or different pattern, of comings and goings of up to 6 adults in a C4 HMO compared to a family living in the same property or from the different lifestyles of a group of adults living together in a property rather than a family for example.
- 10.20 It is noted that there are a significant number of properties in the immediate locality which are not occupied by students or as HMOs. For example there are a relatively

large number of properties on Regents Terrace, Kings Road and surrounding streets (when compared with streets further afield) which are occupied within the C3 planning use class, likely by families, couples and individuals. It is noted that all residents, student and non-students alike, will feel impacts in terms of noise, disturbance and anti-social behaviour, and indeed it is noted that student residents make up a relatively high number of complainants to the Council's Anti-Social Behaviour Team in relation to noise (for example from September 2015 to May 2016 students were logged as complainants in 39% of cases in relation to noise complaints in Headingley and Hyde Park).

- 10.21 Within the aforementioned context it is considered that the proposal would be harmful to the amenity of immediate neighbours as a result of the increased comings and goings to the property and the greater likelihood of instances of noise, disturbance and anti-social behaviour which would result from the introduction a six bedroom HMO at the application site. In addition to this it is noted that the larger than average number of C3 dwellings in the immediate surrounding streets could be considered to be providing a relative haven for such occupants within the wider Hyde Park area. Such streets, if protected from further HMO growth, could be argued to be providing the best opportunity to encourage more families and other longer term occupants in to the area and this should be considered within the context of the wider housing and population mix objectives of the Council.

Design and Character

- 10.22 The proposal will not result in any external changes to the property or site layout and as such the proposal is not considered to be significantly harmful in design and character terms.

Highway Safety, Parking and Bin Storage

- 10.23 The existing property is served by one on-site car parking space. The proposal as submitted does not include any additional on-site car parking spaces. It is considered that the occupation of the property by up to 6 adults could potentially result in additional car parking demand. It is further noted that the streets surrounding the application site often suffer from parking congestion which is further exacerbated by the high density nature of the housing stock. However, it is the view of the Council's Highways Team that it would be difficult to justify a planning refusal on highway safety grounds. Whilst the potential increase in parking demand is a concern the Highways Team have noted the existing situation at the property, where a family could own more than one car, and the likelihood that future occupants would park on-street adjacent to the property. It is therefore considered that a planning refusal on these grounds could not be justified. The proposal would include adequate off-street storage for bins.

Other Relevant Considerations

- 10.24 There are a number of further relevant considerations which are summarised under relevant headings below.

Personal Circumstances of the Applicant:

- 10.25 It is noted that the applicant has not formally put forward a case as part of the current planning submission that the application should be considered in light of any special personal circumstances. However, as noted at paragraph 1.1 of this report Councillor Akhtar has noted that the applicant has suffered from noise, disturbance

and anti-social behaviour in the past as a result of living in an area which a high student population.

- 10.26 As is noted in section 3 above the application site does fall within an area which experiences significant impacts in respect of noise, disturbance and anti-social behaviour. However, impacts experienced in these respects by the applicant and his family would not serve as a justification for granting the proposed change of use to a HMO. Indeed, planning case law has established that personal circumstances such should not form material planning considerations which can normally be given significant weight by the Council as part of the decision making process. It is noted that members of South and West Plans Panel concluded as such at the Plans Panel meeting on 25th August 2017 in relation to an application for the change of use of a C3 property to a C4 HMO at 18 Welton Grove in Hyde Park.

HMO Exception Test:

- 10.27 It is noted that the applicant has not formally put forward a case as part of the current planning submission that the application should be considered in light of the relevant exception test included in the supporting text to policy H6. However, notwithstanding this it is appropriate to consider whether the proposal could be considered to meet the exception test.
- 10.28 The exception test sets out circumstances where the concentration of HMOs is so high on a particular street, that a planning proposal for the 'loss' of the last (or at the very least approaching the last) C3 property on that street could be supported by the Council. The Council considers it appropriate to apply the exception test on compassionate grounds in such circumstances, usually as a result of the property being unappealing to a family or other potential C3 occupant at any reasonable market price because it is the last, or approaching the last, non-HMO property on the street and would be unappealing as a result of this.
- 10.29 Whilst the address of the application property is 7 Edwin Road, the property fronts on to Regent Terrace and is more identifiable as part of this street as a result. This is therefore an appropriate study area for examining whether the exception test should apply. Of the twenty properties on this part of Regent Terrace only seven have been identified through Council tax records or the Council's HMO Register as being HMOs. As such the property is clearly not the last, or even approaching the last, C3 property in the street/row in which it is situated. As such the exception test would not apply.

Planning Appeal Decisions:

- 10.30 A number of relevant planning appeal decisions have been received by the Council since the introduction of the Article 4 Direction in February 2012 which are relevant to the current application. These are summarised below:

14 Brudenell Street, Hyde Park (LPA Reference 15/05291/FU – Change of Use from C3 dwelling to C4 HMO)

- 10.31 This appeal was dismissed by the Inspector in June 2016 in similar circumstances to the application site and is situated only a relatively short distance away. The property was also a terraced property in Hyde Park with a significant number of other C3 properties in the immediate vicinity. The Inspector concluded that the proposal would (1) be harmful to wider housing mix objectives through the loss of a family suitable house, (2) add to those existing harmful impacts in a high concentration HMO area and (3) have a harmful impact on neighbouring amenity through the significant increase in comings and goings and noise and disturbance which would result.

