



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 16th November 2017

Subject: APPLICATION 17/03445/FU – Change of use of house (use class C3) to a house in multiple occupation (use class C4) at 20 Reginald Mount, Leeds, LS7 3HN

APPLICANT

Mr R Mason

DATE VALID

25th May 2017

TARGET DATE

24th August 2017

Electoral Wards Affected:

Chapel Allerton

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:

1. Time limit on full permission (3yrs)
2. In accordance with approved plans
3. Details of cycle storage facilities to be submitted
4. Layout to be maintained in accordance with approved plans (i.e. no more than 4 bedrooms)

1.0 INTRODUCTION:

- 1.1 This application is presented to Plans Panel at the request of Ward Councillors Jane Dowson, Mohammed Rafique and Eileen Taylor who have raised concerns on high concentration of HMOs, parking and that HMOs can undermine the balance and health of communities.

2.0 PROPOSAL:

- 2.1 The applicant seeks planning permission to change the use of a property on Reginald Mount 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 20 Reginald Mount is a mature red brick mid-terrace house which accommodates four bedrooms. The property has a projecting bay window feature and a small front garden area with a step out to the pavement at the front and a small yard area to the rear.
- 3.2 Reginald Mount is situated in Chapel Allerton ward and forms part of a cluster of terraced streets comprising the Reginalds (Ave, View, Place and Mount) and the Sholebrookes (Place, View, Street and Mount). The area is predominately residential from terraced properties, semi-detached dwellings to flats. The local area is not recognised to have a significantly high concentration of HMOs and council records indicate that three other HMOs exist nearby along Sholebroke Place and one on Back Reginald Place.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 None.

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.
- 6.2 A letter of representation received from Ward Councillor Jane Dawson, Mohammed Rafique and Eileen Taylor stating objection to the proposals on the following summarised grounds:
- Already high concentration of flats and Houses in Multiple Occupation (HMO) in the Chapel Allerton Area.
 - To continue to introduce HMOs into Chapel Allerton, will undermine the balance and health of communities in our ward. Furthermore, Chapel Allerton has high levels of unemployment.
 - There is already an issue with parking in the area and this will make the problem worse
 - The HMO application (16/03731/CLE) was refused on Thursday 15th September 2016, therefore we should be consistent in our approach on this road
- 6.3 1 letter of objection received from the public stating objection to the proposed change of use and the grounds are summarised below:
- This is a family street with many young children who use the street/front gardens to play. A HMO will increase footfall and traffic.

- This street is already narrowed for traffic calming and has very limited parking available. More vehicles will cause risk to residents, both as traffic and as parked vehicles.
- This is a family area and the housing need locally is for large families
- The street has experienced two accidents

6.4 The applicant has written in support of his application.

7.0 CONSULTATION RESPONSES:

7.1 Highways: No objection, parking requirements of the existing and proposed use are similar.

8.0 PLANNING POLICIES:

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 and any made neighbourhood plan.

Development Plan

8.2 The 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
 Policy H6 – HMOs, Student Accommodation and Flat Conversions
 Policy P10 - Design

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

GP5 - Development control considerations including impact on amenity

Supplementary Planning Documents and Guidance

8.4 Relevant supplementary planning documents and guidance are outlined below:

- Parking SPD (January 2016)

Other Relevant Local Documents

8.5 Other relevant local documents include:

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

National Planning Policy Framework

8.6 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.

- 8.7 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)”.
- 8.8 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

- 8.9 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.
- 8.10 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.
- 8.11 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’.
- 8.12 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.
- 8.13 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

8.14 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.

8.15 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:

