



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 7th June 2018

Subject: 17/06469/FU – Change of use of former residential care home to form 12 bed house in multiple occupation at 88 Church Lane, Cross Gates, Leeds 15

APPLICANT	DATE VALID	TARGET DATE
Mr Jamie Paul	2 nd October 2017	8 th June 2018.

Electoral Wards Affected:

Crossgates & Whinmoor

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 full permission;
2. Approved plans
3. Parking to be laid out and to be non-allocated
4. Cycle parking to be provided
5. Laying out of amenity space
6. Sound insulation scheme
7. Full details of bin store
8. Rooms only to be used for specified uses

1.0 INTRODUCTION:

- 1.1 Application reference 17/06469/FU is a resubmitted application for change of use of a residential care home (C2) to form house in multiple occupation (sui generis), at the former Mount Carmel Residential Home, 88 Church Lane Cross Gates. The revised proposal was submitted as a 16 bedroom HMO, and has been amended to a 14 bedroom, and finally, 12 bedroom HMO. The latest scheme is considered acceptable and is recommended for approval.

- 1.2 The application is being considered at Plans Panel at the request of Councillor Grahame, who has raised concerns on matters relating to highway safety.

2.0 PROPOSAL:

- 2.1 The proposal is a resubmitted application for change of use of a residential care home (C2) to form a 12 bedroom house in multiple occupation (sui generis).

The bedrooms would be provided as follows:

Lower ground floor – 3 bedrooms

Upper ground floor – 4 bedrooms

First floor – 4 bedrooms

Roof space – 1 bedroom

- 2.2 The reduction from 20 beds to 12 beds allows two amenity/lounge areas to be created on the lower ground floor, two on the first floor, and four on the first floor.
- 2.3 A kitchen, laundry and stores would be provided on the lower ground floor, and a bathroom would be provided on the first floor.
- 2.4 There is an area of car parking provided to side/rear of the property which shows 6 parking spaces to be laid out, and includes the demolition of an outbuilding, which appears to be used for storage purposes at present.
- 2.5 A new cycle store is provided within the lower ground floor of the main building to offer secure cycle parking for all residents. A new refuse store is provided with a keypad entry to allow for management of waste and recyclable materials for the convenience of residents and waste disposal operatives.
- 2.6 The proposed development seeks to demolish the existing conservatory and porch to the rear of the property in order to remove the potential for noise disturbance from residents within the conservatory and to provide additional amenity space. A noise assessment has been undertaken to assess the levels of noise arising from the property being operated as a HMO which is submitted in support of this planning application. A soundproof fence along the rear boundary is proposed to mitigate the impact on neighbouring properties.
- 2.7 Additional planting and landscaping is proposed to the southern and eastern boundaries of the site to screen the property from neighbouring residential properties. An acoustic barrier in the form of a timber panel face and additional planting are proposed for screening purposes and noise containment purposes.

3.0 SITE AND SURROUNDINGS:

- 3.1 The property is a substantial detached red brick property on three floors, which has had substantial extensions to the rear, including a three storey rear extension, two storey side extension and large conservatory to the rear. The conservatory is 6.3m in depth and 5.6m in width. A detached brick storage building abuts the eastern site boundary. The parking area to the rear/side is hard surfaced, and parking for two cars is available to the site frontage. There are some small trees to the side/rear boundaries.

- 3.2 A detached two storey house abuts the southern site boundary and houses also abut to the eastern boundary. Houses at the rear are set down at a lower level than the application site, and there is a retaining wall to the rear of the garage.
- 3.3 There is a primary school playing field abutting the northern boundary, with other open land opposite Church Lane, to the west.
- 3.4 The area is mainly residential in character.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 16/03505/FU - Retrospective application for change of use of residential care home (C2) to form 20 bedroom house in multiple occupation (sui generis). The application comprised:
- 4.2 The lower ground floor had five bedrooms, sharing kitchen facilities (x2), laundry room and access into the communal conservatory. The upper ground floor had a further six rooms, with shared kitchens and common room. The first floor had nine rooms, accessed from two internal staircases, and had a shared bathroom and store room. A total of 20 bedrooms were therefore provided. There is an area of car parking provided to side/rear of the property which the application form stated that 15 car parking spaces are available within the site. None of the spaces are marked out. The rear parking area was gated.
- 4.3 The application was refused on 24.08.2016 for the following reasons:
 - 1. The Local Planning Authority considers the off-street parking provision within the site to be inadequate and when associated with the general increase in demand for parking associated with the HMO use, will and has resulted in on-street parking in the locality to the detriment of the safe and free flow of traffic and pedestrian convenience and safety. As such, the proposed development is contrary to Policy T2 of the Core Strategy, Policy GP5 of the saved Unitary Development Plan Review (2006) and would be contrary to Leeds Parking Policy SPD (December 2015) and guidance within the National Planning Policy Framework.
 - 2. The Local Planning Authority considers the change of use to a HMO has resulted in an unacceptable intensification of the use of the site resulting in a significant reduction in amenity to local residents living conditions through increased noise and disturbance as a result of general comings and goings and activity levels. The application therefore fails to comply with Policy H6 of the Core Strategy, Policy GP5 of the saved Leeds Unitary Development Plan Review (2006), supplementary planning guidance within SPG:13 'Neighbourhoods for Living' and guidance within the National Planning Policy Framework.
 - 3. The Local Planning Authority considers the change of use to a HMO has led to an unacceptable intensification of the use of the site resulting in an inadequate standard of amenity for occupiers of the use due to a lack of on-site amenity space, inadequate proposals for storage of waste, lack of secure and appropriate cycle storage facilities and the poor ratio of communal rooms to bedrooms. The proposal therefore fails to comply with Policy H6 of the Core Strategy, Policy GP5 of the Leeds Unitary Development Plan (Review 2006), supplementary planning guidance within SPG:13 'Neighbourhoods for Living' and guidance within the National Planning Policy Framework.

