



Report of the Chief Planning Officer

PLANS PANEL SOUTH & WEST

Date: 3 August 2017

Subject: APPLICATION 17/03519/FU – Application for a change of use of a dwelling house (C3 use class) to a 4 bedroom House in Multiple Occupation (C4 use class) at 20 Conference Road, Armley, Leeds, LS12 3DX

APPLICANT

White Owl Properties Ltd

DATE VALID

30 June 2017

TARGET DATE

25 July 2017

Electoral Wards Affected:

Armley

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
2. Development carried out in accordance with approved plans
3. Details of Waste Collection Provision
4. Cycle parking

1.0 INTRODUCTION

1.1 This application seeks planning permission for the conversion of 20 Conference Road, currently in use as one dwelling house, to use within the C4 Use Class as a four bedroom House in Multiple Occupation.

1.2 The application is brought to Panel at the request of all three Ward Councillors who have cited the below reasons:

- We believe there is already a number of flats and Houses in Multiple Occupation (HMO) in the Armley area.
- To continue to introduce more HMO's into Armley, will undermine the area.
- Extra residents in the property will generate more waste.

- We are also concerned about additional noise levels in the street.
- We are also concerned that there could be an increase in traffic and problems with parking.

1.3 The Members reasons reason for referral is based on material planning considerations that affect more than neighbouring properties and therefore, in light of the terms of the scheme of delegation, it is appropriate to report the application to Panel for determination.

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 4 bedroom House in Multiple Occupation (HMO). No external alterations to the building are proposed.

The layout would be over three floors comprising of:

Ground Floor

Hallway

Communal kitchen and dining

Communal Living Room

First Floor

2 x bedrooms

1 x Bathroom

Second floor

2 x bedrooms

2.2 As currently exists there is no off-street parking.

3.0 SITE AND SURROUNDINGS

3.1 The wider area is residential in character and is located within a well established residential settlement close to public transport routes and local amenities and is therefore located within a sustainable location. The prevailing form of development is red brick through and back-to-back terraces; the application site comprises a mid-terraced through dwelling with a small yard to the front and garden area at the rear.

3.2 At the meeting of the Council's Executive Board on 5 January 2011 members of the Board approved the principle of introducing an Article 4 direction in Leeds which would require planning permission to be gained for a change of use from a C3 dwelling house to a C4 house in multiple occupation (HMO) in the Direction area.

3.4 The Chief Planning Officer, under delegated powers made the Direction on the 9 February 2011. Following a public consultation the Council's Executive Board approved the principle of confirming the Article 4 direction at a meeting of the Board on 27 July 2011. The wider area of Armley is one where there has been an identified concentration of HMO's in the Councils Delegation Report during the introduction of the Article 4 Direction in 10 February 2012.

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 the 23 June 2017. In response 3 letters of objection have been received in addition to the comments from the Ward Councillors (as set out above).

6.2 The issues raised by local residents have been summarised below:

- Negative impact from HMO's i.e. increased levels of crime.
- When numbers of single people are congregated in one place and many are economically inactive there is a high risk of Socio Economic problems that affect the local community.
- Loss of family housing
- Concerned regarding the effective monitoring of ex-offenders; whilst there is a societal need to rehabilitate people it should not be done in a residential setting
- Increased demand for on-street parking
- There are already 2 licensed HMOs on this road and there are other houses where students are in house shares although they don't have an HMO licence e.g. No.s 24 and 18 are student/young professional house shares.
- Increased noise and disturbance from the HMO bedrooms in juxtaposition to the adjoining properties. Such increases in noise and disturbance results in families moving out effecting community continuity and stability.
- The area has a high level of social deprivation and community cohesion is already faltering here as owner occupiers are moving away from the area due to landlords buying up the housing and letting to tenants who struggle to engage and have a positive impact on the community.
- The balance and health of the community would be further undermined if another HMO was licensed in the street.

7.0 CONSULTATIONS RESPONSES:

7.2 Highways:
No objections have been raised subject to a condition securing cycle parking.

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.

Local Policy

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).
- (iv) Any made neighbourhood plan.

- 8.2 The below Core strategy and saved UDP (2006) policies, supplementary planning documents/guidance (SPDs/SPGs) 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 H6 Part A– Conversions to HMO's

Policy T2 – Accessibility requirements and new development

Policy P10 – Design, character, amenity.

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.

Parking SPD

National Policy

- 8.3 National Planning Policy Framework (2012): 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

- 8.4 Guidance on conditions is provided within the Planning Policy Guidance.