1. Housing Mix and Balanced Communities
2. Design and Character
3. Other matters

10.0 APPRAISAL:

Housing Mix and Balanced Communities

- 10.1 The existing property is occupied as a dwelling house under the C3 planning use class.
- 10.2 The application site is not allocated for any specific purpose within the city council's development plan and is located within the established residential area of Chapel Allerton with ready access to public transport links (along Chapeltown Road) and a number of shops and amenities. The conversion of the property to an HMO would retain its use for residential purposes and this would be compatible with the predominantly residential surroundings. On the case officer's site visit, the properties along Reginal Mount and adjacent streets appeared generally well kept with no obvious signs of HMOs or negative impacts on the physical environment and streetscape, including parking provision.
- 10.3 Core Strategy Policy H6 (HMOs, Student Accommodation and Flat Conversions) is the relevant local planning policy for this development proposal and Part A of that policy specifically relates to the creation of new HMOs. It is recognised that policy relates to HMOs occupied by all individuals and not solely those occupied by students. Part A of Policy H6 aims to ensure:
- (i) a sufficient supply of HMOs is maintained in Leeds
 - (ii) HMOs are located in areas well connected to employment and educational institutions associated with HMO occupants
 - (iii) the detrimental impacts through high concentrations of HMOs are avoided where this would undermine the balance and health of communities
 - (iv) to ensure that the proposal address relevant amenity and parking issues, and
 - (v) this would not lead to the loss of housing suitable for family occupation in areas of existing high concentrations of HMOs.
- 10.4 Broadly, the policy approach seeks to tackle types of accommodation that have resulted in housing and population imbalances in certain parts of the city. The

policy's wider objective, to address housing and population imbalances through the creation of mixed, sustainable communities, are consistent with paragraph 50 of the NPPF (*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"*).

10.5 Having regard to the detailed criteria for Part A, Policy H6, the following observations in relation to this application proposal are set out below:

(i) A search of LCC Council Tax records and the database of HMO Licenses issued by LCC shows that there are HMOs in this part of Chapel Allerton from St Martins View along Chapeltown Road, Savile Drive and Scott Hall Road there are 43 HMO's within this location. The mentioned area has approx. 1500 properties; this means that only 2.9% of the total number of properties are identified as HMO's. This is in comparison with other areas of the city for which have been identified as being areas of high concentration HMOS areas such as Hyde Park and Headingley, Harehills and Beeston which often have HMO percentages ranging from 50% to 90%. In the immediate vicinity of the application site (including Reginald Mount, Reginald View, Reginald Place and Reginald Row) there appear to be approximately 50 properties only one of which the council's records note as being an HMO. Therefore this area would not be considered to be a high concentration HMO area.

Whilst some unlicensed properties could be present, the loss of this individual property from the existing family housing stock is not considered to have a significant impact on the availability of family housing in the area as the overwhelming majority of properties would still be available for families. Arguably, the conversion of the dwelling to form an additional HMO would assist in improving the choice of housing types and tenures in this part of Chapel Allerton and satisfies this policy criterion.

(ii) The property is situated along Reginald Mount which is close to Chapeltown Road which has good public transport services and a number of shops and amenities. There is also good access to the city centre that provides potential employment opportunities and educational institutions. Thereby, the proposal is considered to be in accordance with this particular policy criteria.

(iii) In assessing the impact on a 'community' Policy H6 should not be assessed on a single street basis but on a wider community area. As searches of the LCC Council Tax records, HMO License database and planning permission reveal most of the surrounding houses remain occupied by families, couples and single people with HMO properties lightly spread within the community. The application site does not fall within a part of the city that is recognised to have a high concentrations of HMOs, such as areas within Hyde Park, Headingley or Woodhouse where some streets contain up to eighty or ninety percent HMOs. Such circumstances led to the formation of planning policies over the past decade to address such severe housing and population imbalances. As commented above, the immediate area does not have a high concentration of HMO type accommodation and predominantly offers terraced housing which is generally suitable for family occupation. For these reasons, the proposal would not result in an unacceptable increase of HMOs in the locality which would undermine the balance and health of communities. Accordingly, this proposal is considered to satisfy this policy criterion.

- (iv) Leeds UDP Policy GP5 aims to protect amenity including neighbouring amenity. Core Strategy policy P10 aims to protect general and residential amenity and it is recognised that HMOs can impact on neighbouring amenity in a number of ways. The government report 'Evidence Gathering – Housing in Multiple Occupation and Possible Planning Response' notes that this can include through anti-social behaviour, noise and nuisance. This can result from an increased number, or different pattern, of comings and goings of up to 6 adults in a HMO (C4 use) 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. In the subject property the internal layout would not be altered so the existing 4 bedrooms (all situated on the first and second floor) would remain. The overall intensity of its use would therefore unlikely to be materially different from occupation as a single family dwelling. There may be a different pattern of comings and goings, and occupants may lead different lifestyles, but it is not considered that in this instance the accommodation available would create unacceptable situation in terms of potential noise and disturbance concerns for adjoining residents such as to justify refusal on these grounds. The objection from a neighbouring property in this regard has been noted, but as set out above and in the previous sections are not considered to be of such significance or potential harm as to warrant a refusal.

