



## Report of the Chief Planning Officer

### SOUTH AND WEST PLANS PANEL

Date: 03 August 2017

**Subject: 17/01174/FU - Change of use and alterations of former public house to form house in multiple occupation (sui generis) at The Omnibus, Throstle Road North, Middleton, Leeds, LS10 4AD.**

**APPLICANT**

PCC (Yorkshire) LTD

**DATE VALID**

02 March 2017

**TARGET DATE**

04 August 2017

**Electoral Wards Affected:**

**Middleton Park**

Yes

Ward Members consulted  
(Referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION:** The following reason for refusal is presented for Members consideration:

## 1.0 SUMMARY & BACKGROUND

1.1 This application was considered at Plans Panel South and West on the 07 July 2017, where Officers had recommended approval of the proposal, subject to conditions. Members raised a number of issues and expressed continued concerns regarding the proposed development. These included the use of communal areas; that the scheme would not attract young professional people as suggested by the applicant and the intensive use of the building would be detrimental to the future occupiers of the building. Subsequently Members decided not to accept the officer recommendation that planning permission be granted and resolved:

- (a) That planning permission should be refused for reasons relating to overdevelopment and impact upon amenity.
- (b) That the suggested reasons for refusal be reported back to Panel for their consideration.
- (c) In the meantime officers continue to negotiate with the applicant to seek a more appropriate scheme of redevelopment for the site.

- 1.2 The following detailed reason for refusal is put forward by officers for consideration by Panel:-

*The local planning authority considers the proposal because of overdevelopment would fail to provide the future occupiers of rooms R1 and R8 with satisfactory living conditions and an acceptable level of amenity. Room R1 has its entrance door directly adjacent to the door to the ground floor kitchen/dining area which is intended to serve a minimum of 7 residents and shares a wall with it. Room R8 is located above the ground floor dining/kitchen area and has a shared wall with the first floor kitchen/dining Area which is not restricted to use by occupiers of the first floor bedrooms. Therefore it is considered by virtue of the likely intensity of use of the communal areas referred to, that the occupiers of Rooms R1 and R8 will be exposed in their bedrooms to noise and general disturbance associated with the use and persons accessing and egressing the Kitchen/Dining areas, to detriment of their amenity.*

As such the proposal fails to satisfy requirements in Leeds Core Strategy, 2014, Policy P10 and the Leeds Unitary Development Plan, Review 2006, saved policy GP5 that, amongst other things, new development should contribute positively to quality of life and provide a good level of amenity for future occupiers. The proposal is also contrary to advice at paragraph 17 of the National Planning Policy Framework that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

- 1.3 A copy of the previous report is attached for Members information at appendix 1.



## APPENDIX 1

Report of the Chief Planning Officer

**SOUTH AND WEST PLANS PANEL**

Date: 06 July 2017

**Subject: 17/01174/FU - Change of use and alterations of former public house to form house in multiple occupation (sui generis) at The Omnibus, Throstle Road North, Middleton, Leeds, LS10 4AD.**

**APPLICANT**  
PCC (Yorkshire) LTD

**DATE VALID**  
02 March 2017

**TARGET DATE**  
07 July 2017

**Electoral Wards Affected:**

**Middleton Park**

Yes

Ward Members consulted  
(Referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: GRANT PERMISSION subject to the following conditions:**

1. Time limit on permission
2. Compliance with approved plans
3. Materials to match
4. Prior to use cycle/moto cycle storage facilities to be submitted and agreed.
5. Prior to use Bin storage facilities to be submitted and agreed.
6. Submission and Implementation of Noise Attenuation Scheme
7. Submission and implementation of landscaping scheme
8. Access details to be submitted for approval.

### 1.0 INTRODUCTION:

- 1.1 This application seeks the change of use and alterations of the former public house to form a house in multiple occupation (HMO) (sui generis) providing 9 bedrooms at The Omnibus, Throstle Road North, Middleton. A previous scheme (16/05878/FU) for the change of use into a HMO with a total of 15 bedrooms was refused

permission and the subsequent appeal was dismissed. The details of the changes to the scheme that have been made in an attempt to address officer's concerns are set out at section 5 of this report.