9.0 MAIN ISSUES

(1) Principle of Development and amenity

(2) Highway matters

(3) Character and appearance

(4) Other matters

(5) Conclusion

10.0 APPRAISAL

Principle of Development and amenity

- 10.1 Sustainable Development is a key aspect of the current planning policy framework at national and the Local Plan at local level. Spatial Policy 1 of the Leeds Core Strategy (LCS). 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 as single dwelling unit. The site comprises a mid-terrace property with no associated off-street parking and small yard facing Conference Road and garden area to the northern side. 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. Policy H6 (part A) of the LCS deals with conversions of existing dwellings for use as HMO's. Development proposals for new HMOs, within the area of Leeds covered by the 2012 Article 4 Direction for HMOs which includes *inter alia* the Armley Ward will be determined against the below points:

- To ensure that a sufficient supply of HMOs is maintained in Leeds,
- To ensure that HMOs are distributed in areas well connected to employment and educational destinations associated with HMO occupants,
- To avoid detrimental impacts through high concentrations of HMOs, which would undermine the balance and health of communities,
- To ensure that proposals for new HMOs address relevant amenity and parking concerns,
- To avoid the loss of existing housing suitable for family occupation in areas of existing high concentrations of HMOs.

10.4 It should be noted that the Article 4 direction does not result in a blanket ban to new HMOs falling in the C4 use class in Leeds. The Article 4 direction only requires that planning permission be gained before a C3 dwelling house could be converted to a C4 (small) HMO. The Direction would in part assist in managing HMO growth and concentrations as set out in Policy H6 of the LCS above which supports the creation and management of sustainable, mixed communities in Leeds whilst looking to meet future housing need.

10.5 Saved UDP Policy GP5 also requires development proposals to avoid loss of amenity.

10.6 In introducing the Article 4 Direction the Council notes in the Delegated Officer Report that the Armley Ward was one of the wards with a high concentrations of HMOs (para 3.2 of the Delegated Decision Report) and was beginning to show detrimental impacts associated with high concentrations of HMOs. Those impacts as noted above, which are included in the national Government report 'Evidence Gathering – Housing in Multiple Occupation and possible planning response – Final Report' (September 2008), are replicated in the supporting text to Core Strategy policy H6. Since the Article 4 Delegated Officer Report noting that Armley was one of the wards suffering most acutely from the impacts of high concentrations of HMOs the LPA has no

evidence to suggest that the position has changed. Accordingly one of the key issues in this case is whether this particular proposal would contribute to a high concentration of HMO's at this location. The conclusion reached is that it would not and that the negative effects identified at 10.2 above should not be a consequence of this development. The reasoning for this conclusion is set out in the following paragraphs.

- 10.7 Officers acknowledge that the provision of shared houses 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.
- 10.8 In assessing this application Council Tax records have been interrogated to establish the level of HMO's within the immediate area. Records show that 4 HMOs already exists on Conference Road with other HMO's being loosely spread across terraces to the south. The concentration of HMO's increases to the north of the application site where records show where the cluster of conversions are located. The majority and concentration of the existing HMO's are separated from the site by a railway line with a sporadic spread of 14 HMO's to the terraces to the south of the application site. It is therefore considered that there is not a high concentration to the south of the railway and the site does not fall within an area of high concentration. It is Officers view that the proposal would not place undue pressure on local facilities and services.
- 10.9 It is noted that the proposed HMO use could 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. A HMO is of a different character to a family home by the way it operates; however in this instance the 4 independent adults that could reside within the envelope of this property are unlikely to result in significantly more comings and goings than if it were to remain wholly as a C3 use given it is a 4 bed property where a large family could currently reside. The proposal is for a 4 bed HMO, and the current format of the property is arranged as a 4 bedroom house. The proposal is not seeking to increase the number of bedrooms within the property.
- 10.10 The submitted details show a layout and include photographs that show good levels of habitation for future occupants in terms of the communal areas and bedroom sizes. The DCLG – Technical Housing Standard (2015) sets out a minimum of 39 sq/m for a one bed one bedspace unit and that increases to 50 sq/m for a two bedspace unit. The DCLG 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. Below are the bedroom sizes and communal area sizes:

Bedroom 1: 14.68 sq/m
Bedroom 2: 16.95 sq/m
Bedroom 3: 16.04 sq/m
Bedroom 4: 11.41 sq/m
Kitchen/Dining: 20.48 sq/m