It is considered the proposal would not result in a significant intensification in the occupancy of the property. The illustrated room configuration retains the existing internal arrangements and avoids an inappropriate juxtaposition of living and sleeping areas and potential harm to the amenity of occupiers through noise transmission. In addition, it is considered that each bedroom will be provided with adequate internal space and light penetration to the rooms. The applicant will also be made aware of the technical requirements as set out in the housing legislation through any informative on the decision notice should permission be granted.

The occupiers will have access to a small communal yard to the rear although the quality and usability of the space is somewhat limited due to its confined space. However, in view of the dense arrangement of properties that surrounds, this modest provision of amenity space is not considered to be out of character with the other terraced residences that exist within this part of Chapel Allerton. The proposal will have sufficient space to accommodate ancillary items such as bins and cycle storage and details of the cycle storage shall be secured by planning condition. A condition covering bin storage is not considered necessary as the proposal is not considered to differ greatly from the existing arrangements.

Reginald Mount contains an arrangement of terrace houses and the occupiers are entirely reliant on space being available on-street in which to park their vehicles. The identified property is a 4 bedroom dwelling which brings with it its own parking demand and this would be balanced against the parking requirements for a 4 bedroom HMO. On this basis, the Highway officer considers that a highway objection would be difficult to justify and officers concur with this assessment.

- (v) In regard to concerns relating to the loss of housing suitable for family occupation in areas of existing high concentrations of HMOs, the determination of this point relates to whether the area has an existing high concentration of HMOs. As commented above, the immediate area does not have a high concentration of HMO type accommodation and predominantly offers terraced housing which is generally suitable for family occupation. In this particular instance, it is not considered that the proposal would unacceptably reduce the stock of family housing in this street and the local area and this policy criterion is satisfied.

- 10.6 Overall, it is considered that the proposal would not make a significantly harmful contribution to wider housing mix and community balance concerns so as to justify a refusal. As such the proposal is considered to comply with Core Strategy Policy H6 and the guidance contained within the NPPF.

Design and Character

- 10.7 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. As such the proposal is considered to be in compliance with Leeds Core Strategy Policy P10 in this respect.

Other Matters

- 10.8 Ward members also made reference regarding a previous HMO refusal ref 16/03731/CLE which is in close proximity to the site (1 Reginald Mount). This application was for a Certificate of Existing Lawful Use rather than for Planning Permission it was refused for the following reason:

“The Local Planning Authority considers that it has not been clearly demonstrated that, on the balance of probabilities, the last lawful use of the property before the Council's Article 4 Direction came into effect on 10th February 2012 was as a small HMO falling in the C4 planning use class. The use as a small HMO (C4) is therefore not lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended) as applied by Section 192(2) of the Act.”

- 10.9 In this instance this application was refused given the lack of evidence considered that the use of the premises as a C4 HMO has on the balance of probabilities not been sufficiently proven nor would it be possible for the applicant to provide such evidence. The consideration of Certificate of Lawfulness are distinct in that the planning merits are not considered and they are decided on the basis of the balance of probability as to the lawfulness of the proposal given the evidence submitted by the applicant. This case therefore has no weight in relation to the merits of the proposed change of use of 20 Reginald Mount.

11.0 CONCLUSION

- 11.1 For the reasons outlined in the above report, it is concluded that the proposed change of use from a C3 dwelling to a C4 HMO along Reginald Mount would not result in an unacceptable increase of HMOs in the locality that would undermine the balance and health of the community and would not unduly impact on the residential amenity of highway network of the locality. It is therefore considered to accord with up-to-date planning policies within the Development Plan with no material considerations to indicate otherwise. In accordance with guidance within the NPPF and Section 38(6) of the Planning and Compulsory Purchase Act, it is recommended that the application be approved subject to conditions.

Background Papers:

Application file – 17/03445/FU

Certificate of Ownership – Certificate A signed by the agent.



