



Report of the Chief Planning Officer

PLANS PANEL SOUTH & WEST

Date: 7 December 2017

Subject: APPLICATION 17/05294/FU– Application for a change of use of a dwelling house (C3 use class) to form three flats at No.4 Brentwood Terrace, Armley, Leeds, LS12 2DA

APPLICANT

L&L Capital

DATE VALID

24 August 2017

TARGET DATE

19 October 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
5. Prior to the first occupation of the second floor unit hereby approved the roof lights as shown on the approved plans shall be implemented and shall be retained for the life of the development.
6. Prior to commencement of development detail of the roof-lights shall be submitted to be agreed in writing by the LPA and shall be Conservation Area style roof-lights.

1.0 INTRODUCTION

1.1 This application seeks planning permission for the conversion of 4 Brentwood Terrace, currently in use as one dwelling house, to three self-contained flats.

Cllr Alice Smart and Alison Lowe have raised the below summarised comments:

- There are too many HMOs and flats being let to single people in this family area, changing the character of the neighbourhood.

- A strong desire by many local residents that we see fewer HMOs and single person flats in the area.
- Detrimental parking issues.
- Increase in anti-social behaviour if more single people are moved into the area, many of whom will be vulnerable.

1.3 The Members reasons 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 applicant is seeking planning permission to convert a five bedroom home into three self-contained flats.

One x 2 bedroom (4 bed-spaces) at ground and basement floors
 One x 1 bedroom (2 bed-spaces) at first floors
 One x 1 bedroom (1 bed-spaces) at second floor

Ground Floor and basement

2 x bedrooms
 1 x bathroom
 Living/dining/kitchen area

First Floor Unit

1 x bedroom
 1 x bathroom
 Living/dining/kitchen area

Second Floor Unit

1 x bedroom
 1 x bathroom
 Living/dining/kitchen area

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

2.3 There would be no external alterations to the building other than installation of 3 roof-lights.

2.4 The submitted details state that bins would be stored to the rear.

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 terraces. The application site is a red brick terraced property located within the Armley Conservation Area. The building comprises four floors including a basement with small garden/yards to the front and rear.

4.0 RELEVANT PLANNING HISTORY:

4.1 No.8 Brentwood Terrace - 24/579/04/FU – Conversion to three flats - Approved

5.0 THE HISTORY OF NEGOTIATIONS

5.1 Following concerns regarding room sizes and lack of outlook and solar gain raised by Officers the Applicant issued revisions comprising the scheme now before Members.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised by site notice dated the 15 September 2017. In response five 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:

- Over-occupation
- Noise pollution and litter
- Conversion of housing into flats and/or HMO's leading to increase
- Increase of anti-social behaviour.
- Impact of market value of properties
- Impact of crime statistics, credit scores and insurance premiums
- Parking implications

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 C – Conversions of existing houses to flats

Policy P11 - Conservation

Policy T2 – Accessibility requirements and new development

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.

Policy N19 – Conservation Areas

Supplementary Planning Guidance 13 - Neighbourhoods for Living.

Supplementary Planning Guidance 6 – Self Contained Flats

Street Design Guide

Armley Conservation Area Appraisal

The site is not specifically mention in the Conservation Area Appraisal but it falls within Character Zone 3 – St Batholomew's.

Character Zone 3 is the most regular of the character zones, this is an area of 'artisan' and middle class terraced housing which developed around St Bartholomew's Church between the 1880s and 1900.

National Policy

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 sections and paragraphs from the NPPF are considered to be of particular relevance:

Section 6 – Creating a wide choice of homes

Section 12 – Conserving and enhancing the historic environment

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 Listed Building: Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works the local planning shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