- 4.4 The subsequent appeal was dismissed. The Inspector made the following comments: The proposed use would generally involve a younger and more energetic, socially active age group which would intensify activity on the site, including visits by non-residents and delivery vehicles. Vehicle movements to and from the property would be significantly increased creating noise and disturbance from parking manoeuvres, revving engines, in-car sound systems and the slamming of vehicle doors. The existing storage building on the eastern boundary of the site would be demolished to provide additional parking space, and in doing so would bring a noise source closer to adjoining dwellings and gardens and at an elevated level. It follows that pedestrian movements within the site would also increase. These activities would be intrusive for neighbouring occupiers, especially late at night when ambient noise levels are low.
- 4.5 It is likely that the use would also generate more noise within the conservatory and adjacent patio area when tenants and visitors are socialising. Such activity would be particularly intrusive for neighbouring occupiers during fine weather when windows and doors are likely to be open and gardens in use. Again, this would be especially problematic late at night when neighbours should be able to enjoy reasonable peace and quiet.
No issues of overlooking – no new openings are proposed.
Inadequate amenity space for up to 20 tenants.
- 4.6 The *Advisory Standards for Houses in Multiple Occupation* document appears to be aimed at the HMO licensing rather than planning process. No development plan policies or supplementary planning guidance for such facilities has been referred to. Most of the bedrooms are en-suite and appear to be of a reasonable size. In conjunction with the two common rooms, the conservatory and the kitchen/dining and laundry facilities. They would provide a reasonable level of internal amenity space for tenants and therefore find no conflict with Policy H6 of the Core Strategy in this respect.
- 4.7 The frequency of vehicles using the access and parking area would not be so great that tenants in rooms adjacent to these spaces would suffer from vehicle fumes. No technical evidence has been presented to show that daylight and sunlight levels reaching rooms, and especially those at lower ground floor level, would be inadequate. Sound insulation within the building could be required by condition.
- 4.8 Cycle storage facilities and adequate bin storage measures could not be secured by condition if the appeal was to succeed.
- 4.9 It was concluded that the proposal would materially harm the living conditions of nearby residents and would fail to provide adequate living conditions for occupiers of the subject building. As such, it would conflict with Policy GP5 of the UDP, Policy H6 of the Core Strategy and relevant amenity objectives in the Framework.
Church Lane is a busy road and a bus route which serves a large residential area, and traffic levels were high at the time of my morning site visit.
- 4.10 The Council's parking standards for a HMO is one space per two units. In the case of the appeal proposal this equates to 10 off-street spaces. The submitted drawings show two spaces to the front of the building and eight to the rear following demolition of the storage building. The parking standards also require 20 secure cycle spaces.
- 4.11 The parking area adjacent to the northern side of the building would have to be levelled to accommodate the three bays shown on the drawings. This could be required by planning condition. Extension of the dropped kerb at the site access on

Church Lane could also be required in order to ensure a safer ingress and egress for vehicles.

- 4.12 It is likely that turning manoeuvres associated with the four spaces on the rear (eastern) boundary of the site would be obstructed by the cycle storage area adjacent to the conservatory. This could result in vehicles reversing on to Church Lane. The two parking spaces to the front of the building involve vehicles reversing on to or off the carriageway. This compromises the safety of road users, including those undertaking the manoeuvre, as well as the safety of pedestrians. It is unclear, however, whether the two spaces are long established or have been more recently provided to serve the proposed development. No conclusion reached on this point.
- 4.13 It may be that the rationalisation and rearrangement of the parking layout and cycle storage facilities on the site could resolve these matters and prevent on-street parking. However, in the absence of plans or other evidence to clearly demonstrate that these measures could be achieved the Inspector was unable to conclude that the development could function without compromising highway and pedestrian safety.
- 4.14 Accordingly, the proposal conflicts with Policies H6(C) and T2 of the Core Strategy which requires sufficient easily accessible and appropriately located off and on-street car and cycle parking. It also breaches Policy GP5 of the UDP which requires proposals to maximise highway safety and avoid problems of highway congestion.
- 4.15 Ventilation, fire risk and means of escape are matters for other legislation to deal with.
- 4.16 16/00074/FU - Retrospective application for change of use of residential care home (C2) to form house in multiple occupation (sui generis). Refused on 04.04.16 for the following reasons:
1. The Local Planning Authority considers the level of off-street parking provision within the site to be inadequate and when associated with the general increase in demand for parking associated with the HMO use will and has resulted in on-street parking in the locality to the detriment of the safe and free flow of traffic and pedestrian convenience and safety. As such, the proposed development is contrary to Policy T2 of the Core Strategy, Policy GP5 of the saved Unitary Development Plan Review (2006) and would be contrary to Leeds Parking Policy SPD (December 2015) and guidance within the National Planning Policy Framework.
 2. The Local Planning Authority considers the change of use to a HMO has resulted in an unacceptable intensification of the use of the site resulting in a significant reduction in amenity to local residents living conditions through increased noise and disturbance as a result of general comings and goings and activities levels. The application therefore fails to comply with Policy H6 of the Core Strategy, Policy GP5 of the saved Leeds Unitary Development Plan Review (2006), supplementary planning guidance within SPG:13 'Neighbourhoods for Living' and guidance within the National Planning Policy Framework.
 3. The Local Planning Authority considers the change of use to a HMO has led to an unacceptable intensification of the use of the site resulting in an inadequate standard of amenity for occupiers of the use due to lack of on-site amenity space, inadequate proposals for storage of waste, lack of cycle storage facilities and the poor ratio of communal rooms to bedrooms. The proposal therefore fails to comply with Policy H6 of the Core Strategy, Policy GP5 of the Leeds Unitary Development Plan (Review 2006), supplementary planning guidance within SPG:13 'Neighbourhoods for Living' and guidance within the National Planning Policy Framework.

