

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 1st October 2009

Subject: APPLICATION 09/02126/FU

Change of use of former residential home to one 8 bedroom house in multiple occupation and one 4 bedroom house, with 3 parking spaces, cycle and bin store.

88 Victoria Road, Headingley, Leeds. LS6 1DL

APPLICANT

DATE VALID

TARGET DATE

Triple A Lets

09/06/2009

06/08/2009

Electoral Wards Affected:

Headingley

☒

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION:

Refuse for the following reasons

1. The Local Planning Authority consider that occupants of the proposed 4 bed dwelling would be adversely affected by noise and disturbance from the level of activity and intensity of use of the adjoining 8 bed HMO and that the dwelling would have inadequate and unsatisfactory amenity space and as such would be contrary to Leeds Unitary Development Plan Review policies GP5, BD5, H15 and Neighbourhoods for Living SPD.

2. The Local Planning Authority considers that the proposed development will be occupied mainly by students to the detriment of the housing mix in this locality and given the designation of this site within the defined Area of Housing Mix that the proposal would be detrimental to the balance and sustainability of the local community and to the living conditions of people in the area particularly in view of the cumulative effect of the number and concentration of student occupied properties in the locality, contrary to Policy H15 of the Unitary Development Plan and national guidance contained within Planning Policy Statement 1 aimed at developing strong, vibrant and sustainable communities and social cohesion.

1.0 INTRODUCTION:

This application is brought to the Plans Panel as it relates to the same site as application 09/ 02308. Reference was made at the last Panel to there being this similar application on the same site.

Comment had been made about whether the buildings at 88 Victoria Rd could be converted to a number of dwellings instead of an HMO. The applicants are now seeking determination of this application rather than withdrawing it which they were prepared to do if permission was granted on the previous application.

This application does propose a conversion to two dwellings consisting of a four bedroom house within the rear building on the site ie facing onto Victoria Road and an eight bed HMO in the main part of the building.

The 12 bed HMO proposal was brought forward to Members at last Panel rather than this proposal as Senior Officers had felt that although the two dwelling alternative sought to go some way to address H15 issues it in fact 'fell short' of a satisfactory solution as the applicant was still wishing to pursue student /young people occupation of both parts of the building and thus it would effectively operate like the 12 bed HMO and if in fact the 4 bed dwelling were to be accepted as a dwelling the amenity of the occupants would be seriously adversely affected by the occupation of the adjacent 8 bed HMO. There is also only very a small garden area associated with the 4 bed dwelling.

2.0 PROPOSAL:

2.1 Change of use of former residential home to one 8 bedroom house in multiple occupation and one 4 bedroom house

3.0 SITE AND SURROUNDINGS:

3.1 The application site lies at the junction of Victoria Road and Cardigan Road, occupying a substantial parcel of land within a predominantly residential area. The property has a mock-tudor style and extends across approximately three levels with a complex form having a large cross gable to the Eastern side.

3.2 It was previously occupied as a residential home for the elderly, having consent as such in 1982, prior to which it was occupied as a single detached dwelling.

3.3 The site benefits from a large grassed area to the Western side, fully enclosed by walling and hedging in excess of 2 metres high.

3.4 It is on land within Headingley Conservation Area which historically comprised part of the former Zoological and Botanical Gardens, a loss-making venture which closed in 1858. The bear pit still survives and can be seen nearby on Cardigan Road, having achieved Grade II Listed Building status.

4.0 Relevant Planning History:

4.1 09/02308/FU – Change of use to 12 bed HMO – pending consideration also on this Panel .

4.2 09/02079/CA Conservation application for demolition of boundary wall to form new access to Victoria Road – pending consideration. Although undetermined, the applicant has indicated that he will withdraw that scheme if approval is forthcoming for the application currently before Members, as there will no longer be a need to demolish the wall.

4.3 09/01142/FU – Change of use to 8 bed HMO and 4 bed house. Application Withdrawn.

4.4 26/371/92/FU – Extensions and bedsit to APH – Approved, 29/12/92.

4.5 85/26/00049 – Extension, bedsit to side of APH. Approved, 21/05/95;

4.6 82/26/00444 – Change use of house to APH. Approved, 04/02/83;

5.0 HISTORY OF NEGOTIATIONS

5.1 The current scheme has been significantly amended since receipt following meetings with the applicant and his agent. These changes involve the deletion of a proposed new access involving breaking through the side wall to the property and creating a parking area in the front garden and the creation of a revised parking area to the rear and enlarged amenity space for the 4 bed dwelling , with the rebuilding of a wall to the Victoria Road frontage.

6.0 PUBLIC/LOCAL RESPONSE

6.1 Letters of objection have been received from :

6.11 Ward Councillor Martin Hamilton who objects on the grounds that the proposal does not comply with Policy H15 (Housing Mix) or PPG-15.