Living area: 13.51 sq/m

- 10.11 The proposed two second floor bedrooms served by a roof-light and dormer window and offer skyward outlooks and would be generally uninterrupted, therefore it is considered that represents acceptable levels of outlook and solar gain as would the other bedrooms that have windows offering outlooks across the street and over the railway and planted areas and solar gain would penetrate these window throughout the day.
- 10.12 The juxtaposition of rooms is considered to be acceptable. First floor bedrooms would be sited above the communal living and kitchen areas and noise and disturbance from watching a TV, cooking etc emanating from the communal areas would likely be limited and does not warrant withholding planning permission on this basis nor is it considered that the levels of noise from the intensified internal use be significantly greater than if the property was occupied by a family i.e. one with teenage children each with their own room. The 4 bedroom HMO is not considered to be unduly more intrusive to the living conditions of the neighbouring properties than if occupied as a single unit.
- 10.13 The Armely Ward is a sustainable location and is well connected to employment within the area and by easy connection to other parts of the City whilst access to education destinations i.e. the universities and/or colleges can also be gained by the good public transport and road networks to other parts of Leeds.
- 10.14 Matters of parking are covered in the below section.
- 10.15 In light of Officers views that the site does not fall within an area of high concentration of HMO's the loss of this property that is clearly suitable for family habitation can be accepted. The layout of the dwelling would not change and the dwelling could in principle return to function as family housing in the future without any undue degree of complexity.
- 10.16 In light of the above and records indicating that the street and immediately surrounding streets are in the main single dwelling units (e.g. in family occupation), and that the site lies within the built up area it is considered that there is no fundamental objection to the principle of the development.

Highways matters

- 10.17 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. No objections have been raised by Highways subject to a condition to secure cycle parking. The application is therefore considered to comply with Policy T2.

Character and Appearance

- 10.18 The change of use application does not propose any external 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 in occupation as a family home it would not alter the appearance of the street or immediate area. The character would remain residential. Conditions are recommended for details of bin storage to cater for the increased intensification of refuse associated with the site.

10.19 The HMO has, unusually with such housing options, a garden area. The advice set out in SPG13 – Neighbourhoods for Living, is that private amenity for flats should seek to achieve a minimum area of 25% of the total gross floor area excluding vehicular provisions. The garden area is located to the northern side of the property. The rear garden area is considered to be an acceptable size to cater for the future occupants of the HMO as it would if the property was to return to family occupation.

Other matters

10.20 This application has attracted 3 letters of objection and a letter of objection from all three ward Members. Comments as set out in paragraphs 1.2 and 6.2

10.21 The potential impact from HMO's are duly noted and a point that the Government and the LPA set out in the 'Evidence Gathering – Housing in Multiple Occupation and possible planning response – Final Report' and the Leeds Core Strategy, but to refuse an application in an immediate area where there is not considered to be a high concentration of HMO's on the basis that there is a presumption that future occupants will engage in criminality simply due to their single and/or economic status is not a material planning consideration. Applications for HMO conversions must be assessed against the tests of adopted planning policy and this application has been so assessed. There are no details submitted with the application as to whom will occupy the HMO as this is not required as part of this assessment nor does the letter of representation supply any evidence that that future occupant will be individuals that have been through the judicial system. Again such matters are not planning considerations. Matters of the principle of development, highways, bin provision, noise and disturbance have already been covered within this report.