- 4.17 08/00856/FU - Addition of conservatory and porch to rear of residential home (amendment to planning permission 07/00546/FU). Approved 06.05.2008.
- 4.18 07/00546/FU - Three storey rear extension and single storey side extension to residential home. Approved 19.03.2007.
- 4.19 06/05248/FU - 3 storey rear extension to residential home- Withdrawn 13.11.06.
- 4.20 H32/358/89 - Alterations and 2 storey extension to form 8 bedrooms, bathrooms, toilets and sitting area and laying out of 6 car park spaces. Approved 19.10.1989.
- 4.21 H32/99/89/ - Alterations and 3 storey extension, to form sitting room, 10 bedrooms, bathroom and toilets, to side and rear - Refused 21.03.1989.
- 4.22 H32/158/88 – Change of use of dwelling to Aged Persons Home.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 Officers have sought to respond positively to the concerns that have been raised which has resulted in a reduction of the total number of bedrooms reducing from 16 to 12. Two car parking spaces adjacent to the site access have been deleted due to safety concerns and an increase in size of amenity space to the rear of the building has been achieved.

6.0 PUBLIC/LOCAL RESPONSES:

- 6.1 The application was advertised by site notices dated 27th October 2017 and by letters to local residents. In response to this publicity the following representations have been received.
- 6.2 Ward Councillor Grahame objects to the proposal. She raises concerns regarding the amount of cars parked outside Mount Carmel on the road. Church Lane is a busy road with a bus service every 10 minutes passing side by side which makes it very difficult for the traffic flow when cars are parked on the road. There have been incidents when the cars park in front of the houses next to the building. Also at night time there are often groups outside the building.
- 6.3 In addition to the above, 6 letters of objection have been received raising the following concerns:
- The reduction from 20 to 16 beds will have negligible effect on the parking situation. Parking on Church Lane, a busy road especially at school start and finish times, creates a danger to both pedestrians and traffic and delays public transport.
 - The type of occupant, as proven, are to a large degree van/vehicle owners and as such the 8 parking spaces for 16+ occupants and visitors seems to be totally inadequate.
 - The front two spaces appear to project into the pavement outside of the curtilage of the site and also block a fire escape door
 - Parking space number 8 will not exist because the boundaries are incorrect according to the Land Registry Documents.

- It is not clear whether the two spaces have a dropped kerb/access that would have to be kept clear which would reduce highway parking - this is important because this local is heavily used as a drop off for the 4 adjacent schools. Pedestrian visibility is also a concern.
- Question the inadequacy of amenity space area compared to the area of accommodation and number of occupants.
- The designated area for parking cannot possible hold the required amount of cars necessary for a building of this size. For cars to enter/exit the car park safely the dropped kerb is not in the correct place.
- Will suffer from noise from vehicles arriving and departing at all hours. This does not take into consideration casual visitors vehicles.
- The noise from residents in the summer months has been substantial due to barbeques and social gatherings by residents. This also reduces the available parking area.
- The presence of different individuals, each with his/her own needs and routines, in a HMO of this size easily leads to numerous comings and goings throughout much of the day and evening. Some tenants commencing shifts at 6.00 am, some on 'nights', others working flexitime, some on "zero hours" contracts, called in to work for a few hours as and when organisations demand and dictates. Others working late into the evening, in pubs or casinos, for example, neatly illustrated by an existing/past tenant's comment on the previous application Number 16/03505/FU: "Everyone works and have different shift patterns."
- The limited outdoor amenity space is directly at the other side of our fence, therefore partying with large amounts of people is an immense source of nuisance especially when the weather is warm and windows are open. As, many windows overlook our property we have lack of privacy which is a considerable concern as it will be a totally different population from a care home.
- The Noise Impact Assessment that was carried out by Environment Noise Solutions has no real relevance as the adjoining property was not taken into consideration. When the garage is demolished noise will travel further and louder, so therefore is not a true and valid assessment.
- No material change from the previous rejected proposal. Only one fire exit from room 16, there should be another.
- HMO is inappropriate so close to a school. The property would be more suited to self-contained flats. Transient and sometimes vulnerable people do not make good neighbours for the children at the adjacent four schools and gun shots have been heard from the garden.
- The boundary is incorrectly shown on the layout plan.
- Inadequate bin storage proposed.
- The property does not have a HMO licence.

6.4 Cross Gates Watch - objection

- This proposed HMO is very poorly positioned - very close to existing housing and next to and overlooking a primary school. The school has a large purpose built enclosed nature garden with a pond, trees and natural habitat next to the proposed HMO. There are also open playing fields and seated areas for children to eat in summer months close by.
- The change of use to a HMO remains an unacceptable intensification of the use of the site resulting in a significant reduction in amenity to local residents' living conditions through increased noise and disturbance as a result of general activity levels and comings and goings.

- The current waste storage arrangements are inadequate for a 16 bed/unit HMO and are therefore a poor design
- The parking and highways considerations at the present moment remains in conflict with policies H6 (C) and T2 of the Core Strategy which requires sufficient easily accessible and appropriately located off and on-street car and cycle parking. It is also in breach of policy GP5 which requires proposals to maximise highway safety and avoid problems of highway congestion.
- Other serious matters such as facilities and rooms for the disabled and soundproofing are not addressed and therefore do not meet policy requirements. The applicant clearly has not heeded sufficiently the Officer's advice that he takes note of what the Inspector said in his report of 13 April 2017.

6.5 The application was initially amended from 16 bedrooms to 14 bedrooms and re-advertised. Objections were received from three local residents and Cross Gates Watch, who state that earlier concerns had not been addressed.

6.6 The application was subsequently amended from 14 bedrooms to 12 bedrooms, and the application was re-advertised. One letter of representation received stating objections on residential amenity and highway safety grounds, as previous.

7.0 CONSULTATION RESPONSES:

7.1 Highways – The revised layout shows 12 bedrooms and six parking spaces, in a form which complies with guidance, and as such, no objections are raised.

7.2 Flood Risk Management – No objections. The site is located in flood risk zone 1 and there are no records of any reported flooding incidents on or near the site. Records indicate there are no watercourses or drainage assets within the site boundary.

7.3 Housing – If permission is granted, recommend a sound insulation scheme. The residential units must comply with the requirements of the Housing Act 2004. Housing also advise that the HMO Licence application was refused on 4 April 2016, and the owner does not have a current application for a licence, so would have to apply again. The owner was advised as to what they would have to do to meet the HMO licencing criteria, (to create more communal kitchen area).

7.4 Neighbourhoods & Housing - No objection to the proposed change of use in principle but would recommend that the Housing Regulation team are consulted.