- 1.2 The application was taken to Plans Panel on 16/06/2017 at the request of Councillor Blake due to concerns about the intensification of the use and the impact on the local community. The issues raised are material planning considerations and raise concerns affecting more than neighbouring properties.
- 1.3 The application was deferred by members to allow for an internal inspection of the site and building. Further information was also requested regarding the nature of the occupiers, how the proposal will meet the needs of local people, how will the amenity areas be managed. Details of boundary enclosures and traffic associated with the development and parking provision were also required.
- 1.4 In response to the additional information requested the applicant has advised the following:
- 1.5 The site and building will be managed by Castle Dwellings whom are an independent International Property Consultancy based in Castleford, Pontefract and Leeds. As a company they have had a working relationship with PCC (Yorkshire) Ltd (the applicants) for over 5 years, and during this time have managed their portfolio or rental properties and also sourced new properties for the company.
- 1.6 Research carried out by Castleford Dwellings has established that there is a high demand for this type of accommodation for working professionals. As such the development is aimed at local professional people and offers short term high quality, low cost accommodation.
- 1.7 With regard to management of amenity areas, all the communal areas internally and externally will be maintained twice a week by a cleaning company. All tenants will be signed up to a 6 months Assured Shorthold Tenancy Agreement. During this time regular inspection will take place.
- 1.8 All maintenance issues will be dealt with in the first instance by Castle Dwellings via a maintenance app, Fixflo and can be reported 24 hours a day, 7 days a week. The app gives the tenant the opportunity to report in full any issues they are experiencing and they can also attach photographs which all help to resolve the matters in a timely and efficient manner.
- 1.9 With reference to boundary treatment and traffic associated with the development and parking provision this matter is detailed in the proposal section and the highways section of the report.

## **2.0 PROPOSAL:**

- 2.1 During the course of the consideration of the application the proposal has been revised in light of officer concerns and the accommodation is now proposed to be subdivided into 7 bedrooms with larger kitchen diner at ground floor and two bedrooms at first floor with a separate kitchen/diner. The total number of rooms provided by the unit is now 9 in total with each room being between 19sqm and 25sqm and including en-suite shower and toilet facilities.

- 2.2 Each bedroom is to be served by a window and each is shown to be capable of accommodating both bedroom and living furniture.
- 2.3 External alterations consist of insertion of two windows at ground floor level on the west side elevation at ground floor level.
- 2.4 Nine parking spaces are shown to be provided in the north east corner of the site and accessed by an existing entrance off Throstle Road North. Pedestrian access is also shown from Sharp Lane.
- 2.5 Outdoor amenity is provided to the rear of the property alongside the residential garden of no 441 Throstle Road North. Landscaping is shown to be retained to the front (east) and (south) side.
- 2.6 No boundary treatments are proposed albeit for the car parking area (the details of which are to be controlled through condition). The applicant seeks to retain the existing openness of the site.

### **3.0 SITE AND SURROUNDINGS**

- 3.1 The application site is a vacant public house (Omnibus) with living accommodation at first floor. The site is bordered by Sharp Lane to the south, Dolphin Road to the east and Throstle Road to the east. The original building is two storey red brick detached property which is served by a large car park at the rear (west) and landscaped areas to the front and sides. The property has been extended single storey to the front and rear.
- 3.2 The land uses around the site comprises housing to the north and east, a bus depot and industrial site to the west and Sharp Lane Primary school to the south.

### **4.0 RELEVANT PLANNING HISTORY**

- 4.1 16/05878/FU: Change of use and alterations of former public house to form house in multiple occupation (sui generis) at The Omnibus, Throstle Road North, Middleton, Leeds, LS10 4AD – Refused. Decision upheld on appeal. The Inspector concluded that the proposal would fail to provide future occupants with satisfactory living conditions (in terms of bedroom sizes and communal spaces) and an acceptable level of amenity.
- 4.2 PREAPP/16/00411 – Advice given. The residential use on a brownfield site in a sustainable location well served by public transport was considered acceptable subject to meeting all other planning considerations.
- 4.3 With regard to layout, level of amenity offered to future occupiers and impact on neighbouring amenity – no information was submitted detailing the internal or external layout of the development. The level of amenity afforded to future occupants and how this would impact on neighbouring amenity was highlighted and the applicant advised that these issues were material and would influence the determination of the application.