6.12 Headingley Renaissance Group, who object on the grounds that the proposal does not comply with Policy H15 and that there is insufficient parking;

6.13 Leeds HMO Lobby who object on the grounds that the proposal does not comply with Policy H15 and that there is insufficient parking;

with seven letters from local residents citing Policy H15, parking and loss of amenity through noise and disturbance.

7.0 CONSULTATIONS RESPONSES

7.1 Statutory Consultations: None

7.2 Non Statutory Consultations:

7.21 Highways DC – consulted 09/06/09; response 29/06/09 – Objections raised on the grounds of inadequate visibility from the proposed new access.;

7.22 Highways DC – reconsulted, 26/06/09, response 22/07/09 - No objection to amended scheme with revised parking layout.

7.23 Mains Drainage consulted 09/06/09 – response 30/06/09 - No objection

7.24 Access Officer – consulted 09/06/09 – response 25/06/09 – No objection.

8.0 PLANNING POLICIES:

8.1 National

PPS-1 – Planning Policy Statement 1: Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

PPS3 Housing – This PPS underpins the delivery of the Government's strategic housing policy objectives with the goal of ensuring that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.

PPG-15 - Planning Policy Guidance 15 provides a full statement of Government policies for the identification and protection of historic buildings, conservation areas and other elements of the historic environment. It explains the role played by the planning system in their protection.

8.2 Local

The development plan for the whole of the Leeds District is the Leeds Unitary Development Plan (UDP) Review (2006) and Regional and Spatial Strategy. Relevant policies in the Local Development Framework must also be taken into account. Planning proposals must be made in accordance with the development plan unless material considerations indicate otherwise.

8.21 Relevant UDP Policies:

UDP: General Policies: Policy GP5 refers to detailed planning considerations and any loss of amenity.

UDP: Building Design: Policy BD6 refers to the scale, materials, character and design of extensions.

UDP: Conservation Areas: Policies N18-22 seek to preserve and enhance areas designated as Conservation Areas, in order to ensure that not only does no detriment result from any form of built development but also that such development should seek to improve and enhance its setting wherever possible.

UDP: Areas of Housing Mix: Policy H15 aims to strike a balance between the needs of students and family housing in areas by maintaining the quality of housing stock, avoiding undue impact on neighbouring living conditions, remaining in character with surrounding buildings, providing adequate parking and improving available student housing stock.

9.0 MAIN ISSUES

9.1 Design, character and impact on the Conservation Area

9.2 Amenity and living conditions for residents

9.3 Parking

9.4 Area of Housing Mix (Policy H15)

9.5 Summary and recommendation

10.0 APPRAISAL

10.1 Design, character and impact on the Conservation Area.

With reference to the Conservation Area, the proposal does not involve any significant alterations to the outer appearance of the building. There is a re-ordering of the interior of the property so as to make the rooms comply with modern living practices. There are also some improvements proposed to the existing wall adjacent the bus stop, which are considered of benefit to the Conservation Area character. The application has been amended by re-ordering of parking and access so as not to break through the boundary wall thus retaining an important local feature. There is concern that multiple occupation of this property with large garden and important trees without management and maintenance in place could result in loss/deterioration of this walled garden area in a prominent corner position which currently makes a significant contribution to the character of the conservation area.

10.2 Amenity and living conditions for residents

The proposal relates to the conversion of the existing building to one 4-bed house and one 8-bed house in multiple occupation. The 8-bed house will benefit from a large landscaped area, lined by mature trees and separated from the highway by a stone wall. The 4 bed house would however be immediately adjacent to the HMO and it is considered its amenity would be significantly affected by the use of that property. The 4 bed house would also only have a very small lawned garden area immediately adjacent to the footpath and with only minimal screening from the parking areas of both properties. Although there is limited amenity space associated with some nearby dwellings, this is considered an unacceptable level of amenity space for a new sizeable (4 bed) potentially family dwelling. It is therefore not considered that the development would result in satisfactory living conditions for future residents of the 4 bed dwelling.

10.3 Parking

The application proposes 3 car parking spaces to serve both houses. Although this appears lower than the standard requirements, Highways have commented that the sustainable nature of the site is such, between several major bus routes and within easy reach of a local railway station, as to be acceptable in this instance.