8.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be 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), the Aire Valley Area Action Plan (2017) and any made Neighbourhood Plans.

Local Planning Policy

8.2 The Core Strategy sets out the strategic planning policy framework for the district until 2028. The following core strategy policies are relevant:

P10: Design issues
T2: Highway safety and parking provision
H6: Houses in Multiple Occupation, Student Accommodation and Flat Conversions

8.3 Policy H6 of the Leeds Core Strategy is of particular relevance to this proposal. This states that proposals for HMOs should seek to ensure that adequate for HMOs should be made, but emphasises that the location of HMOs should be balanced so as to avoid any undue concentration of student occupation by avoiding excessive concentrations of student accommodation (in a single development or in combination with existing accommodation) which would undermine the balance and wellbeing of communities.

8.4 This policy does, however, recognise that there are likely to be cases where the existing levels of HMOs are such as to make it very unlikely that a particular street or streets will not be suitable for family occupation and states "*it is recognised that some streets (or a part of a street) may already have such a high concentration of HMOs that the conversion of remaining C3 dwellings will not cause further detrimental harm. Also, it may be the case that the remaining C3 dwellings would be unappealing and effectively unsuitable for family occupation. In such circumstances Policy H6A would not be used to resist changes of use of such dwellings to HMOs*".

8.5 The site is not specifically allocated but the following saved UDP Review (2006) policy is considered to be relevant:

GP5: Seeks to ensure all detailed considerations are resolved including amenity and highway safety matters.

Other supplementary guidance:

8.6 Leeds City Council Advisory Standards for Houses in Multiple Occupation – this document sets out the minimum recommended space standards for HMOs.
Parking (December 2015)
Neighbourhoods for Living

National Planning Policy Framework:

8.7 This sets out the government's aims for promoting growth and sustainable forms of development.

8.8 Paragraph 50 of the National Planning Policy Framework states that in order 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 [amongst other objectives] plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community" with paragraph 64 stating that "*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*".

9.0 MAIN ISSUES

1. Principle of development
2. Amenity (residents and nearby occupiers)
3. Highway considerations
4. Representations

10.0 APPRAISAL

Principle of development

- 10.1 Houses in Multiple Occupation often present an array of issues in terms of overcrowding, noise and disturbance, bins, unkempt gardens etc. and are usually found to manifest themselves in specific parts of the City. However, it is also recognised that HMOs, in a controlled environment, can make a valuable contribution to meeting some housing needs. Policy H6 of the Leeds Core Strategy specifically recognises this and is one of the main means of assessment and so deals with *inter alia* changes of use or conversions of existing dwellings for use as HMO's.
- 10.2 The policy advises that development proposals for new HMOs will be determined against the following main points albeit other material planning considerations could clearly exist and each application must be considered on its own merits:
- (i) To ensure that a sufficient supply of HMOs is maintained in Leeds,
 - (ii) To ensure that HMOs are distributed in areas well connected to employment and educational destinations associated with HMO occupants,
 - (iii) To avoid detrimental impacts through high concentrations of HMOs, which would undermine the balance and health of communities,
 - (iv) To ensure that proposals for new HMOs address relevant amenity and parking concerns,
 - (v) To avoid the loss of existing housing suitable for family occupation in areas of existing high concentrations of HMOs.
- 10.3 The host building is a red brick detached and substantially extended property within a residential area. It is considered that the site is in a reasonably sustainable location, with good access to local facilities within walking distance.
- 10.4 There are no known properties on Church Lane that have been sub-divided to be used as a HMO. In addition, the local housing mix has good levels of family housing thereby representing a diverse mix of housing options without the creation of high concentrations of HMOs. Furthermore, there is no loss of a single family dwelling as the property was previously in use a residential care home (within Class A2). As such, subject to the resolution of parking and amenity concerns (criterion iv above), there would be no objection in principle to an HMO in this location.

Amenity

- (1) Nearby residents
- 10.5 The application was originally submitted as a change of use to 16 bedroom HMO. The change of the building to a 16 bedroom HMO would intensify the site - this intensification is considered to be significantly greater than the activity that would typically occur from the property if used as either a residential care home or a traditional family dwelling, in terms of activity levels and the resulting noise and disturbance. Nearby residents have stated the comings and goings of residents and visitors has caused noise and disturbance issues, which is unsurprising given the number of individual bedrooms which have been created. The essentially self-contained nature of these individual bedrooms is also such that significant numbers of visitors to the property are also likely, not only those visiting occupiers from a social perspective but also those providing services - such as the delivery of mail/packages and even takeaways during the evenings.

- 10.6 In dismissing the appeal, the appeal Inspector acknowledged that the proposed use would generally involve a younger and more energetic, socially active age group which would intensify activity on the site, including visits by non-residents and delivery vehicles. Vehicle movements to and from the property would be significantly increased creating noise and disturbance from parking manoeuvres, revving engines, in-car sound systems and the slamming of vehicle doors. The existing storage building on the eastern boundary of the site would be demolished to provide additional parking space, and in doing so would bring a noise source closer to adjoining dwellings and gardens and at an elevated level. It follows that pedestrian movements within the site would also increase. These activities would be intrusive for neighbouring occupiers, especially late at night when ambient noise levels are low. Environmental Protection officers concur with Planning Officers that the reduction from 20 bedrooms to 16 bedrooms and the introduction of an acoustic fence will not prevent harmful noise and disturbance to immediate neighbours, given the nature of the occupancy and the number of occupiers.
- 10.7 Whilst it is accepted the previous care home use would have had similar occupation levels and would have included some staffing requirements, the overall activity levels would have been less than would typically occur from a 20 bedroom HMO use. The care home use would also certainly have followed a relatively routine schedule whereby activities levels would have been focused in the day time which is not a situation which is likely for such a large HMO use. The longer term nature of the care home occupants (relative to HMO occupiers who often tend to rent on a more short term basis) and its more 'local community' focus whereby at least some residents are likely to have been from the surrounding area is such that a more harmonious existence between the use and the surrounding residents would typically occur. Indeed, no recorded complaints in connection with the previously use have been identified which supports this general opinion. The planning history for the care home use also supports this as it has been allowed to grow incrementally over a long period of time and if the use were to have caused a problem it would not have been permitted to extend. The same conclusion cannot be reached for the new HMO use and the overall level of use in combination with its close proximity to residential properties, including those on two immediate boundaries is such it is not considered appropriate to recommend approval for the 16 bedroom HMO use originally applied for due to its adverse impact on the living conditions of surrounding neighbours.
- 10.8 Due to these concerns, and highway safety concerns (see appraisal below) the application has been amended from 16 bedrooms to 12 bedrooms. The main issues of concern is from differing lifestyle uses comparing nearby residents to this HMO and assuming that the tenants will typically be young people and yet this is not always the case and may change over time. There would have been a lot of coming and goings when it was a care home from staff movements working different shifts, visitors, care professionals, deliveries and emergency visits although there would have been limited use of the garden. The residential care home had a capacity for 20 residents. Given the size of the building, the previous use as a 20 person residential care home, and proposed acoustic boundary treatment, and the lack of an objection from Environmental Health officers, on balance, the proposal is now considered to propose an acceptable level of occupation.
- 10.9 The building itself will provide sufficient attenuation from activities carried out inside although no sound insulation scheme can prevent people from leaving windows and doors open and being noisy. The noise report provided suggests nearby residents wouldn't have their sleep disturbed by normal activities from the property at night (23:00 to 07:00 hours) especially with the close boarded fence proposed. The