8.5 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 both national and a local level. 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. The site comprises a mid-terraced property close to local facilities and good public transport routes and as such is considered to be in a sustainable location.
- 10.2 The Council's Core Strategy looks to address housing imbalance by reason of conversions through the introduction of Policy H6. Policy H6 aims to take an approach to tackling three types of accommodation (student housing, HMO's and flat conversions) which have resulted in housing and population imbalances in parts of the city. H6 has an underlying objective, to address housing and population imbalance and create sustainable communities and relates to all forms of housing, partly in response to the growth of the private rented sector in the City. The policy is applicable across the city and responds to the growth of high concentrations of these types of accommodation in areas outside of the former Areas of Housing Mix within the City. Furthermore, Policy H6 is consistent with the relevant guidance contained within the National Planning Policy Framework (NPPF) where paragraph 50 notes that in order to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities LPAs 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. Policy H6 sets out that development proposals for conversion of existing houses into flats will be accepted where all the following criteria apply:
- (i) The property is not a back-to-back dwelling,
 - (ii) The property is of sufficient size (min. 100 sq/m gross) and the internal layout is shown to be suitable for the number of units proposed,
 - (iii) The impact on neighbouring dwellings is not likely to be detrimental to the amenity of their occupants by virtue of the conversion alone or cumulatively with a concentration of converted dwellings, HMOs, or residential institutions,
 - (iv) Where there is a demand for family sized accommodation and the property has (or has the potential for provision of) good access to suitable space for private recreation, provision is normally made for at least one family sized unit in the proposed mix of flats,
 - (v) Sufficient easily accessible and appropriately located off and on street car and cycle parking is incorporated,
 - (vi) The proposed dwellings provide satisfactory internal living accommodation in terms of daylight, outlook and juxtaposition of living rooms and bedrooms,
 - (vii) Each dwelling has safe and secure (and where possible, level) access from the street and any parking areas and suitable accessible enclosures are provided for refuse storage.
- 10.3 Saved UDP Policy GP5 also requires development proposals to avoid loss of amenity.
- 10.4 The property is not a back-to-back and the internal layout exceeds 100 sq/m at some 145 sq/m. The existing five bed dwelling does not have sufficient amenity space for a family dwelling in terms of what would be required to meet accepted modern standards. There is a small yard to the rear.
- 10.5 The DCLG – Technical Housing Standards document (2015) offers a point of reference for what is regarded as minimum habitable space. The Council have yet to

adopt its own space standards but its preparation is underway. Whilst only limited weight can be given to the DCLG document and that it serves to direct new builds rather than conversions it does provide a good point of reference for what is an appropriate size of habitable space to offer good levels of habitation for future residents.

- 10.6 The DCLG document notes that 39 sq/m for a one bedroom one bed-space unit, 50sq/m for a one bedroom two bed-space and 79 sq/m for a two bedroom four bed-space (two storeys) are the minimum standard of floor-space.
- 10.7 The proposed ground/basement floor unit would have two bedrooms and four bed-spaces and is in excess of the 79 sq/m. The proposed first floor unit would have one bedroom and two bed-spaces and equates to approx. 51 sq/m. Thus above the minimum standard. The proposed second floor unit would have one bedroom and one bed-space and equates to approx. 43.25 sq/m. Thus the proposed flats meet or exceed the minimum standard.
- 10.8 Records show that within the terrace on which the application site is located there is only one HMO and one flat conversion with sporadic coverage of converted properties surrounding the site. Whilst there is an identified ward wide issue with HMO numbers as identified at the time of the Council introducing the Article 4 Direction; the Councils Delegated Officer Report notes that Armley Ward was one of the wards with a high concentrations of HMOs (para 3.2 of the Delegated Decision Report) and accordingly one of the key issues in the determination of this application is whether this particular proposal would contribute to a high concentration of converted housing at this location.
- 10.9 Policy H6 uses the term “High Concentration”; no definition of what constitutes a high concentration is provided within the LCS, however it is considered that the aim of this term is to identify localised clusters of conversions and not to include a ward wide collation. In this immediate location it is not considered that the quantum of conversions can reasonably be regarded as representing a high concentration as set out in H6 and without going wider afield within the Armley area to bulk numbers of conversions and without the LPA having a definition of “high concentration” within the LCS, it may prove difficult to robustly demonstrate a high concentration of conversions any subsequent appeal if Members are minded to withhold planning permission. In order to reasonably establish if a high concentration exists on and around Brentwood Terrace data contained within the Councils records have been analysed and the below HMO’s and flat conversions are listed below; this has been taken over a relatively generous search area. In light of the density of residential properties on the streets that have formed the search area it is not considered that the ratio of conversion to non-converted properties represent a high concentration. Council records thereby suggest that the prevailing housing within the search area remains that of unconverted housing available for family occupation. Moreover, there are terraces of back-to-back properties in close proximity to the site; policy H6 part C prevents back- to-backs being converted into flats this will by virtue of the house type act in part to prevent a high concentration of conversions within this immediate area.