NORTH AND EAST PLANS PANEL

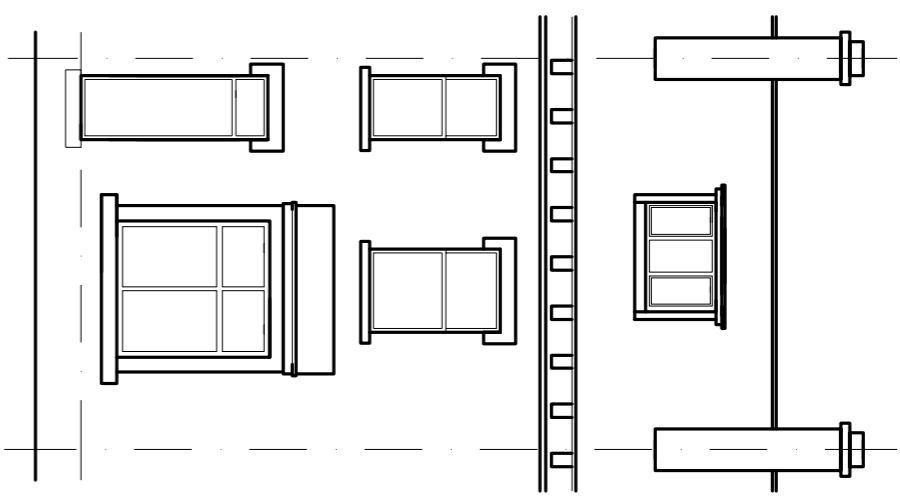
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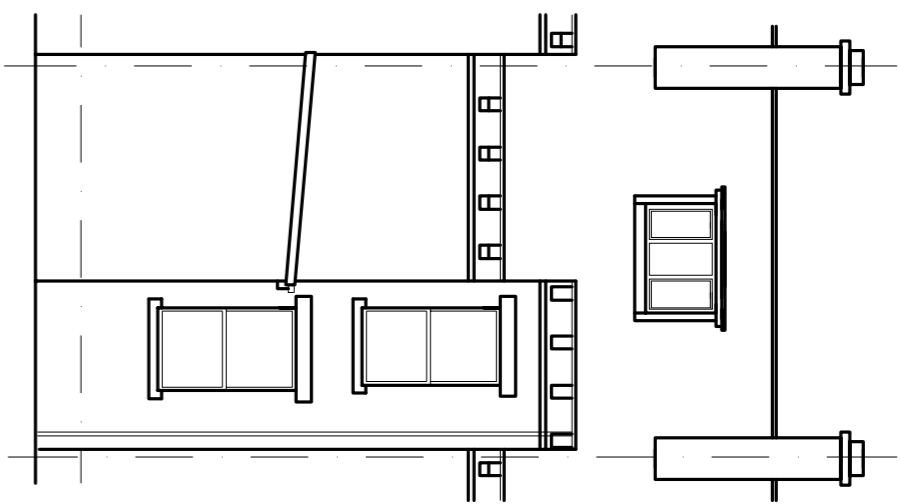
