



Report of the Chief Planning Officer -

SOUTH AND WEST PLANS PANEL

Date: 16th August 2018

Subject: Application number 18/02073/FU – 53 Wickham Street, Beeston, Leeds, LS11 7AR- Change of use of house (C3) to a house in multiple occupation (C4).

APPLICANT
H K Properties

DATE VALID
23rd April 2018

TARGET DATE
18th June 2018

Electoral Wards Affected:
Hunslet & Riverside

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to conditions specified below:

1. Standard time limit of 3 years to implement
2. Development carried out in accordance with approved plans
3. Details of Waste Collection Provision
4. Details of cycle/motor cycle storage.

1.0 INTRODUCTION

1.1 The application is brought before Plans Panel at the request of Cllr Iqbal who raises concerns regarding the impacts of the proposals leading to a concentration of HMOs along with the loss of family housing.

2.0 PROPOSAL:

2.1 The applicant seeks consent for a change of use of house (C3) to a house in multiple occupation (C4). The works are currently subject to an enforcement enquiry which is being held in abeyance pending the outcome of this application. It is not known to what extent works have been undertaken however a site visit has previously identified that rooms were being advertised as “to let” within the property.

2.2 The application is for the change of use of a single family dwelling (C3) to a 'House of Multiple Occupation' (HMO) (C4) to provide a shared house comprising four 'bedsit' rooms with shared kitchen/utility and small WC to the ground floor. The scheme comprises the following accommodation layout:

- Bedsit 1 (14.8m²) to ground floor (previously a lounge).
- Bedsit 2 (13.5m²) and bedsit 3 (13.5m²) both to first floor (both previously bedrooms).
- Bedsit 4 (16.38m²) in the attic space served by existing rooflights on the rear elevation (previously a bedroom).
- Kitchen to ground floor (7.36m²) (previously kitchen).
- Lounge/diner to ground floor (17.6m²) (previously dining room).
- Bathroom to first floor (4.8m²) (previously family bathroom).
- Small w.c. to ground floor under stairs.

3.0 SITE AND SURROUNDINGS:

3.1 The application site is a mid-terraced property. It is constructed in red brick and has accommodation over 3 floors, including an attic level. The property has a small enclosed yard area at the rear accessed from Back Wickham Street.

3.2 The site lies in an established residential area of high density housing, characterised by rows of red brick terraced streets that are laid out in grid patterned streets. The property abuts the street to the front elevation.

3.3 The property is located within an Article 4 area, which was implemented in 2012 as the Council recognised that the Beeston area is an area of housing imbalance, including a significant number of HMO's occupation.

4.0 RELEVANT PLANNING HISTORY:

4.1 Ref: 17/08110/FU

Description: Change of use and alterations of house (use class C3) to a house in multiple occupation (use class C4) and one flat

Decision: Refused on the grounds of intensification of use and overdevelopment of the site resulting in poor levels of residential amenity.

Date: 02.03.2018

4.2 Ref: 11/03091/FU – 47 Wickham Street.

Description: Change of use of house to 3 flats

Decision: Approved

Date: 21.11.2011

5.0 HISTORY OF NEGOTIATIONS

5.1 Discussions with previous case officer following refusal of permission.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Cllr Iqbal has raised an objection to the scheme raising concerns with the following,

- The proposals add to a concentration of existing HMOs
- Loss of family housing

6.2 A site notice was posted to the application site on 11.05.2018 along with neighbour notification letters being sent on 25.04.2018. No other public comments have been received.

7.0 CONSULTATION RESPONSES:

7.1 Highways –No objections subject to conditions – the change of use from a 3 bed dwelling to a 4 bed HMO is expected to have similar parking requirements. It would be difficult to demonstrate that the proposals would increase the number of vehicles parked on street. No cycle parking is provided and thus a condition is requested to ensure this is provided prior to occupation. Residents would not be eligible for any on-street parking permits within existing or future controlled parking zones in the locality.

7.3 Flood Risk –No objections.

7.4 Neighborhoods And Housing – comments provided – the property would be subject to HMO licensing and the applicant should note that the property will need to comply with all relevant Housing Legislation regardless of whether planning permission is granted.

8.0 PLANNING POLICIES:

Development Plan

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Leeds Comprises the Adopted Core Strategy (November 2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013) and any made neighbourhood plan. In this instance the site does not fall within a neighbourhood plan area.

Adopted Core Strategy

8.2 The following core strategy policies are considered most relevant

- H6 Houses in multiple occupation and flat conversions
- P10 Seeks to ensure high quality design
- T2 Transport infrastructure

Saved Policies - Leeds UDP (2006)

8.3 The following saved policies within the UDP are considered most relevant to the determination of this application:

- Policy GP5 - Development Proposals should resolve detailed planning
- Policy BD6 - All alterations and extensions should respect the scale, form, detailing and materials of the original building.