HMO Conversion

No’s10 and 14 Brentwood Terrace

No’s.6 and 8 Brentwood Grove

No.1 Laurel Place

No’s.3 and 6 Laurel Terrace

No.17 Brooklyn Street

No.35 Brooklyn Place

No.40 Hall Lane

No.25 Nancroft Mount

Flat Conversion

No.8 Brentwood Terrace

No's 4,10,12 and 15 Brentwood Grove

No.1 Nancroft Mount

No's 8, 9 Laurel Grove

No.3 Laurel Terrace

- 10.10 Officers are therefore of the view that there would be no cumulative harm from the granting of permission for this application creating any undue levels of further imbalance in the housing mix within this immediate area of the Armley ward. Moreover, the flats could provide accommodation that would be attractive to people without families or to young couples; members of the demographic that also need to be considered in the Councils housing strategies.
- 10.11 In respect of the juxtaposition of rooms - the living/dining/kitchen area of the ground floor unit is beneath the bedrooms of the first floor unit. This could create problems in respect of noise transference however noise attenuation could adequately be addressed at Building Regulations stage and to withhold planning permission on this basis would not be reasonable. All other internal relationships of rooms are acceptable.
- 10.12 In the main good levels of solar gain and outlooks are available with the basement bedroom having less opportunity than other rooms but as a secondary bedroom within the two bedroom unit this can be accepted on balance. Roof-lights are to be inserted to the second floor accommodation this will add to the existing front elevation window and whilst only allowing skyward outlooks they will allow good level of solar gain. It is not considered that skyward outlooks are any worse than outlooks across the front and rear onto other buildings.
- 10.13 It is noted that the proposed two additional households would 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 residents and visitors and the manoeuvring of any vehicles associated with residents and visitors. The existing building is a five bedroom family home and a large family (nuclear or extended) could reside in this property where comings and goings could reasonably equate to the activity associated (i.e. noise and disturbance, vehicle ownership, visitations) to the additional smaller households.
- 10.14 The Armley 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.
- 10.15 A condition is suggested for details of bin provision and storage to properly serve the additional two households. Matters of parking and cycle storage are covered in the below section.
- 10.16 In light of the above and that records indicate that the street and those immediately surrounding streets, can in the main be regarded as family housing 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 (v) of Policy H6 deals with matters of parking. As part of this application a technical view was sought from Highways. It is their view that given the size of the proposed flats, it would be difficult to demonstrate any likelihood of increased car ownership resulting from the change of use, i.e. as multiple vehicles could belong to the occupants of a large five bed roomed family house as would be likely to belong to the occupants of proposed units. Conditions are suggested to be imposed to secure details of cycle parking. The proposal is therefore considered to meet with (v) of H6 and with the aims of Policy T2.

Character and Appearance

10.18 The change of use application does not propose any external alterations to the property other than x3 roof-lights which are appropriate and an acceptable addition to roofs within a residential context and would avoid a more visually dominant form of development than if dormer windows were proposed. The roof-lights would better sit within the special character of Zone 3 of the Armley Conservation Area. 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. Therefore, from the public realm and when applying consideration to impact on the Conservation Area, the building would remain unchanged from street level, thus the character and appearance of the immediate and wider Conservation Area would not be unduly harmed by virtue of the conversion.

10.19 The level of outdoor space associated to the application building whilst substandard to provide the levels of amenity set out in SPG13 for future occupants (25% of the gross floor area of the building) it responds to the heritage of the site where outdoor space to serve the more modest high density developments of the age was limited and was sacrificed in order to provide housing density to meet the needs of the time. Therefore the proposed external provision is not considered to go against the grain of the immediate character and appearance of the area where buildings of contemporary period have limited amenity spaces. The site sits close to public greenspaces.

Other matters

10.20 This application has attracted five letters of objection and objections from two of the ward Members (comments as set out in the above report). In the main the issues raised have already been covered. The below points raised are covered in this section of the report:

- Conversion of housing into flats and/or HMO's leading to increase in crime and anti-social behaviour.
- Impact of crime statistics, credit scores and insurance premiums
- Impact of market value of properties

10.21 Paragraph 5.2.22 of The Leeds Core Strategy notes that the Government recognise that high concentrations of HMO's can lead to increased crime and anti-social behaviour and the aims of H6 seeks to limit such implications by avoiding high concentrations of HMO's and flat conversions. As set out in this report it is not considered that within the immediate area that a high concentration exists. Matters of credit score, insurance premiums and market values are not material to the determination of this application. In the interests of clarity, Members attention is drawn to the fact that this is not a conversion to an HMO and relates accommodation of good sized self contained units that offer good levels of amenity for future

residents.

