



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 16th May 2019

Subject: 19/00036/FU - Change of use, including formation of lightwell, from residential property (C3) to a House in Multiple Occupation (C4), 63 East Park Parade, Richmond Hill, Leeds 9

APPLICANT

Ms H Williams

DATE VALID

04.01.2019

TARGET DATE

04.04.19

Electoral Wards Affected:

Burmantofts & Richmond Hill

Yes

Ward Members consulted

Specific implications for:

Equality and Diversity

Community Cohesion

Narrowing the gap

RECOMENDATION: GRANT PERMISSION subject to the following conditions:

1. Time limit on full permission (3yrs)
2. In accordance with approved plans
3. The proposed bedrooms shall not be occupied until the basement communal and living room accommodation facilities have been provided, as shown on the approved layout. The communal and living room accommodation shall be retained thereafter.
4. Development shall not be occupied until bin stores have been provided in accordance with details which shall have been approved in writing by the local planning authority. The approved facilities shall be retained for the lifetime of the development.
5. Development shall not be occupied until secure cycle parking facilities have been provided in accordance with details which shall have been approved in writing by the local planning authority. The approved facilities shall be retained for the lifetime of the development.
6. The basement bedrooms shall not be occupied until the enlarged openings and glazed door have been installed, and the stair wall brickwork replaced with railings, in accordance with the approved plans. The door shall be retained as glazing for the lifetime of the development.

1.0 INTRODUCTION

- 1.1 This application is referred to the North and East Plans Panel at the request of Ward Councillor Denise Ragan who is concerned about an existing concentration in the area and that this undermines the balance and health of the community. Existing parking issues and the proposal adding to these is also cited as a concern. Councillor Ragan raises material planning considerations that give rise to concerns affecting more than neighbouring properties and therefore, in line with the terms of the Officer Delegation Scheme, it is appropriate to report the application to Panel for determination.

2.0 PROPOSAL

- 2.1 This application proposal involves the conversion of an end of terrace double fronted dwelling to a 5 bed House in Multiple Occupation (HMO).
- 2.2 Such a change would typically be permitted through the provisions of General Permitted Development Order Schedule 2, Part 3, Class L (Small HMOs to dwellinghouses and vice versa). However, the identified site falls within an area subject to the City Council's Article 4 Direction which requires planning permission for the change of use of dwellinghouses (C3 use) to small HMOs (C4 use). This Direction was brought into effect in February 2012.
- 2.3 The submitted proposal involves a range of internal alterations to facilitate the change in accommodation type and comprises the formation of a communal living room and communal area within the basement area, and five bedrooms all with en-suite facilities on the three floors above. On each floor, the accommodation comprises:

Basement	2 bedrooms, with en-suites
Ground floor	Living room, kitchen and communal area
1st floor	2 bedrooms, with en-suites
2nd floor (roof space)	Bedroom with en-suite.

- 2.4 The proposal involves the reinstatement of the original basement windows and formation of associated lightwells. The original basement door opening would be reformed and the stairwell solid wall (above ground level) replaced with railings.

3.0 SITE AND SURROUNDINGS

- 3.1 The application site consists of a Victorian, red brick, two storey, end-terrace property situated on a residential street of similar properties. The property is double fronted onto East Park Parade but also has openings facing towards Ecclesburn Road and Back Ecclesburn Street.
- 3.2 The property has a modest front garden facing East Park Parade and Ecclesburn Road, and a rear yard onto Back Ecclesburn Street, where the bins are currently stored.
- 3.3 The area is wholly residential characterised by terraced houses, although, there are some semi-detached houses locally. East End Park is located on the opposite side of the road.

4.0 PLANNING HISTORY

4.1 The site has no relevant planning history.

5.0 HISTORY OF NEGOTIATION

5.1 During consideration of the application, the following amendments have been negotiated:

- Amenity rooms located to the ground floor, to encourage greater use.
- Removal of external brick staircase and replacement with railings to improve light into basement and outlook from bedroom.
- Clear glazed door into basement bedroom, to improve receipt of natural day light.

6.0 PUBLIC/LOCAL RESPONSE

6.1 The application was publicised by a site notice posted adjacent to the site dated 16th January 2019.

6.2 Letter of objection and Panel referral request from Councillor Denise Ragan, on the following grounds:

- Believe there is already a high concentration of HMO properties in the East End Park area.
- To continue to introduce HMO's into East End Park, will undermine the balance and health of communities in the ward.
- There is already an issue with parking in this part of the ward and this proposal will add further pressure to the problem.