reduction from 20 bedrooms to 12 bedrooms represents a significant reduction in the amount of activity at the site. The demolition of the conservatory will reduce some of the activity within the rear area in the evening. Although it is acknowledged that the provision of rear of open amenity space will still allow some activity, albeit on a reduced level.

10.10 Some residents have stated that there is overlooking from windows, however, these windows are considered to be a sufficient distance to boundaries so as to comply with minimum distances as set out in Neighbourhoods for Living. No new openings are proposed. The appeal Inspector agreed with the local planning authority on this point. The outbuilding is now proposed to be demolished, however this will not open up views of the neighbours due to the distance from existing windows and the presence of a close boarded fence.

(2) Occupiers of the building

10.11 The outlook and generally the size of bedrooms identified as part of the change of use are considered to be acceptable. A reduction in the total number of bedrooms has also allowed some rooms to have access to their own living room. The appeal Inspector did not raise any concerns in this regard on the previous, more intensive proposal. There are rooms occupied in very close proximity to communal rooms and kitchens, and it is possible that there may be some noise transmission between rooms, however this issue could be dealt with by a suitable condition to require appropriate sound insulation details. Environmental Protection officers have stated that a suitable scheme would be required.

10.12 It is considered that the revised proposal provides adequate outdoor amenity space for residents, as the reduction in car parking from around 9 spaces to 6 spaces, and the demolition of the garage and conservatory allows a significant area of amenity space to be provided. There is now area of amenity space proposed to the front of the building, where substandard parking area is currently provided. Whilst the amenity space will improve the setting of the building, it would not be particularly useful as amenity space as it would not be private. On the previous scheme, given its limited size, the appeal Inspector considered that the area is inadequate to provide satisfactory private amenity space for up to 20 tenants and any visitors. The revised proposal has less tenants, and a greater area of amenity space, and is now considered acceptable.

10.13 The ratio of communal rooms to bedrooms was previously of some concern and combined with the lack of other facilities and outdoor space indicated the previous HMO use proposal was over-intensive to the extent that the living conditions for occupiers of the building itself were poor and sub-standard. The appeal Inspector however did not agree with this concern, although it is now noted that there are greater indoor facilities proposed in the form of additional lounge/amenity rooms, as well as less bedrooms.

Highway considerations

10.14 In respect of the previous appeal proposal, the Inspector stated that:

The two parking spaces to the front of the building involve vehicles reversing on to or off the carriageway. This compromises the safety of road users, including those undertaking the manoeuvre, as well as the safety of pedestrians.

10.15 These spaces have been deleted from the current application, as the parking adjacent to the main site access is considered to be highly undesirable, as it would generate reversing manoeuvres next to the main entrance to the site.

- 10.16 The scheme has been revised such that 12 bedrooms are provided. The Council's adopted Parking Guidelines require that car parking is required at 50% number of bedrooms, therefore 6 parking spaces should be provided. Previously, for a 20 bedroom HMO, 10 parking spaces would need to be provided, and the Inspector stated that the rationalisation and rearrangement of the parking layout and cycle storage facilities on the site could resolve parking concerns and prevent on-street parking. It is considered that 6 parking spaces, as shown on the layout, to the side and rear, with the frontage parking deleted, addresses previous concerns raised by Highways Officers and by the appeal Inspector.
- 10.17 Accordingly on-street parking is unlikely, and Highways Officers raise no objections to the proposal and unallocated parking is proposed to maximise its use.

Representations

- 10.18 The main issues identified within the objections are considered to have been addressed within the report. Issues regarding licensing and fire regulations are not addressed, as they are dealt with under separate legislation.