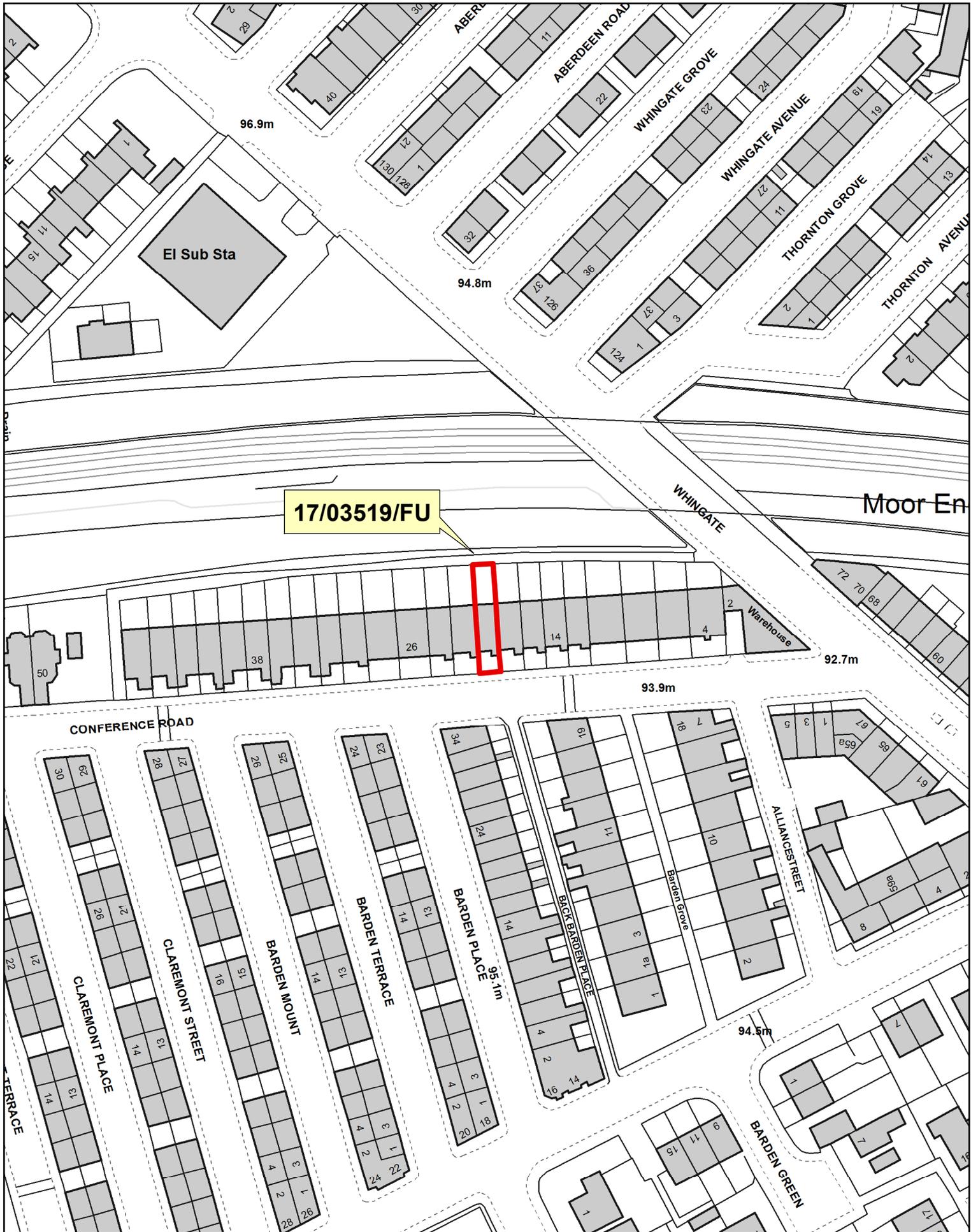
11.0 CONCLUSION

11.1 Taking all relevant matters in to account including the development plan and all representations received, the principle of the HMO on this site within the immediate location is considered to be acceptable in policy and planning terms and the impact on residential amenity is not considered to be, on balance unduly harmed furthermore subject to conditions highways and all other material planning matters are considered to be acceptable. As such the proposed scheme is compliant with the relevant policies and guidance detailed within this report and subject to conditions set out at the head of this report approval is recommended.

Background Papers:

Application file

Certificate of ownership: Certificate B signed by the Applicant 26 May 2017.



SOUTH AND WEST PLANS PANEL

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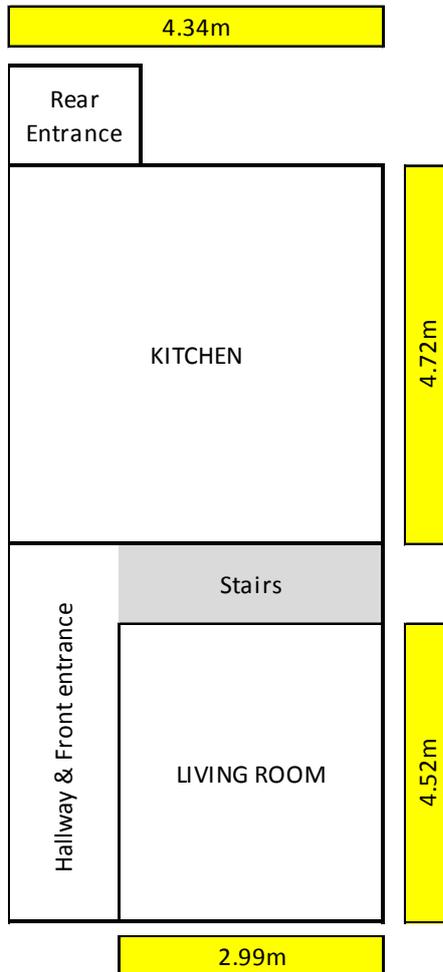
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SCALE : 1/1000



20 Conference Road, Armley, LS12 3DX

Ground Floor:



Entrance Hallway:

Access via a front entrance door with an original stained glass window above, original ceiling mouldings and cornice, dado rail, central heating radiator, laminated wood floor, stairs to the first floor.