10.4 Area of Housing Mix (Policy H15)

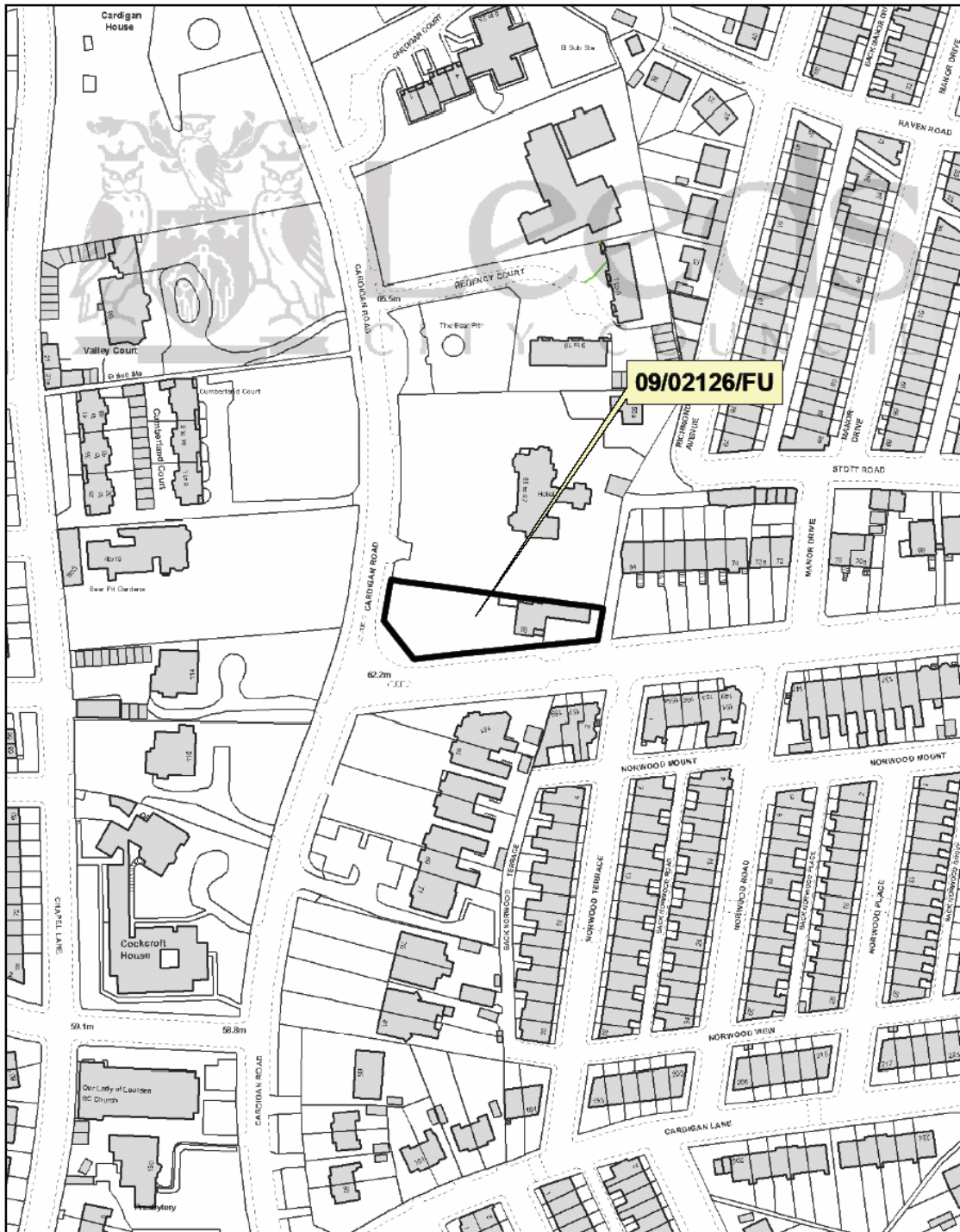
Within the area of housing mix planning permission will be granted for housing intended for occupation by students, or for the alteration, extension or redevelopment of accommodation currently so occupied where:

- i. The stock of housing accommodation, including that available for family occupation, should not be unacceptably reduced in terms of quantity and variety.
- ii. There would be no unacceptable effects on neighbours' living conditions including through increased activity, or noise and disturbance, either from the proposal itself or combined with existing housing similar accommodation;
- iii. The scale and character of the proposal should be compatible with the surrounding area;
- iv. Satisfactory provision should be made for car parking;
- v. The proposal should improve the quality or variety of the stock of student housing.

Officers argued that the 12 bed HMO proposals could comply with these criteria but Members were not in agreement. In this application there is still an 8 bed HMO proposed and the whole development would still be likely to be student occupied. This application would create a 4 bed dwelling and in fact a smaller HMO which could potentially provide a large family dwelling. In terms of the second criteria above however this proposal would mean that occupants of the 4 bed property if used as a house would suffer from the immediate juxtaposition of the HMO property in terms of noise and disturbance.

10.5 Summary and recommendation

On balance, the proposal to convert this large property into a combination of House in Multiple Occupation with separate attached dwelling is one which Officers do not consider acceptable in view of the use of levels of amenity and adverse impacts of the HMO on the adjoining 4 dwelling. A reason for refusal relating to this is recommended together with the further reason relating to the cumulative effects of students as now proposed for application 09/02308 (for the 12 bed HMO). This is also attached if Members do consider that this proposed development would also have an adverse impact on the Area of Housing Mix.



WEST PLANS PANEL



Scale 1/ 1500

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