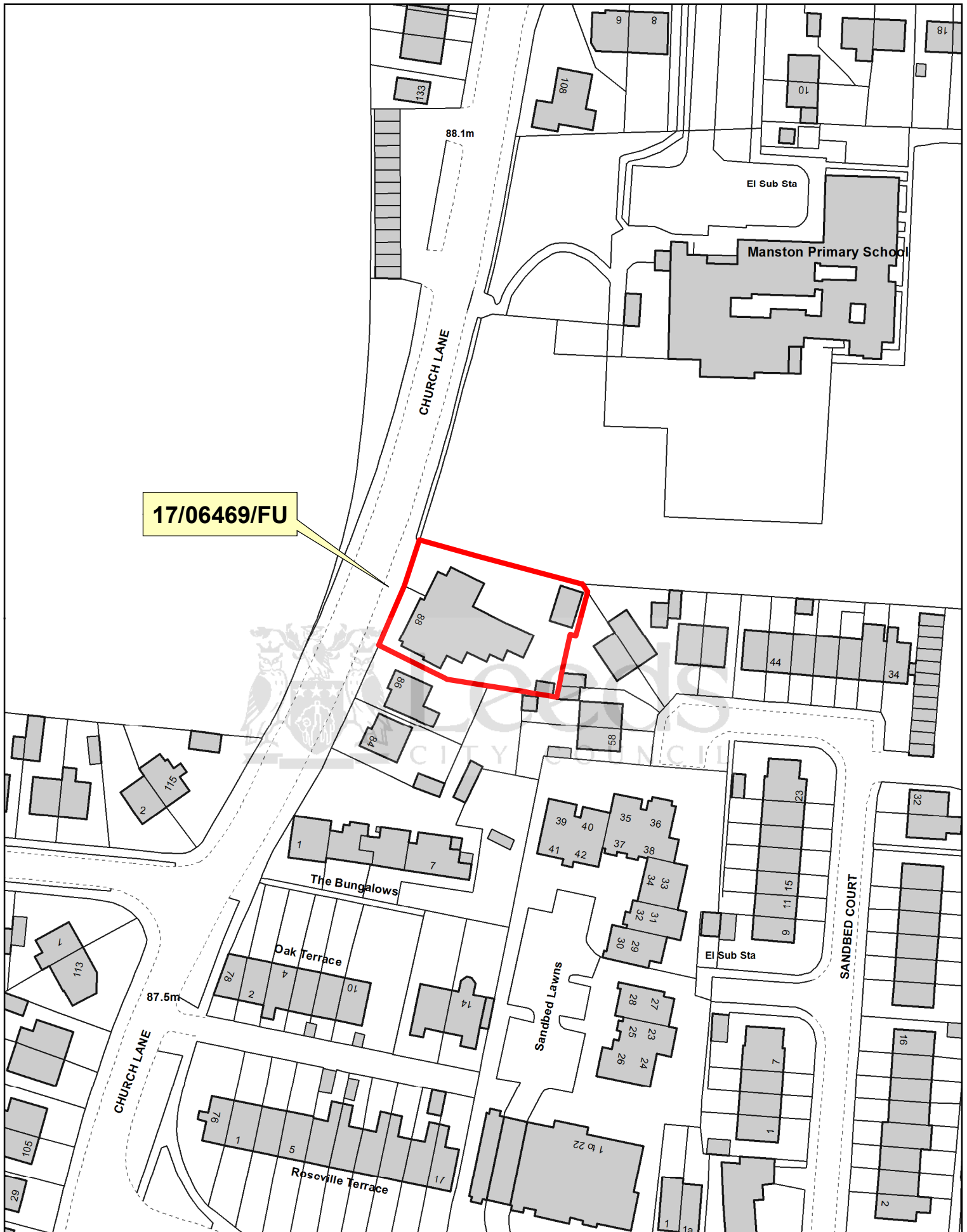
11.0 CONCLUSION

- 11.1 A previous application for a 20 bedroom HMO was refused and dismissed on appeal. It is considered that a reduction to 12 bedrooms does materially improve the amenity for adjoining residents, and does materially improve the amount of amenities for residents of the HMO also. Furthermore, the parking requirements of the HMO use can adequately be accommodated off-street and there would be no harm to highway safety. The 12 bedroom HMO use can therefore be supported and planning permission is recommended to be granted, subject to the conditions specified.

Background Papers:

Application and history files.

Certificate of Ownership sign by the applicant/agent.



NORTH AND EAST PLANS PANEL

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

SCALE : 1/1000



NOTE:
 INFORMATION IS BASED ON RECEIVED
 SKETCH AND MEASURED. PLAN IS SUBJECT
 TO FULL MEASURED BUILDING SURVEY TO
 ENSURE ACCURACY

**EXISTING ACCOMMODATION
 SCHEDULE**

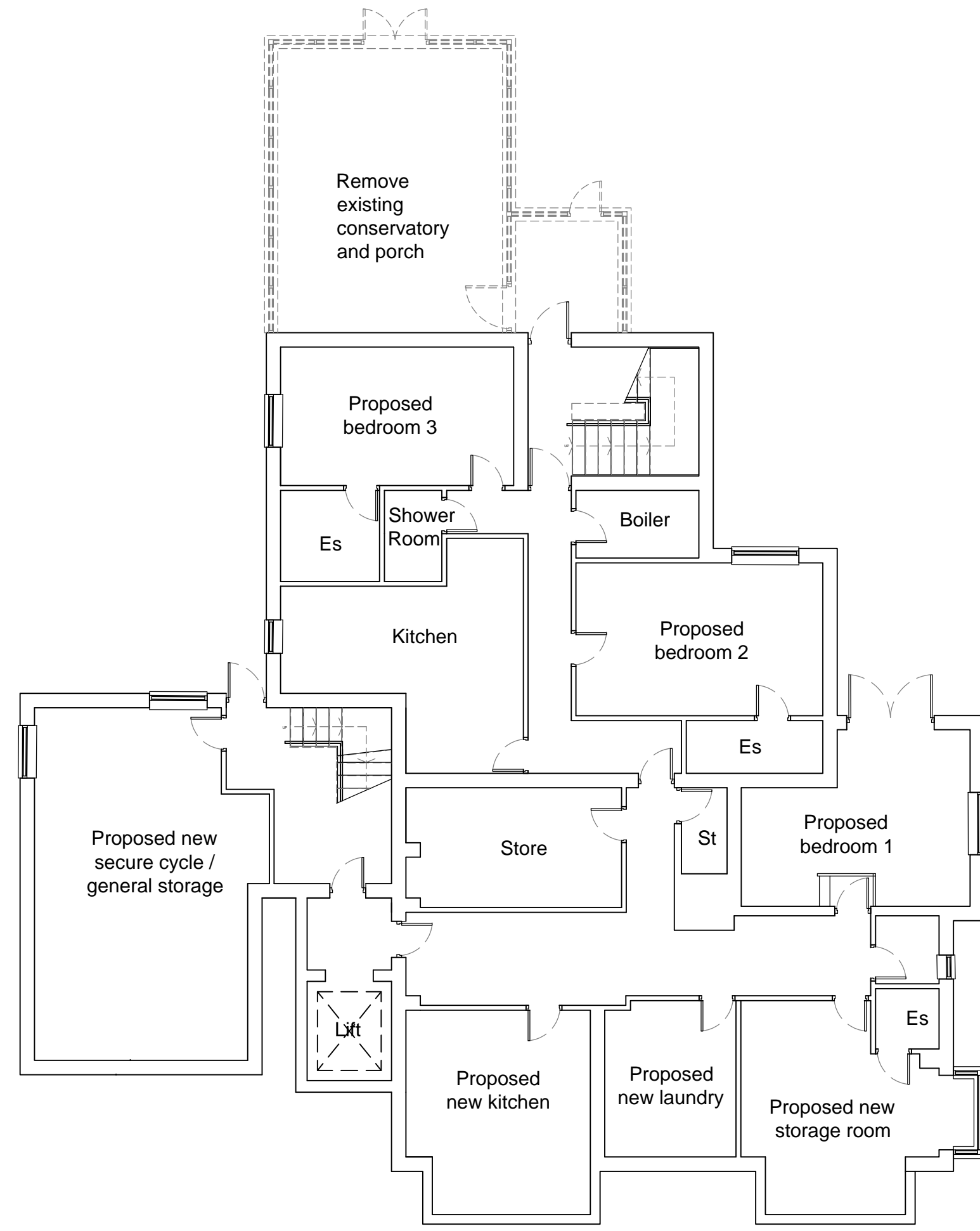
Lower Ground	5 bedrooms
Upper Ground	5 bedrooms
First Floor	9 bedrooms
Second Floor	1 bedrooms