Living Room: 9' 10" x 14'10" (2.74m x 4.52m)

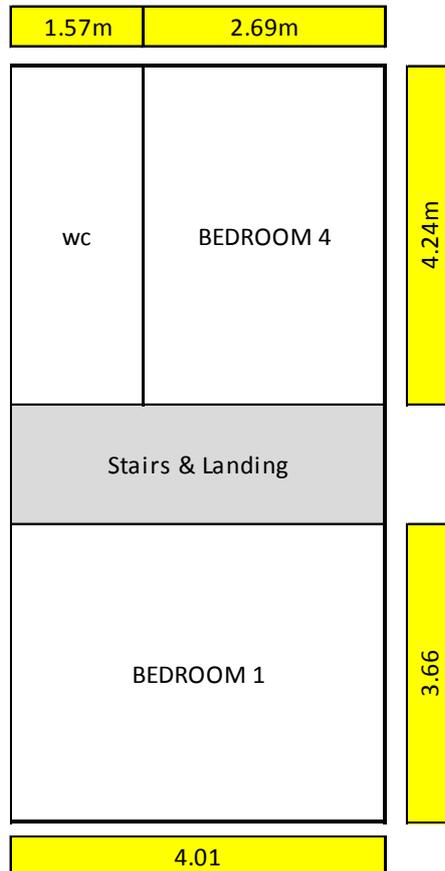
Double glazed bay window to the front elevation, original ceiling coving, a fire surround with a tiled back and an inset coal effect living flame gas fire, television point with connections for Sky, deep skirting boards, dipped and stripped internal door, central heating radiator

Fitted Dining Kitchen: 14'03" x 15'06" (4.34m x 4.72m)

Double glazed window to the rear elevation, a modern yet contemporary range of fitted wall, drawer & base units, display shelving, complimentary work surfaces, a stainless steel double sink and drainer unit with a mixer tap, a modern range style oven with gas burners, a contemporary extractor hood above, plumbing for an automatic washing machine, space for a fridge / freezer, dining area, access to the cellars, inset ceiling lights, original ceiling coving, dipped and stripped internal doors, central heating radiator

20 Conference Road, Armley, LS12 3DX

1st Floor:



Landing:

Access to the first floor accommodation, stairs rising to the second floor.

Bedroom One: 12'00" x 13'02" (3.66m x 4.01m)

Two double glazed windows to the front elevation, central heating radiator, laminated wood floor.

Bedroom Four: 8'10" x 13'11" (2.69m x 4.24m)

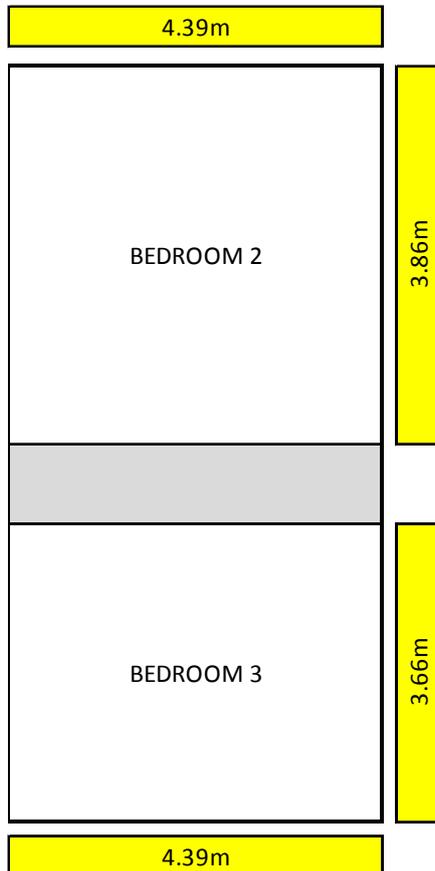
Double glazed window to the rear elevation, central heating radiator, laminated wood floor, ceiling coving.

Bathroom / WC: 14'00" x 5'02" (4.27m x 1.57m)

Double glazed window to the rear elevation, a white suite comprising of a shower bath with a plumbed shower above, a wash basin set onto a vanity stand, a low flush WC with a concealed cistern, half panelled and painted walls, original Victorian tiled flooring, central heating radiator, storage cupboard

20 Conference Road, Armley, LS12 3DX

2nd Floor:



Bedroom Two: 14'05" x 12'08" (4.39m x 3.86m)

Double glazed dormer window to the front elevation, laminated wood floor, central heating radiator, storage to the eaves, inset ceiling lighting

Bedroom Three: 14'05" x 12" (4.39m x 3.66m)

Double glazed Velux window to the rear elevation, storage to the eaves, central heating radiator.