### **5.0 HISTORY OF NEGOTIATIONS**

- 5.1 This application is a resubmission of previously refused scheme 16/05878/FU for the change of use of a vacant Public house (former Omnibus Public House) into a HMO (sui generis use).
- 5.2 The previous scheme proposed to subdivide the ground floor into 10 bedrooms with 5 further bedrooms at first floor. Two kitchen and dining areas were proposed to the ground floor and two shower/w/c rooms and a separate w/c's with a further bathroom and separate w/c provided at first floor. Each bedroom was between 10.8sqm and 13.5sqm in floor area. Parking and outdoor amenity was proposed to the front and rear of the property alongside the residential garden of no 441 Throstle Road North.
- 5.3 This scheme was refused on amenity grounds due to a combination of factors; the lack of sufficient privacy and bathroom facilities to serve the potential number of residents, the layout of rooms and the modest proportion of the bedsits. In summary, the conversion represented an over-intensive development which offered a poor level of general amenity to prospective residents and as such was contrary to the aims of Leeds Core Strategy policies P10 and saved Unitary Development Plan (Review 2006) policy GP5 and the guidance contained within the Neighbourhoods for Living SPG and the National Planning Policy Framework. This decision was upheld on appeal (see para. 4.1 above).
- 5.4 The current scheme originally proposed to subdivide the property to provide a total of 12 bedrooms. The ground floor comprised 9 bedrooms with kitchen diner and a small common room. A further shower facility and separate w/c was provided at this level. The first floor accommodation was proposed to be sub-divided into 3 bedrooms, with kitchen and separate living area and shower room with separate W/C.
- 5.5 It was considered that the revised scheme was a slight improvement over the 2016 application proposal, in that there were less rooms and greater provision of shared facilities. Officers were still concerned about the size of the bedrooms and the provision of shared living areas e.g. common rooms as it was considered unlikely that these rooms would be used by the mode of occupant. In light of this, officers were of the view that the bedrooms should be made larger to provide more useable living space for the occupants and fitted with en-suite facilities in order to provide an acceptable level of amenity provision for future occupants before approval could be recommended. Accordingly the scheme was amended to propose 9 bedrooms with en-suites and associated accommodation.

## **6.0 PUBLIC/LOCAL RESPONSE**

- 6.1 33 letters of representation from local residents received in response to the initial proposal, objecting on the following grounds:
- Negative impact of the proposed use on local community due to the intensification of use and the transient nature of the tenants;
  - Concerns raised in relation to proximity of development to local school and threat posed to children from perceived issues associated with the type of tenants housed in such accommodation e.g. Hostel, Halfway House;
  - Highway safety due to increase in vehicular traffic and parking;
  - Commercial status should be retained, this type of development not needed in the area;
  - Negative impact on house prices in the area;

- Anti-social behaviour associated with this type of development;
- Lack of adequate consultation;
- Insufficient information submitted regarding type of accommodation proposed;
- The sorts of use within the C categories such as residential Institutions or dwelling houses for people with learning disabilities or mental health problems would not be appropriate adjacent to a large primary school;
- No attempt by landlord to tidy the site up, building in disrepair, temporary fencing has been pulled down and piles of rubbish are building up on site.

6.2 Following re-notification of the amended scheme, four representations have been received in response to the revised scheme objecting on the grounds that: the proposed use is unsuitable (due to perceived anti-social behaviour linked to such uses) given its close proximity to the school; overcrowding; insufficient dining facilities for future occupants and potential for the accommodation to be used as 'secure residential accommodation' given its 'sui generis' use class.

## **7.0 CONSULTATIONS RESPONSES:**

7.1 Highways: No objections subject to conditions.

7.2 Mains Drainage: No objections subject to conditions.

7.3 Contaminated Land: No objections subject to conditions

## **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 the Core Strategy, saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013) and made Neighbourhood Development Plans.