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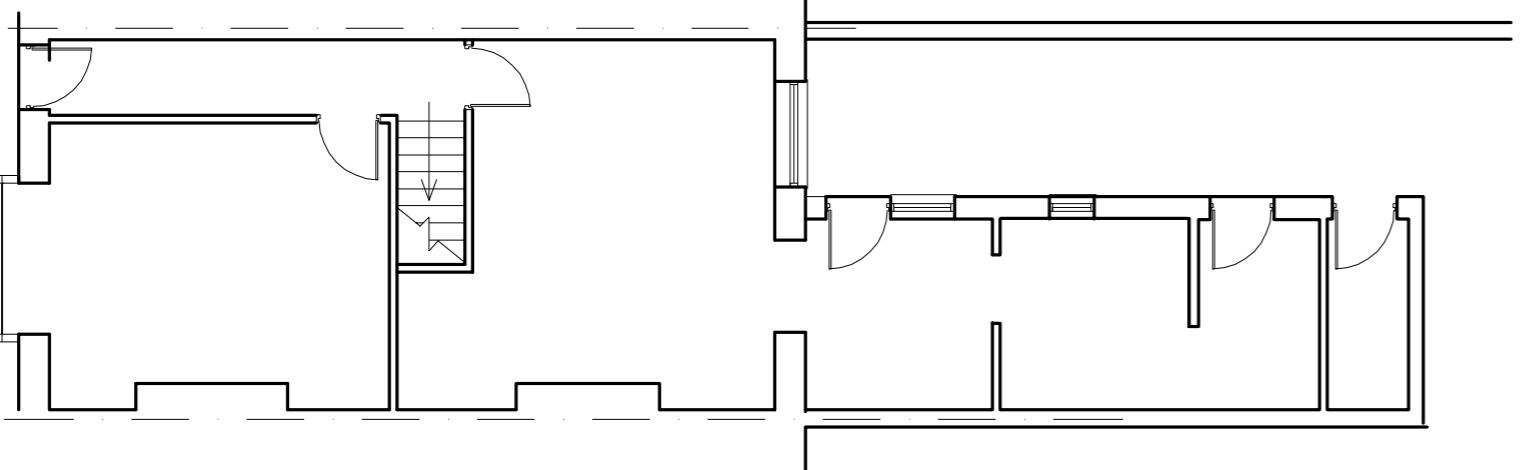
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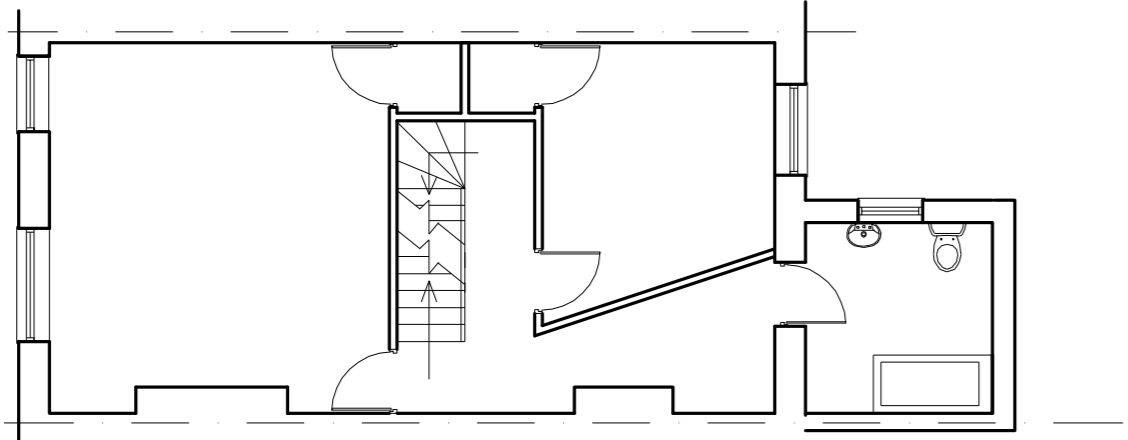
FRONT ELEVATION