6.3 Councillor Asghar Khan objects on the following grounds:

- Negative impact from HMO's i.e. Loss of family housing in the area and increased levels of crime and increase in antisocial behaviour.
- When numbers of single people are congregated in one place and many are economically inactive there is a high risk of Socio Economic problems that affect the local community.
- Creating this HMO will add additional demands on an already stretched refuse and clean neighbourhoods service.
- The turnover of tenants in an HMO tends to be higher leading to a deterioration in community cohesion.
- HMO will cause additional demand for parking and a higher volume of traffic in a child family area; neighbour will not be able to park outside their houses-cause unease between residents, as well as having a safety impact on the young children that play in this street and crossing over to East End Park. It will create extra bins on street.
- The area has a high level of social deprivation and community cohesion is already faltering here as owner occupiers are moving away from the area due to landlords buying up the housing and letting to tenants who struggle to engage and have a positive impact on the community.
- Area is and has always been a high balance of families or couples. There are a small number of retired people in the area that have lived here many years , this is a result of a good community spirit in the area where

neighbours become friends as a result of longevity from living in a stable community.

- The balance and health of the community would be further undermined if HMO was licensed in the street.

6.4 5 letter of representation have also been received as a result of the public notification process. The objections are on the following grounds:

- Do not want this to set a precedent which is likely to attract either students or very low income workers or even families.
- The house would produce far more waste than the council can provide a service for, which will in turn will promote rodents and insect infestations.
- Our streets are already clogged up with cars and not enough parking, this will be exacerbated if there is going to be a rise in the number of occupants in the area. This will then increase the amount of damage done to vehicles squeezing into the spaces and in turn increase insurance for those vehicles in the area.
- Transient residents/landlords will not look after the property as well as a private house would.
- Inadequate services in the area.
- A similar proposal by the same applicant has been refused recently at Victoria Avenue.
- Money would be better spent improving nearby estate, which needs investment.
- The 'Glensdales' have been degraded as a result on HMOs.

7.0 CONSULTATION

7.1 Highway Development Services: No objection subject to secure cycle parking. However, future occupants would not be eligible for on-street parking permits within the existing or any future controlled parking zones in the locality.

7.2 Housing: Housing assess properties on a case by case basis using the HHSRS (Housing Health & Safety Rating System). If we inspect this property and find inadequate light/ventilation to the basement then in principle we may need to take action. Other common hazards for such areas include space & overcrowding/damp and mould growth.

8.0 PLANNING POLICY

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 Core Strategy (2014), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP), the Natural Resources and Waste Local Plan DPD and any made Neighbourhood Plan.

Local 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:

Policy H6 – HMOs, Student Accommodation and Flat Conversions. The relevant part of the policy is set out below:

Within the area of Leeds covered by the Article 4 Direction for Houses in Multiple Occupation (HMOs), Development proposals for new HMOs will be determined:

- (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 that 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 HMO's

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

- GP5 - Development control considerations are all to be resolved, including impact on amenity being considered.
- Policy BD6 – Alterations should have regard to original building.

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)

Article 4 Direction – C3 to C4

8.6 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.

8.7 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.

8.8 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.

- 8.9 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
- 8.10 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.
- 8.11 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.

National Planning Policy

- 8.12 A revised NPPF was published by the Government's Ministry of Housing, Communities and Local Government in February 2019. The National Planning Policy Framework (NPPF) 2019 sets out the Government's planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary to do so. 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.
- 8.13 Paragraph 127 of the NPPF advises planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