8.2 The site is unallocated in the Development Plan.

### Local Planning Policy

8.3 Relevant policies from the Core Strategy include:

H2: New housing development on non-allocated sites

New housing development will be acceptable in principle on non-allocated land, providing that:

- (i) The number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing or provided as a condition of development,
- (ii) For developments of 5 or more dwellings the location should accord with the Accessibility Standards in Table 2 of Appendix 3,
- (iii) Green Belt Policy is satisfied for sites in the Green Belt.

In addition, greenfield land:

- a) Should not be developed if it has intrinsic value as amenity space or for recreation or for nature conservation, or makes a valuable contribution to the visual, historic and/or spatial character of an area, or

b) May be developed if it concerns a piece of designated green space found to be surplus to requirements by the Open Space, Sport and Recreation Assessment.

P10 Design - highlights that new development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function. Proposals should accord with principles around size, scale, design, layout, character, surroundings, public realm, historic / natural assets, visual, residential and general amenity, safety, security and accessibility to all.

T2: Seeks to ensure that new development does not harm highway safety

8.4 Relevant DPD policies are:

GENERAL POLICY1: Presumption in favour of sustainable development.

WATER1: Water efficiency, including incorporation of sustainable drainage

WATER7: No increase in surface water run-off, incorporate SUDs.

LAND1: Land contamination to be dealt with.

LAND2: Development should conserve trees and introduce new tree planting.

8.5 Relevant policies From the UDP are:

GP5 – Development proposals should resolve detailed planning considerations at the application stage.

BD5 - Seeks to ensure new development protects amenity.

N25 - Seeks to ensure boundaries are well designed.

LD1 - Seeks to ensure positive landscape design

#### Leeds City Council Supplementary Planning Guidance/Documents

SPG13 – Neighbourhood's for living Residential Design Guide

Parking SPD

#### National Planning Policy

8.6 The National Planning Policy Framework (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. The following paragraphs from the NPPF are considered to be of particular relevance:

Paragraph 7 – Three dimensions to sustainable development

Paragraph 14 – Presumption in favour of sustainable development

Paragraph 17 – Twelve planning principles

Paragraph 50 – The creation of balanced and mixed communities

8.7 Other guidance:

HMO Advisory Note (not part of the development plan or supplementary planning guidance)

## **9.0 MAIN ISSUES**

1. Principle
2. Amenity of Future Occupiers
3. Impact on Neighbouring Amenity
4. Townscape, Design and Character
5. Parking, Highway Safety
7. Representations

## **10.0 APPRAISAL**

### Principle

- 10.1 Under policy H2 of the Core Strategy it is generally assumed that residential development is acceptable on previously developed sites. However, new proposals must also be acceptable in terms of the sequential approach to development, be within the capacity of existing infrastructure as well as satisfying all other relevant UDP policies and material considerations.
- 10.2 The buildings existing established use is a public house. The residential use, given the context of the surrounding uses, is considered acceptable. The scheme will provide residential use on a brownfield site in a sustainable location well served by public transport. The conversion to a HMO (Sui Generis use) is therefore considered acceptable subject to meeting all other planning considerations. Accordingly the proposal is considered to comply with Policy H2.
- 10.3 With reference to Policy H6, this policy is used for the assessment of HMO's which fall within in the following criteria:
- A) Within the area of Leeds covered by the Article 4 Direction for Houses in Multiple Occupation;
  - B) Development proposals for purpose built student accommodation;
  - C) Development proposals for conversion of existing houses into flats.

This policy is not relevant in this instance as the proposal involves the change of use of an existing Public House not a residential dwelling, in an area which is not covered by Article 4 Direction or for the purpose of built student accommodation.

### Amenity of Future Occupiers

- 10.4 Leeds Core Strategy policy P10 aims to protect general and residential amenity. Saved UDP policy GP5 aims to protect amenity including the amenity of future occupants. The Council's Neighbourhoods' for Living SPG also looks to ensure development proposals provide a good level of amenity for future occupiers. Paragraph 17 of the NPPF requires local planning authorities to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.5 New residential development should aim to provide a good level of amenity for future occupiers. This includes providing living accommodation which is of an appropriate size, offers appropriate outlook, gives good daylight and sunlight penetration, protects privacy and ensure an appropriate juxtaposition of rooms both within a property and with neighbouring properties to prevent general noise and disturbance issues. This also includes providing good quality outdoor amenity areas for the enjoyment of occupiers, provision of outdoor drying space, bin storage and other forms of storage.