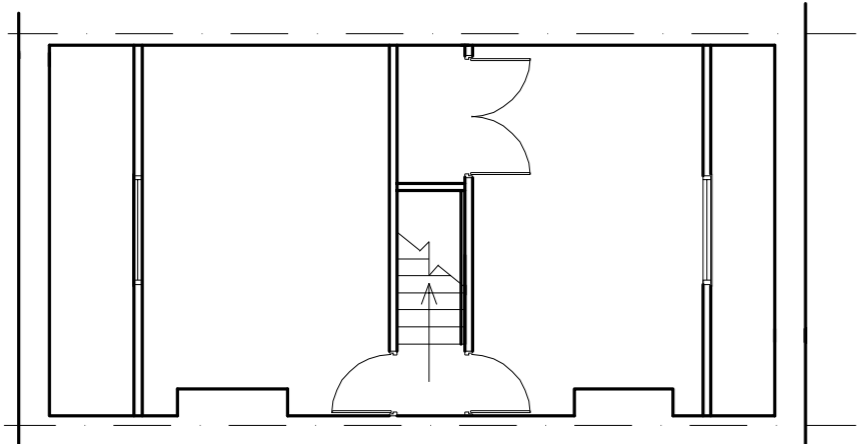
FIRST FLOOR ELEVATION



GROUND FLOOR

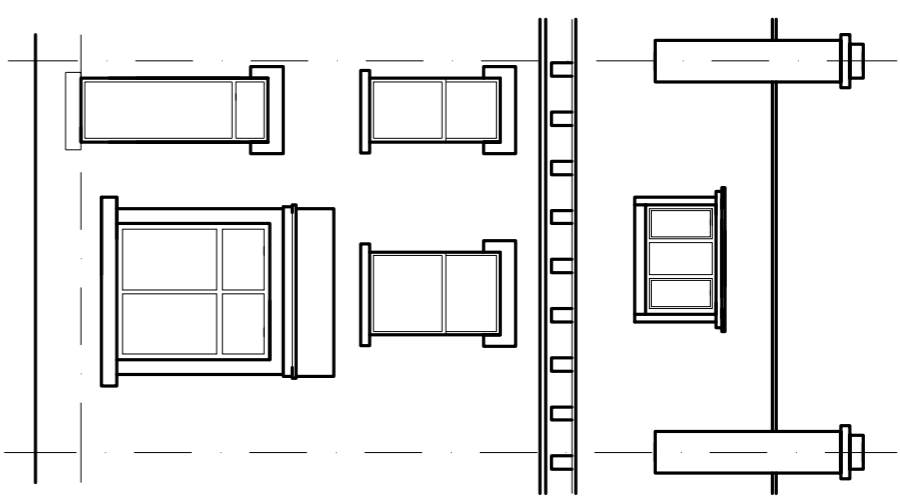


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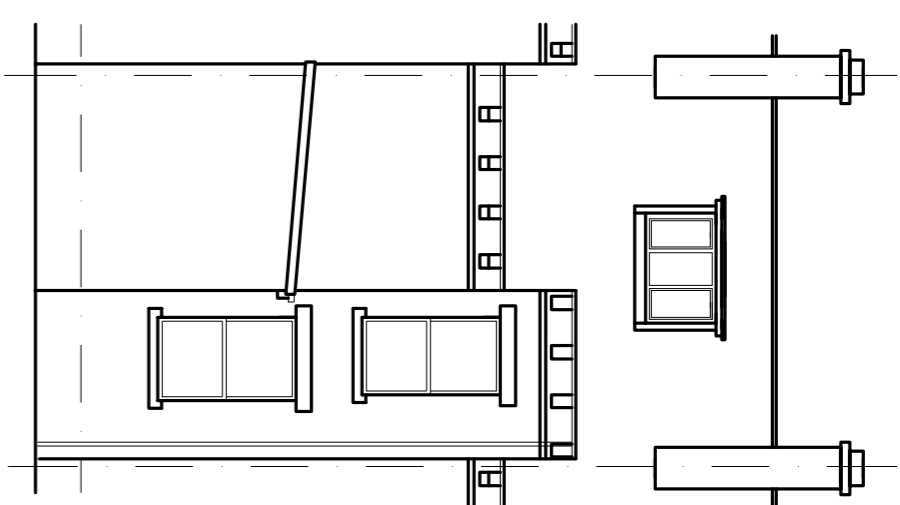