Supplementary Planning Policies

- Leeds Street Design Guide (2009)
- Leeds Parking SPD (2016)

- **SPG 6** Development of self-contained flats/HMOs
- **SPG13** Neighbourhoods for living Residential Design Guide

8.4 **Legislation Background:**

- The Town and Country Planning (General Permitted Development) Order 2015
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- Circular 08/2010 – Changes to Planning Regulations for Dwellinghouses and Houses in Multiple Occupation
- The Planning and Compensation Act 1991

8.5 The Government introduced changes to the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 on **6th April 2010**. These changes included the subdivision of the C3 (Dwelling Houses) use class to create a new use class; C4 (Houses in Multiple Occupation). The changes also meant that a change of use from a C3 (dwelling house) to a C4 (small HMO) use required planning permission.

8.6 The Government amended the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 1995 on **1st October 2010** to allow a change of use from a C3 (dwelling house) to a C4 (small HMO) use to be permitted development. Therefore from this date this change of use does not require planning permission subject to meeting the criteria and conditions set out in the GPDO.

8.7 The Council served notice of its intention to introduce an Article 4 Direction to cover part of the city on **9th February 2011**. An Article 4 Direction would require planning permission for a change of use from the C3 (dwelling house) to a C4 (small HMO) use class and was proposed to cover the whole or parts of, the Council wards of Adel & Wharfdale, Armley, Beeston & Holbeck, Bramley & Stanningley, Burmantofts and Richmond Hill, Chapel Allerton, City and Hunslet, Gipton & Harehills, Headingley, Horsforth, Hyde Park and Woodhouse, Kirkstall, Moortown, Roundhay and Weetwood.

8.8 The Article 4 Direction was confirmed on **25th August 2011** and came into effect on **10th February 2012**.

9.0 **MAIN ISSUES**

- Principle of Development and amenity
- Impact on Residential Amenity
- Level of Amenity Offered to the Future Occupiers
- Parking, Highway Safety

10.0 **APPRAISAL**

Principle

10.1 Core Strategy policy H6 (HMO's, Student Accommodation and Flat Conversions) is the principle local planning policy relevant to the creation of new HMOs. It is recognised that Core Strategy Policy H6 (A) relates to HMO's occupied by all

individuals and not solely those occupied by students. This should be considered in the context of the Article 4 Direction which restricts the change of use from the C3 Use Class to the C4 Use Class.

- 10.2 Policy H6 (A), amongst other things, recognises the benefits that this form of housing can provide and aims to ensure that:
- i. a sufficient supply of HMOs is maintained in Leeds,
 - ii. HMO's are located in areas well connected to employment and educational institutions associated with HMO occupants,
 - iii. the detrimental impacts through high concentrations of HMO's are avoided where this would undermine the balance and health of communities and
 - iv. this would not lead to the loss of housing suitable for family occupation in areas of existing high concentrations of HMOs.
- 10.3 Whilst it is noted that the proposal would add to the supply of HMO's in compliance with criterion (i), no information has been provided by the applicant to demonstrate that there is currently an insufficient supply in Leeds. It is also noted that the application property is in an area that is well connected to employment and educational institutions associated with HMO occupants in compliance with criterion (ii).
- 10.4 Whilst the LS11 area is considered to contain a high level of HMO's, there is only one record of planning consent ever being granted on Wickham Street for the subdivision (see history paragraph 4.2). There are no records of any properties upon Wickham Street having HMO licenses, and there are no records of any properties applying for a change of use to a HMO. Council tax records show there are 5 properties along Wickham Street which have been converted into flats. Given that there are 55 properties along Wickham Street, it is not considered this proposal would result in a high concentration of HMO's or flats within the street.
- 10.5 On a recent appeal decision at 54 Longroyd Grove (17/02702/FU) the appellants were awarded costs against the LPA as the LPA could not provide sufficient evidence on the concentration of HMO's, despite the appeal being dismissed on other grounds. The award of costs was granted in this case as the inspector considered a reason for refusal based on the loss of the property as a family dwelling was inappropriate given the LPA identify there is not a concentration of HMOs within the vicinity. The inspector states that although the property falls within the Article 4 Direction Zone this does not place an embargo upon new proposals for HMOs but is in place to ensure a balance of properties.
- 10.6 As such given the data provided by Council records on the HMO's locally for this application site, it is not considered that the evidence is suggestive of there being a concentration of HMO's that would unbalance the mix of housing types in the area. It is thus considered the principle of the proposed change of use to a HMO is, on balance, deemed acceptable.