- 10.6 When assessing amenity considerations it is important to consider the mode of occupancy. The applicant has confirmed that the mode of occupation is a Category A House in Multiple occupation (bedsits). The applicants have also advised that the rooms will be single occupancy only; however, little weight can be given to this statement as the number of residents cannot be controlled by condition as it would be difficult if not impossible to enforce.
- 10.7 Given the nature of the occupancy (Category A HMO) the scheme has been revised through the removal of the common room as occupants of this type of HMO tend not to interact with each other and live communally in the way for example students do. Rooms would be let individually to unrelated people who are selected by the landlord and imposed on the rest of the household. Further to this the bedrooms were reduced in number and additional space was allocated to the kitchen and dining areas.
- 10.8 The development now consists of 7 bedsits at ground floor and 2 at first floor. The rooms are now considered to be relatively spacious and of a sufficient size to easily accommodate basic items of bedroom and living room furniture. The sizes of the rooms range from 19 sqm and 25m sqm (opposed to 11sqm and 13.5 sqm). Further to this each room now has en-suite facilities as opposed to communal bathroom facilities.
- 10.9 The layout of the proposal also indicates that the majority of the bedsits will now be directly over other bedsits as opposed kitchen areas. Subject to a condition controlling noise transference from neighbouring rooms, the accommodation is considered to be acceptable.
- 10.10 All the rooms are to be served by windows and as such are afforded an acceptable level of outlook and natural light.
- 10.11 A large dining/ kitchen area is now proposed at the ground floor with a smaller kitchen facility provided at first floor. These shared facilities in combination with the larger room sizes are considered sufficient to cater for the day to day needs and number of future occupants.
- 10.12 In conclusion it is considered that the proposal will provide an adequate level of amenity for the future occupiers and as such will comply with the wider aims of Core Strategy policies P10 and saved UDP policy GP5 and the guidance contained within the Neighbourhoods for Living.

#### Impact on Neighbouring Amenity

- 10.13 Neighbouring amenity can be impacted in a number of ways. This can be through a direct relationship with neighbouring properties or through a cumulative impact in addition to other similar forms of housing in a locality. The alterations to the existing property are minimal and will not lead to any harmful impacts on neighbouring privacy or outlook or lead to harmful overshadowing impacts. No additional volume is to be added and windows serving habitable accommodation meet the relevant distance criteria advised in Neighbourhoods for Living document (7.5m – secondary windows to boundaries) which look to safeguard private amenity from overlooking.
- 10.14 Furthermore, given the current use of (Public House) it is also considered unlikely that that the proposed residential use would pose a greater threat to neighbouring amenity in terms of noise associated with comings and goings of residents over and above that of the long established use.

- 10.15 In light of the above, the proposal is therefore considered to have an acceptable relationship with both immediate neighbours and those in the wider locality and as such would comply with the aims of Core Strategy policies P10 and saved UDP policy GP5 and the guidance contained within the Neighbourhoods for Living SPG and the NPPF in these respects.

#### Townscape, Design and Character

- 10.16 The proposal will result in minimal external changes to the application property which is considered acceptable in design and character terms. The open aspect around the site is proposed to be retained with fencing proposed around the car park area only. Subject to a condition controlling the finer detail of the landscaping and boundary treatment, the proposal is considered to be in compliance with the wider aims of Leeds Core Strategy policy P10 and saved UDP policies GP5 and BD6 in these respects.

#### Parking, Highway Safety

- 10.17 Leeds Core Strategy policy T2 addresses access requirements for new development amongst other related matters and policy P10 looks to ensure car parking, cycle, waste and recycling storage should be designed in a positive manner. Saved UDP policy T7A looks to ensure secure cycle parking is provided as part of new development and policy T24 looks to ensure new development is adequately served by appropriate car parking provision. The Parking SPD offer further guidance on highway and parking matters.
- 10.18 The site is situated in a sustainable location within an existing residential area close to a busy bus route. 9 off street parking facilities are provided. Highways officers have advised that the amount proposed is in excess of the requirement of the Parking SPD (double the amount) and that the proposal is unlikely to generate any greater traffic movements than that of the existing PH use. The parking spaces are of adequate size and spacing for the manoeuvring of vehicles and bin storage and cycle provision can also be accommodated within the site. As such the proposal would not be detrimental to highway safety, subject to the widening of the access point and bin and cycle storage details being controlled through conditions.