9.0 MAIN ISSUES

1. Housing Mix and Balanced Communities
2. Design and Character
3. Highways
4. Public Representations

10.0 APPRAISAL

Housing Mix and Balanced Communities

- 10.1 The existing property is occupied as a dwellinghouse under the C3 planning use class. 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 East End Park with ready access to public transport links (along East Park Parade) and shops and services along York Road, within walking distance. 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.
- 10.2 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.
- 10.3 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.
- 10.4 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) The very nature of the use makes a positive contribution to the Councils aim in providing this type of housing.
- (ii) The area is well served by public transport linking the site in close to proximity to both local centres providing education and employment opportunities together with Leeds City Centre itself. The rear yard has the ability to provide secure cycle parking facilities, as well as an appropriate bin storage area. As such, it is considered that the development would not prejudice the interests of highway safety for pedestrians and other road users alike.
- (iii) Officers are mindful of the objections which have resulted from the public notification process relating to setting a precedent for further HMOs in the area. An over proliferation of this type use would lead to undermining the balance of the health of the local community, and each application would need to be considered on its merits. The issue as to whether a high concentration of HMO's exists is addressed at paragraph 10.4 (v) below.
- (iv) It is considered that the level / mix of communal and semi-private accommodation on offer within the site is cognisant with an appropriate standard of amenity for its tenants. In addition, the layout of rooms reflects that of a standard single dwelling so that transference of noise between the site and its immediate neighbours would be unlikely to reach levels that represented harm of any measurable significance to the living conditions / residential amenity of local residents. The bedrooms in the basement would abut another basement, and as such, it is considered noise transference issues would be minimal. The main entrance/exit is directly off East Park Parade, and the access into the basement only serves one bedroom, and its use is unlikely to adversely affect the adjoining property, which is separated by a close boarded fence.

In respect of amenities for future residents, the revised scheme places the kitchen, dining living rooms on the ground floor, where they have an open aspect and good light penetration, and are of a good size, as per the existing dwelling. These facilities are supported. The bedrooms in the basement will also have direct light penetration, through bringing about the reinstatement of the openings. The external door is to be in glazing, and the current brick wall adjacent to the stairs is to be replaced with railings. Subject to these alterations, the living accommodation within the basement is considered to be acceptable.

- (v) According to records, there is only 1 property on East Park Parade which is a HMO (owned by a Housing Association) and for which there is a current live licence. In the wider area, a property in East Park Parade was in use as a HMO but appears to have been converted back to a single household. Although Harehills Ward is identified as an area with one of the highest concentrations of HMOs, whilst exercising a degree of caution, these low proportions in the area around the application site indicate a significantly low concentration of HMOs within the local residential unit provision.

There is no specific definition of what constitutes a high concentration of HMOs. Therefore, despite the Council Tax records, it is difficult to determine what constitutes a high concentration in this regard and

therefore a judgement must be made. As a result, based on the available evidence it is concluded that at both the street level and local area level, the area around the application property does not have a high concentration of HMOs.

The proposed change of use would result in the loss of a single family home, which has the potential to erode the housing mix and exacerbate the community imbalance. Whilst the proposed development would lead to the loss of a property suitable for a single family dwelling, it is considered that this would not be of such significance as to result in any material harm to the housing balance of the locality. In fact, the introduction of a HMO use serves to provide some diversification and mix of occupiers to the area which is supported more generally. The application property would also be accessible to public transport and to local services and facilities. Having had regard to these matters, it is considered that the benefits of the proposal would outweigh the very limited effects on the housing and community balance of the area.

Design and Character

- 10.6 Finally, it is considered that the external alterations would not be harmful to the character of the building. The proposed alterations are relatively minor and consequentially have only a limited impact on the character of the building and the visual amenities of the area. In the main the new openings would reinstate previous openings and the basement door would be well screened from the street.

Highways

- 10.7 A change of a dwelling to a HMO is likely to potential intensify the use of the property. However, as an existing 4 bedroom house the number of residents it could accommodate would be broadly similar to that now applied for. It is arguable that a family occupying such a property may have children who are not old enough to drive and own their own vehicle whereas multiplicity of occupiers could potentially own a vehicle each. This, however, is not something which can be predicted with any certainty and in both scenarios the level of vehicle ownership will vary widely over time. The Highways Officer has evaluated the scheme, including parking demands, and has not raised any issues, subject to the conditions recommended being attached to the decision notice.

Public Representations

- 10.8 The comments made by the Ward Councillors with regards to the high concentration of HMO's, and associated effects, in the East End Park area and with regards its impact on the health of community, have been discussed in the report. As have matters concerning the loss of a family dwelling. All other substantive planning issues raised by objectors have been addressed in the preceding paragraphs.