SECOND FLOOR

AS PROPOSED

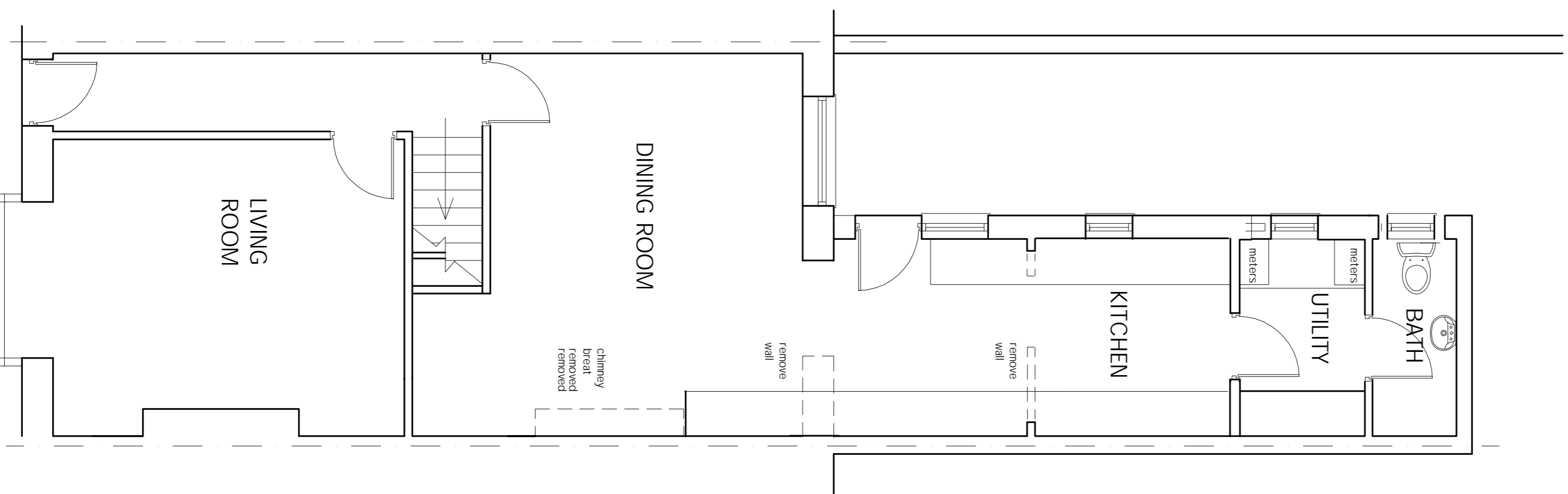


FRONT ELEVATION

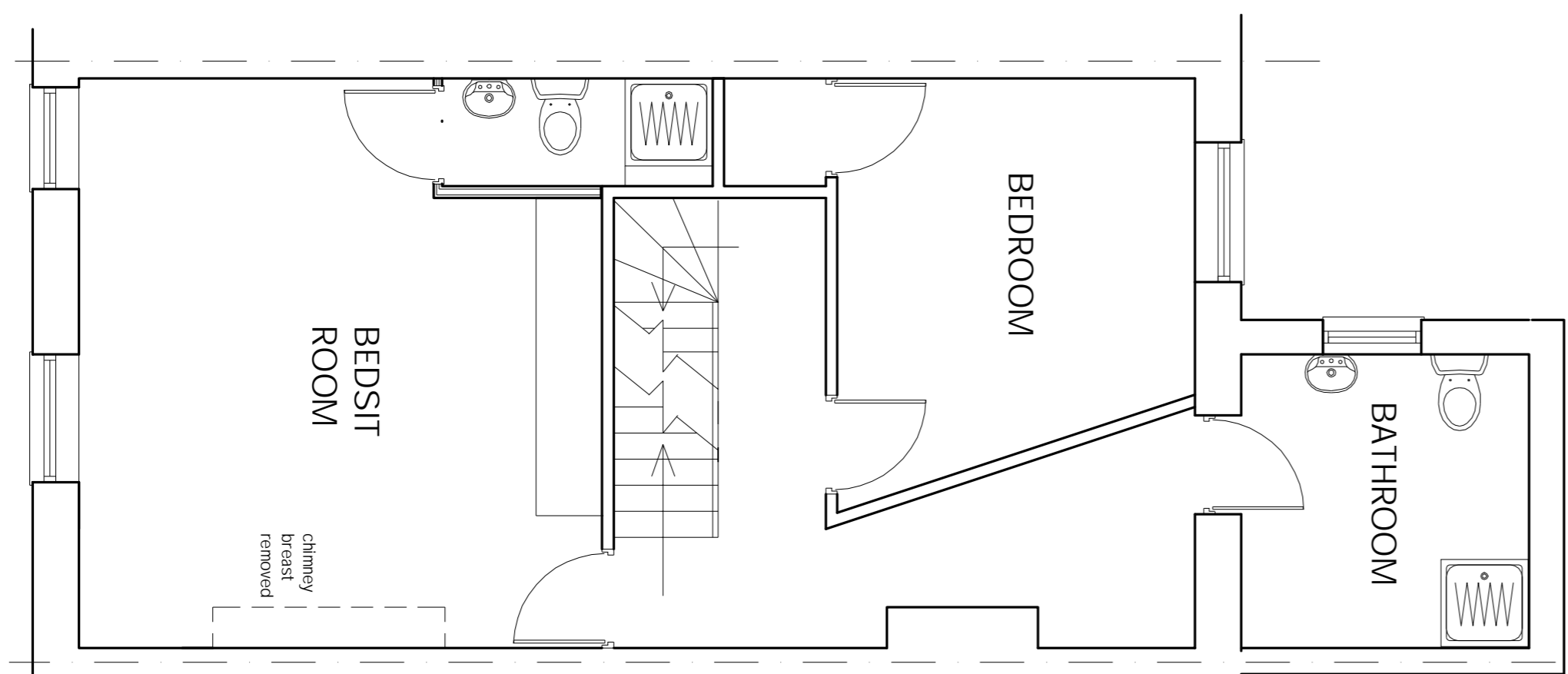


FIRST FLOOR ELEVATION

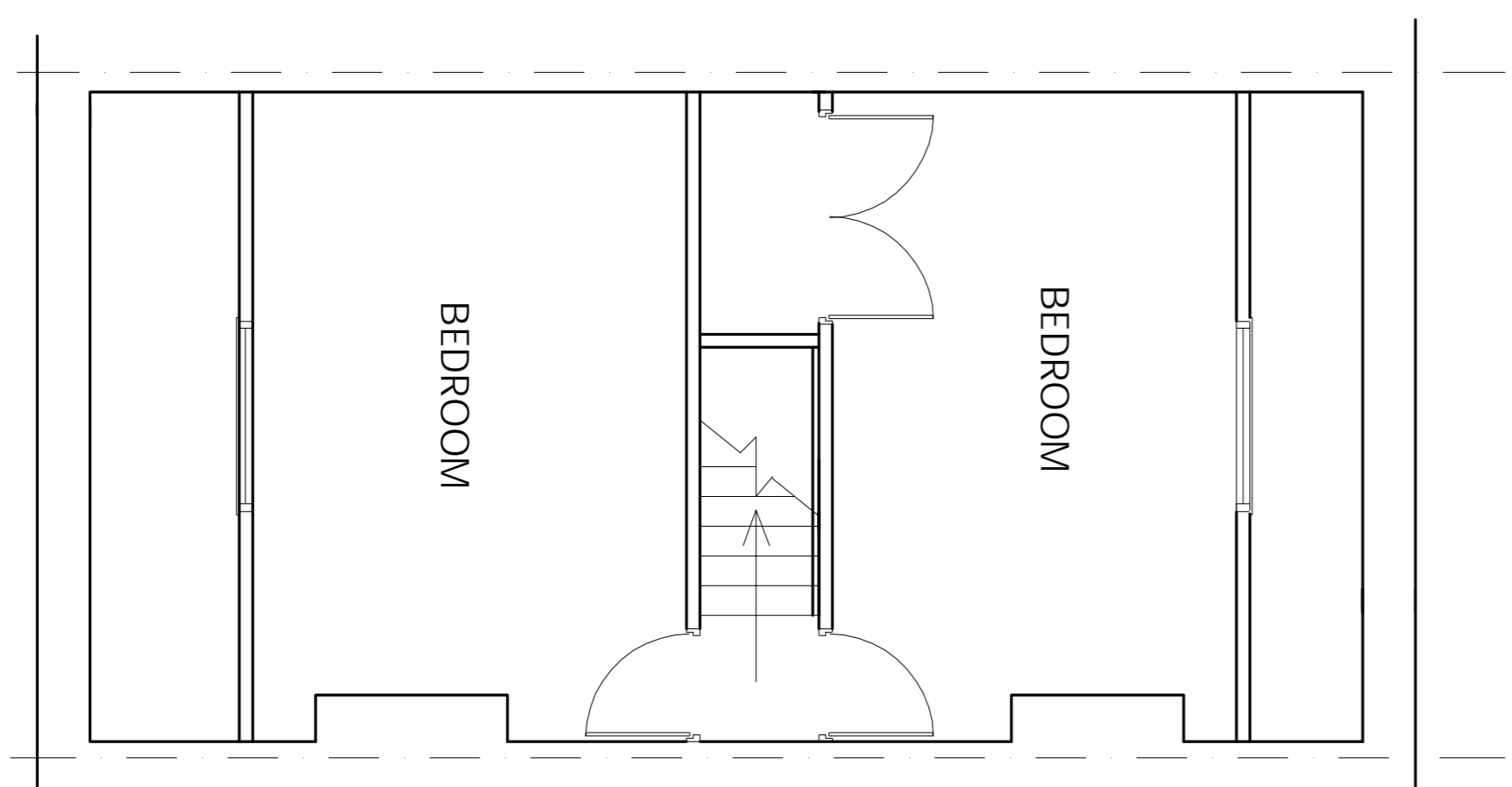
No external alterations



GROUND FLOOR



FIRST FLOOR



SECOND FLOOR

NOTES:-
All work to be carried out in accordance with the current Building Regulations.
All drawings are for information only and are not to be used for any other purpose.
Contract drawings prepared. Always work to written dimensions as a preference to scaling. Please query if in doubt.
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DRAWING
PLAN AS EXISTING & PROPOSED
CHANGE OF USE TO HMO
CONTRACT
20 REGINALD MOUNT
LEEDS

CLIENT
MR R MASON

DRAWING No. SCALE DATE
SR-1977-1, 1:50/1:100 MARCH 2017

SR Design

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