#### Representations

- 10.19 The concerns in respect of highway safety, impact of the proposed use on local community due to the intensification of use and poor level of amenity have been addressed above and the impact deemed to be acceptable, for the reasons given.
- 10.20 In response to concerns raised above relating to the proximity to the school, the type of people that may be housed and potential threat to amenity from anti-social behaviour these are matters that were assessed by the Inspector and found not to be matters that could be substantiated and the previous use as a public house was noted. Furthermore, there is no evidence to suggest that the behaviour of the occupants would be anti-social.
- 10.21 With regard to the 'sui generis use', once this is implemented this use class does not permit any further changes to any other planning use outside that approved.

- 10.22 With regard to concerns raised in relation to consultation and the lack of it by the applicant with local community. Whilst this is promoted by the LPA, it cannot be insisted upon as there no policy requirements to do so.
- 10.23 With regard to the current state of the site e.g. building in disrepair, temporary fencing has been pulled down and piles of rubbish are building up on site. These types of issues are controlled by separate legislation and dealt with by Environmental Health and do not fall within the remit of planning control. As such they cannot be taken into consideration when assessing the impact of the proposed development.

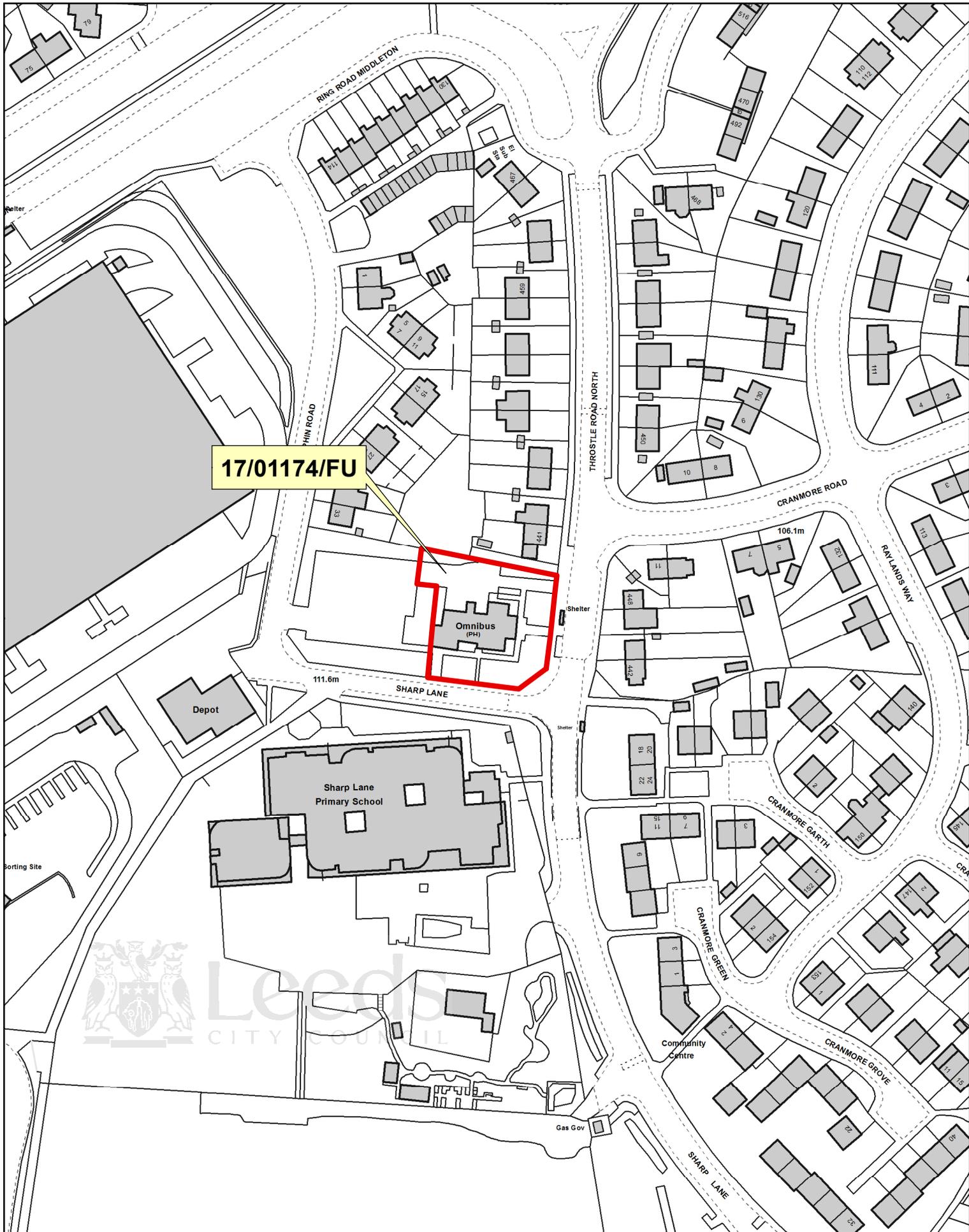
## **11.0 CONCLUSIONS**

- 11.1 The application site is situated in a sustainable location with good links to employment and education institutions and as such is suitable for this form of housing in this respect. The external changes to the property are minimal and represent acceptable additions in design and character respects, subject to condition.
- 11.2 The proposal would now provide an acceptable level of amenity for future occupiers of the HMO, being of a sufficient size and layout to allow for a sufficient level of amenity and privacy to support day-to-day living.
- 11.3 In conclusion taking all material considerations into account including representations received and the further information that is provided within this report it is considered that the application should be recommended for approval subject to the conditions outlined at the head of this report.