3 Spring Road, Headingley (LPA Reference 15/06585/FU – Subdivision of an Existing 12 bedroom HMO to form two 8 bedroom HMOs)

- 10.32 This appeal was dismissed by the Inspector in June 2016. Although the proposal did not lead to the loss of an existing C3 dwelling the Inspector concluded that the proposal would (1) result in an increase in HMO occupants in an area of existing housing imbalance and (2) result in increased comings and goings to the property which would be harmful to those C3 residents which lived on the street.

41 Haddon Place, Burley (LPA Reference 15/00032/FU – Change of Use from C3 dwelling to C4 HMO and basement flat)

- 10.33 This appeal was dismissed by the Inspector in November 2015. The property was an end terrace property in Burley in an area with a high concentration of HMOs. The Inspector concluded that the proposal would (1) be harmful to wider housing mix objectives through the loss of a family suitable house, (2) add to those existing harmful impacts in a high concentration HMO area and (3) have a harmful impact on neighbouring amenity through the significant increase in comings and goings and noise and disturbance which would result.

16 Glossop Street, Woodhouse (LPA Reference 12/04799/FU – Change of Use from C3 dwelling to C4 HMO)

- 10.34 This appeal was dismissed by the Inspector in October 2013. The property was an end terrace property in Woodhouse in an area with a high concentration of HMOs. Although the proposal was considered against the now deleted UDP policy H15 the overall local planning policy objectives are consistent with those of Core Strategy policy H6. The Inspector concluded that the proposal would (1) be harmful to wider housing mix objectives through the loss of a family suitable house, (2) add to those existing harmful impacts in a high concentration HMO area and (3) have a harmful impact on neighbouring amenity through the significant increase in comings and goings and noise and disturbance which would result.

11 Quarry Mount Place, Woodhouse (LPA Reference 12/01279/FU – Change of Use from C3 dwelling to C4 HMO)

- 10.35 This appeal was dismissed by the Inspector in November 2012. The property was a mid terrace property in Woodhouse in an area with a high concentration of HMOs. Although the proposal was considered against the now deleted UDP policy H15 the overall local planning policy objectives are consistent with those of Core Strategy policy H6. The Inspector concluded that the proposal would (1) be harmful to wider housing mix objectives through the loss of a family suitable house, (2) add to those existing harmful impacts in a high concentration HMO area and (3) have a harmful impact on neighbouring amenity through the significant increase in comings and goings and noise and disturbance which would result.

11.0 CONCLUSION

- 11.1 The proposal submitted to the Council is identical to that submitted to the Council in 2014 which warranted a planning refusal on three grounds. Whilst local planning policies have changed since the previous refusal through the adoption of the Core Strategy in November 2014 and the subsequent deletion of relevant UDP policies, namely policy H15, the local policy objectives in relation to the reasons for refusal have remained consistent through this transition. Furthermore national planning policy has remains unchanged since the original decision was issued and there has been no change in circumstances at the application site which would outweigh the harm previously identified.