11.0 CONCLUSION

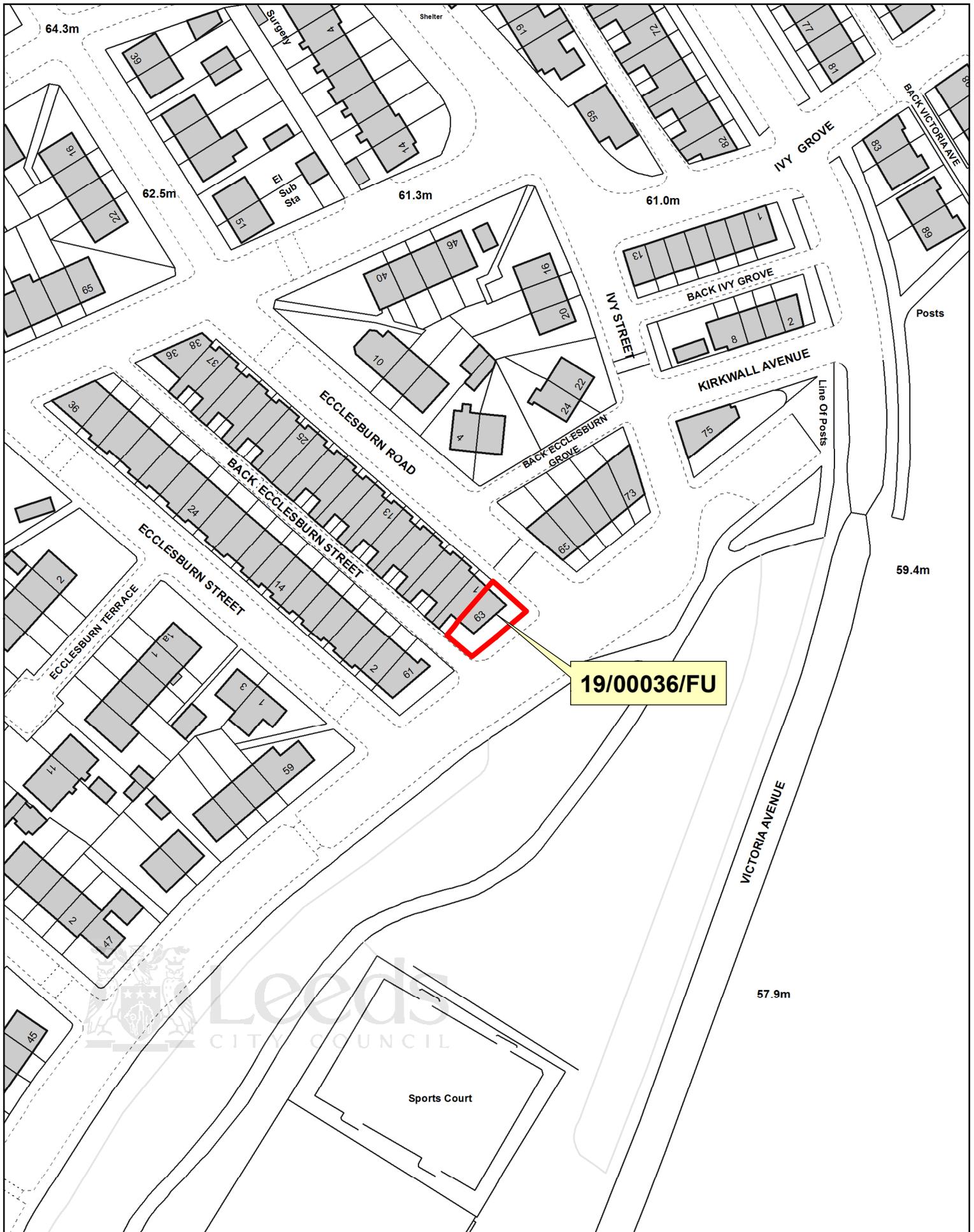
- 11.1 In light of the above it is considered that the proposed development is sound in principle and will provide living accommodation for its future occupants cognisant in many respects to that of a single family dwelling and would not therefore adversely impact on the amenity or living conditions of neighbouring

occupiers, or highway safety. Consequently the application is considered to comply with the policies of the development plan when read as a whole, including Policy H6, and the application is recommended for approval.

Background Papers:

Application file: 19/00036/FU

Certificate of ownership: Certificate B, Notice No.1 served on owner



19/00036/FU

NORTH AND EAST PLANS PANEL

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

SCALE : 1/1000