### **Background Papers:**

Application file 17/01174/FU

Certificate of ownership: Mr P Wright PCC (Yorkshire) Ltd



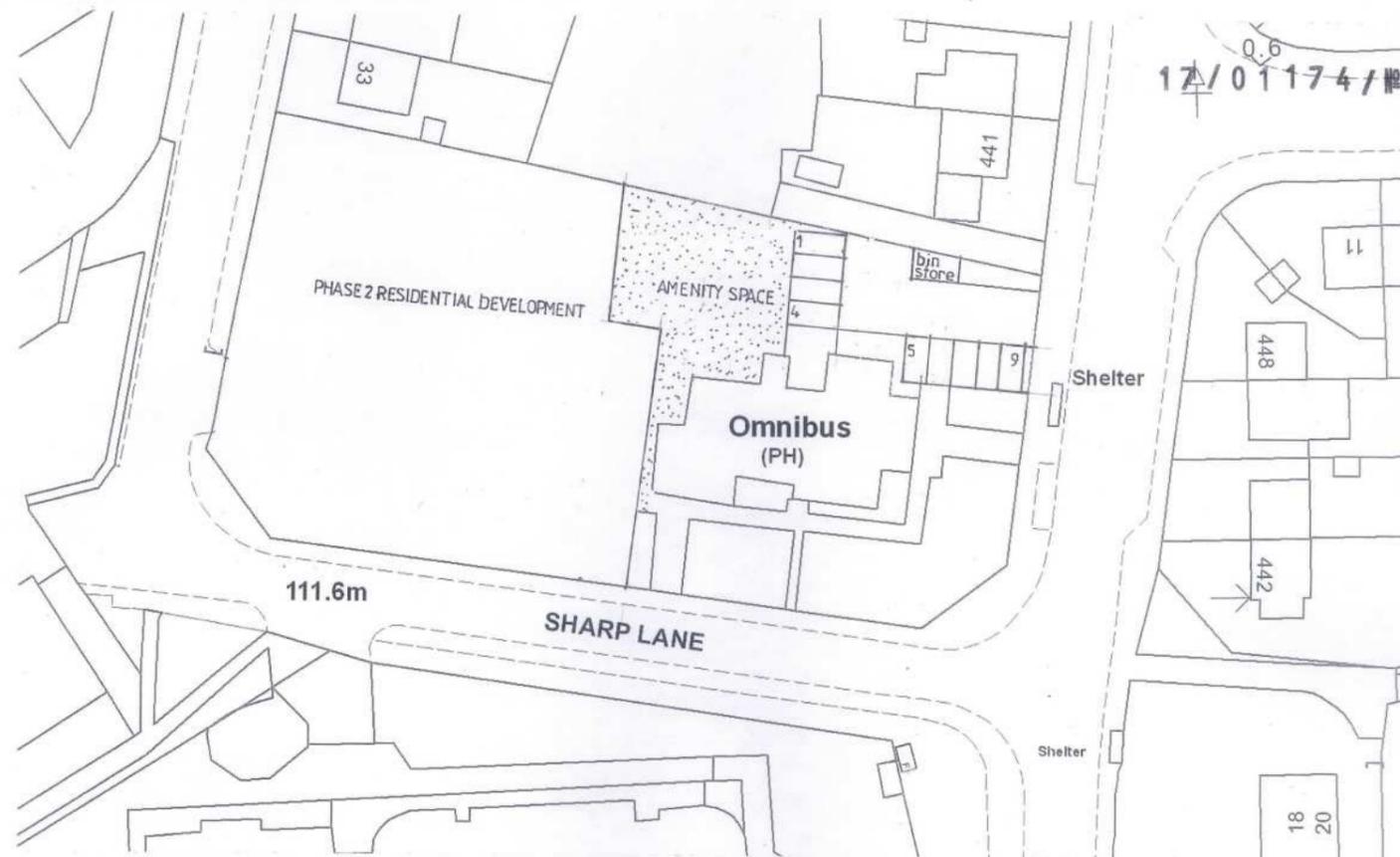
# SOUTH AND WEST PLANS PANEL

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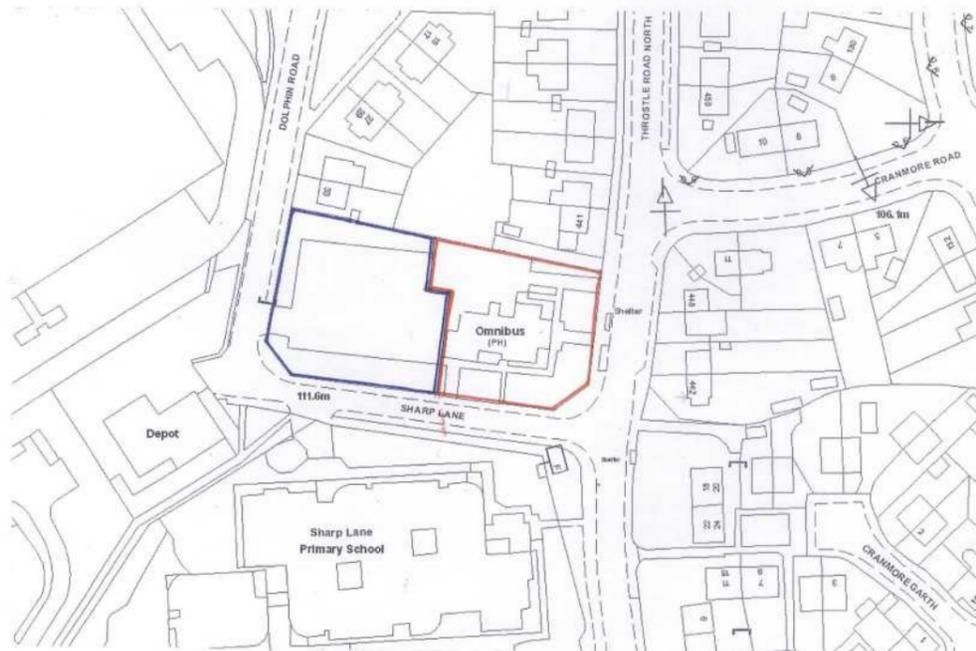
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SCALE : 1/1500





BLOCK PLAN 1:500



LOCATION PLAN 1:1250



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 LOCATION & BLOCK PLANS

Sept 2016	1:1250	1:500	T.B.
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