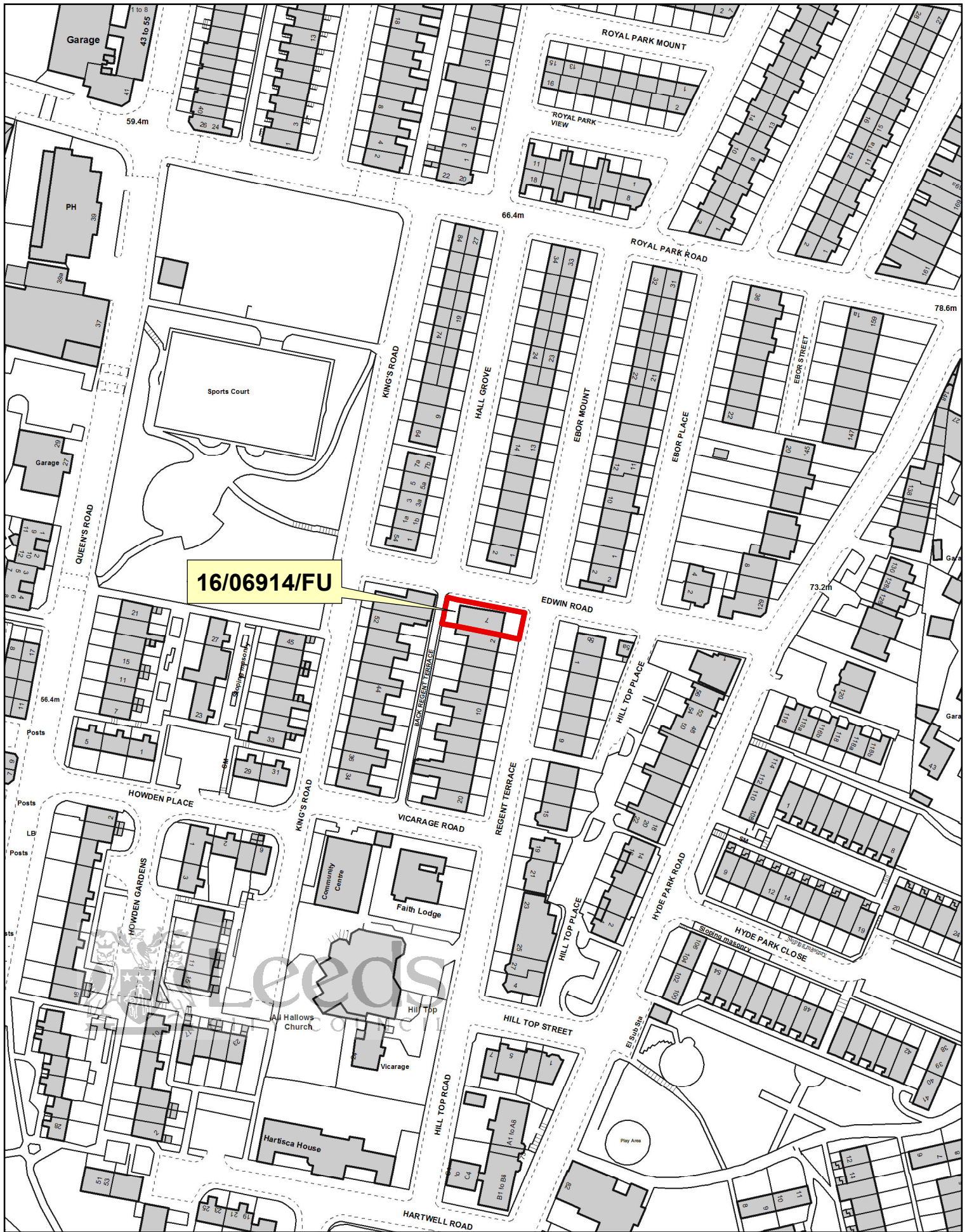
- 11.2 The property would be attractive to potential HMO occupants, in particular students, due to its location close to educational establishment and employment opportunities and as such would help to extend the supply of HMOs in Leeds. The property also benefits from off-street car parking and has appropriate off-street storage areas for bins. These factors are recognised as benefits of the proposal.
- 11.3 However, the proposal would lead to a number of significantly harmful impacts. The application site falls within an area with an existing severe housing and population imbalance. The proposal, in introducing a further HMO into an area of high HMO concentration and a form of housing that would be likely to be occupied by students in an area of high student occupancy, would only add to this imbalance. Further to this the proposal would lead to the loss of an existing family house which would be likely to be attractive to a family amongst a significant number of C3 properties in the immediate locality which could be viewed as a relative haven which may encourage further C3 residents to move into the area. As such the proposal would significantly undermine the Council's wider objectives to address the existing housing and population imbalance and foster a more sustainable community.
- 11.4 In introducing a new HMO likely to be occupied by students in an area of high concentrations of HMOs the proposal would also add to those harmful impacts which are already occurring in the area as a result of this. Some of these impacts, in terms of anti-social behaviour, noise, nuisance, crime, impacts on the physical environment and streetscape, and the restructuring of local services and facilities to meet the need of the predominant population, are already recognised to be severe in the area.
- 11.5 Alongside those impacts which harm the amenity of residents in the wider area noted above, the proposal, in leading to a significant intensification of the property with a greater potential for noise, nuisance and anti-social behaviour, when considered cumulatively with the large number of other HMOs in the area, would also be significantly harmful to the amenity of immediate residential neighbours.
- 11.6 Whilst the applicant has not put formally put forward a case as part of the planning application submitted that the application should be considered in light of any special personal circumstances it is noted that the applicant has suffered from noise, disturbance and anti-social behaviour in the past as a result of living in an area which a high student population. However, this would not serve as justification for granting planning permission. The relevant exception test from the supporting text of Core Strategy policy H6 would not apply.
- 11.7 Further to the above it is noted that since the introduction of the Council's Article 4 Direction in February 2012 the Council has received a number of favourable appeal decisions which have been considered in similar circumstances to the proposal now submitted. These appeal decisions, and the conclusions drawn by numerous Planning Inspectors, should form material planning considerations when considering the current application.
- 11.8 In conclusion it is considered that those factors weighing against the scheme far outweigh those factors in favour of the scheme. The comments of Councillor Akhtar and the Leeds HMO Lobby have been taken into account. It is noted that the concerns raised by the Leeds HMO Lobby on behalf of local resident associations are consistent with the Council's general approach and the draft objectives of the Hyde Park Neighbourhood Forum to be including in the upcoming Hyde Park

Neighbourhood Plan. It is therefore recommended that the proposal be refused for the reasons outlined at the beginning of this report.

Background Papers:

Application file - 16/06914/FU

Certificate of Ownership – Mr Shakeel Sharif



SOUTH AND WEST PLANS PANEL

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