Total Existing 20 bedrooms

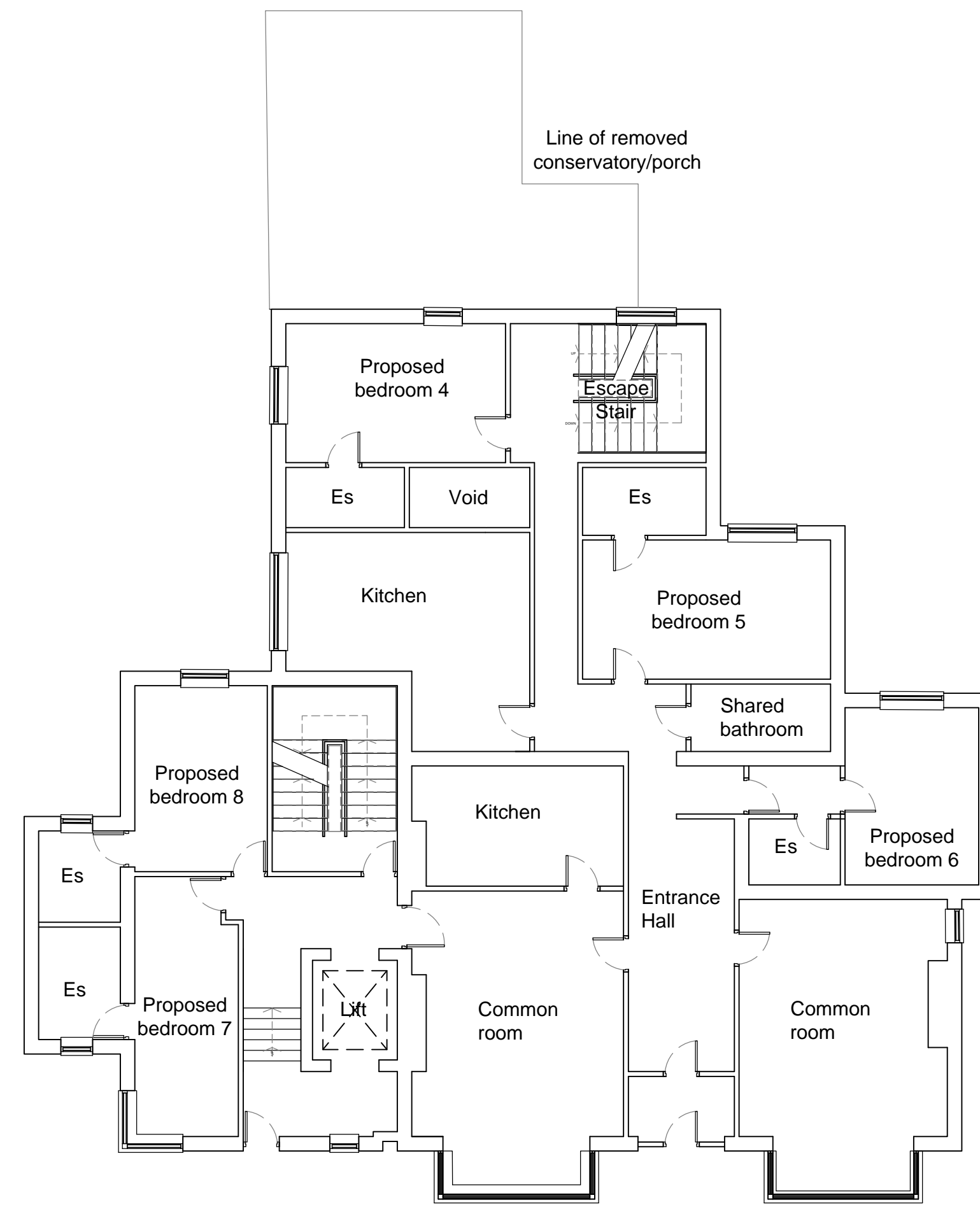
**PROPOSED ACCOMMODATION
 SCHEDULE**

Lower Ground	3 bedrooms
Upper Ground	5 bedrooms
First Floor	7 bedrooms
Second Floor	1 bedrooms