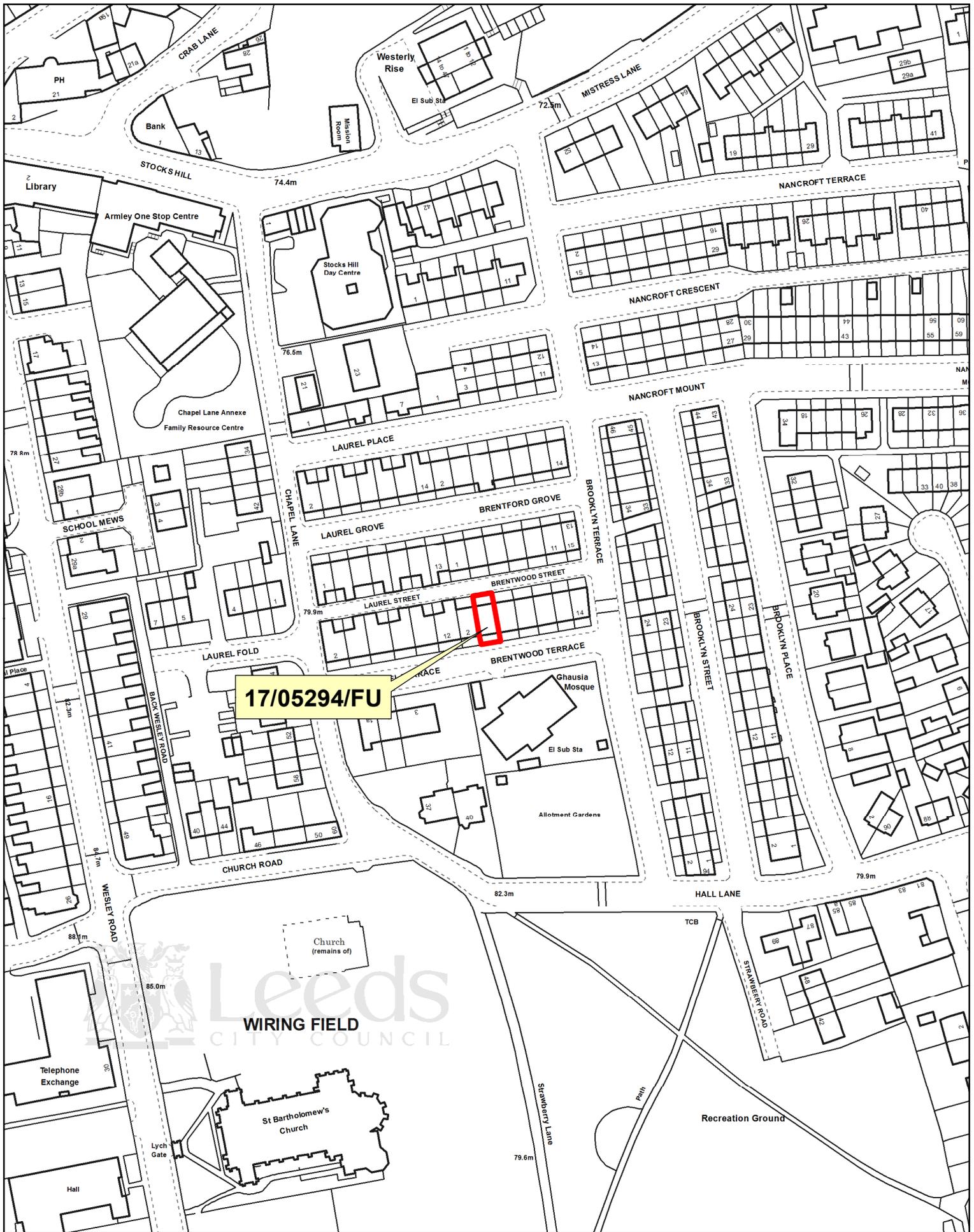
11.0 CONCLUSION

11.1 Taking all relevant matters into account including the development plan and all representations received, the principle of the development on this site within the immediate location is considered to be acceptable in policy and planning terms and the impact is 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 1 August 2017.