Impact on Amenity

- 10.6 Policy H6 part A also aims to protect the amenity of future occupants. Saved UDP policy GP5 aims to protect amenity including the amenity of future occupants. Paragraph 127 of the NPPF requires local planning authorities to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

- 10.7 Neighbouring amenity can be impacted in a number of ways. The Government report 'Evidence Gathering – Housing in Multiple Occupation and possible planning response – Final Report' notes that concentrations of HMOs can result in anti-social behaviour, noise and nuisance, resulting from an increased number, or different pattern, of comings and goings of up to 6 adults and visitors in a HMO 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.
- 10.8 Planning Use Class C4 would allow between 3 and 6 unrelated occupants in one property. The current scheme is a re-submission of a previously refused application which sought consent for a split within the property, creating a one bedroom, self-contained ground floor flat, with separate bedrooms to the first and second floors to be used as a HMO. This was considered an intensification of the dwelling, due to the combination of a flat and HMO, which had the potential to result in a significant increase in comings and goings both in terms of residents and visitors leading to heightened noise nuisance.
- 10.9 It is considered the amended scheme which now solely provides a 4 bedroom, shared HMO use, is similar to that of the existing C3 residential use which could house a family and thus creates a similar impact upon neighboring amenity and highway safety. The proposals omit the separate self-contained element and provide a communal living area, kitchen and bathroom for shared use between the occupants.
- 10.10 Furthermore, given that a concentration of existing, lawful, HMO's and flats does not exist within the immediate vicinity it is not considered the loss of the property would constitute the loss of a family home, given the majority of the properties fall within the C3 dwelling use.
- 10.11 It is therefore considered that the proposal would, on balance, not create significant harm in relation to neighboring residential amenity and thus a reason for refusal in this regard cannot be justified. For these reasons the proposals meet the aims of policy H6, P10 and T2 of the Core Strategy along with GP5 and BD6 of the retained UDP.

Level of Amenity Offered to the Future Occupiers

- 10.12 New residential development should look to provide a good level of amenity for future occupiers. This includes providing living accommodation which is of an appropriate size, offers appropriate outlook, gives good daylight and sunlight penetration, protects privacy and ensure an appropriate juxtaposition of rooms both within the property and with neighbouring properties to prevent general noise and disturbance issues. This also includes providing good quality outdoor amenity areas for the enjoyment of occupiers, provision of outdoor drying space, and bin storage.
- 10.13 The proposal has been amended to that of the previously refused scheme and now offers a communal kitchen and living area. It is therefore considered that the bedrooms would now be used for sleeping as opposed to a main living area given these facilities are provided. This is considered to improve amenity for potential occupants and addresses previous concerns. The proposed bedsit rooms are as follows;
- Ground floor – bedsit 1 (14.8m²)
 - First floor – bedsit 2 (13.5m²) and bedsit 3 (13.5m²)
 - Second floor – bedsit 4 (16.38m²)

- 10.14 The smallest of these rooms (bedsits 2 and 3) are 13.5m² and given the proposals now provide communal facilities these are considered to be an adequate size to provide sufficient space, in line with the 11.5m² requirement of the National Technical Standards for a double bedroom. The National Technical Standards are currently not formally adopted by the LPA.
- 10.15 It is therefore considered that the amended proposals provide an adequate level of amenity for the future occupiers and as such meet the aims of Core Strategy policies P10 and H6, saved UDP policy GP5 and the guidance contained within the Neighbourhoods for Living.

Parking, Highway Safety

- 10.16 Leeds Core Strategy policy T2 addresses access requirements for new development amongst other related matters and policy P10 looks to ensure car parking, cycle, waste and recycling storage should be designed in a positive manner. The property does not include any off-street car parking provision.
- 10.17 Highways officers have been consulted and have advised that the property is situated in a sustainable location close to a busy bus route and there have been no reported parking issues in the local area. Therefore the proposals are not expected to lead to any significant parking problems. Highways officers have not raised any objection and it is not considered that permission could be reasonably refused on this basis. Given no details of cycle/motorcycle parking and facilities have been submitted a condition is attached to the permission which requires details to be submitted and approved prior to the commencement of the development and are required to be in place for the lifetime of the development.

11.0 CONCLUSION

- 11.1 In light of the above, the proposal is not considered to have a significant detrimental impact on neighbouring residential amenity or the character or appearance of the dwelling or street scene. For the reasons outlined in the above report and taking into account all other material considerations it is concluded that planning permission should be **approved** subject to the aforementioned conditions.

Background Papers:

Certificate of ownership: signed by applicant.

Planning application file. 18/02073/FU



SOUTH AND WEST PLANS PANEL

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SCALE : 1/600