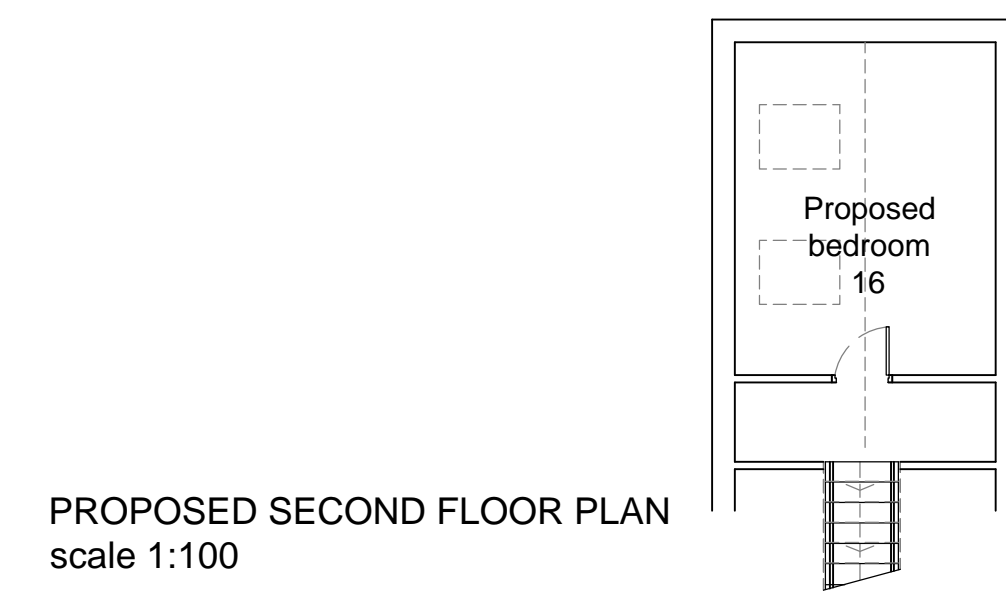
Total proposed 16 bedrooms



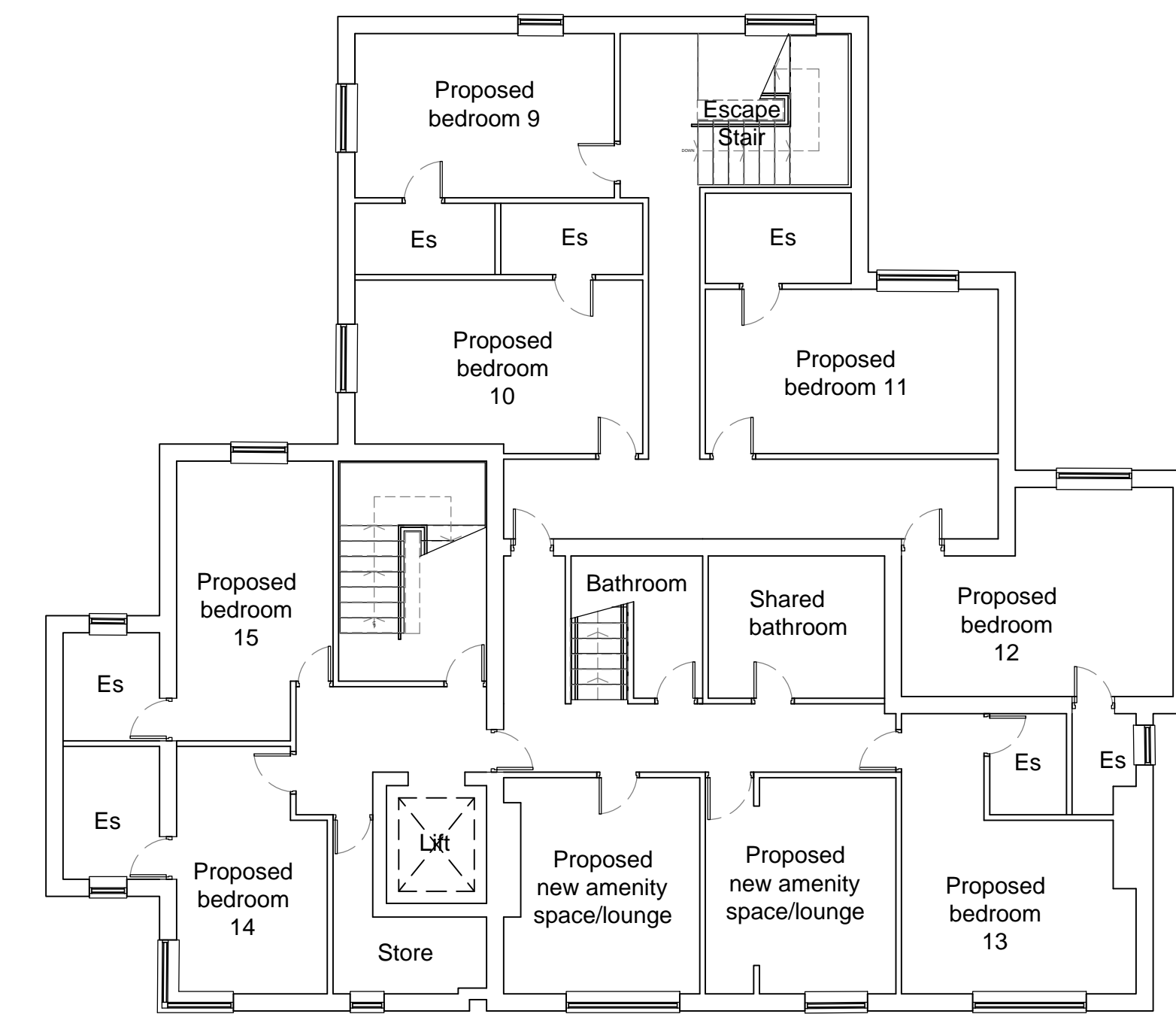
PROPOSED LOWER GROUND FLOOR PLAN
 scale 1:100



PROPOSED UPPER GROUND FLOOR PLAN
 scale 1:100



PROPOSED SECOND FLOOR PLAN
 scale 1:100



PROPOSED FIRST FLOOR PLAN
 scale 1:100

PROJECT		
Proposed Refurbishment		
88 Church Lane Crossgates Leeds LS15 8JE		
PURPOSE OF DRAWING		
PLANNING		
CLIENT		
Jamie Paul		
DRAWING TITLE		
Proposed GA Plans		
DATE	DRAWING NO	REVISION
June 2017	003	-
JOB NO	SCALE	DRAWN
2017-003	see dwg	AUTOCAD