17/05294/FU

SOUTH AND WEST PLANS PANEL

© Crown copyright and database rights 2017 Ordnance Survey 100019567

PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

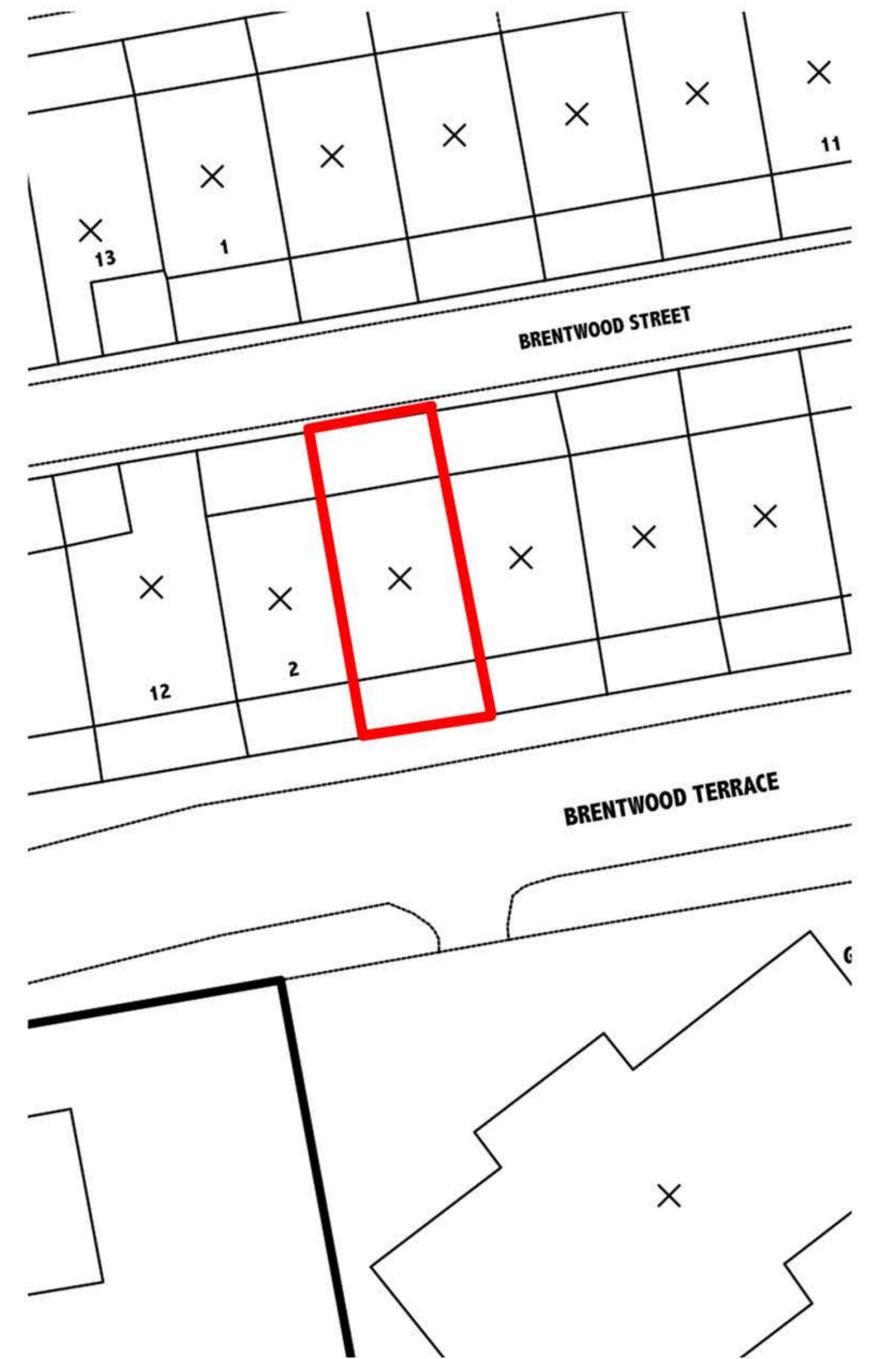
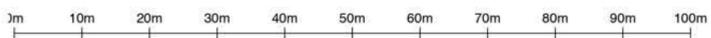
SCALE : 1/1500





SITE LOCATION PLAN

SCALE 1:1250 @ A3



SITE PLAN

SCALE 1:200 @ A3

eleven⁵²architects

Site Location Plan
Scale: as shown

Date: 08/08/2017