
Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 27th February 2020

Subject: 19/07601/FU - Change of use and alterations of single dwellinghouse (use class C3) to a House in Multiple Occupation (use class C4) at No. 8 Ecclesburn Street, Richmond Hill, Leeds 9

APPLICANT

Lettings Complete

DATE VALID

16/12/2020

TARGET DATE

EOT - 28/02/2020

**Electoral Wards Affected:
Burmantofts & Richmond Hill**

☐ 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. Standard 3 year implementation time limit
2. Compliance with approved drawings
3. Any external brickwork alterations to be made good and match the existing.
4. No occupation of any bedroom until the kitchen (including associated conversion works) and living room have been fully provided. These rooms shall be retained for the life of development.
5. Bin store provided prior to occupation and retained for life of development
6. Details of cycle store provided prior to occupation and retained for life of development

INTRODUCTION

1. This application is brought to Plans Panel at the request of Cllr Ashgar Khan who is concerned over the removal of this family house, disturbance to residents through increase in litter and concerns of anti-social behaviour due to the HMO use. As the matters raised by Councillor Khan are based on material planning considerations that give rise to concerns affecting more than neighbouring properties, the request

meets tests set out in the Officer Scheme of Delegation and it is appropriate to report the application to Panel for determination.

PROPOSAL

2. Permission is sought to change the use of a house from a single family dwelling to a House in Multiple Occupation (HMO) thereby allowing the 5 single bedrooms to be occupied by unrelated persons. Shared facilities would still be provided nonetheless, most notably the basement kitchen and storage space and the ground floor living room.
3. There will be minor alterations to the external appearance of the dwelling, which consist of enlarging the existing rear basement window and converting the original ground floor rear door into a window. As part of the conversion works, the existing rear wall associated with the external basement staircase would be replaced with a more lightweight fence and bin/bike storage areas are also identified in the rear yard area.
4. The accommodation would be provided over four floors although the first and attic floors would broadly remain as existing in that these would still be used for bedrooms. Three of the bedrooms would have en-suites and the two attic rooms would share a bathroom provided on the first floor.
5. The layout would consist of the following:

	Room Use	Size Proposed	Advisory HMO (minimum requirement)
Basement	Kitchen	14.7m ²	7m ²
	Store	11.8m ²	No standard
Ground Floor	Living area	11.8m ²	No standard
	Rear Bedroom	9.7m ² (with en-suite 12.2m ²)	6.51m ²
First Floor	Rear bedroom	8.1m ² (with en-suite 10.3m ²)	6.51m ²
	Front bedroom	12.3m ² (with en-suite 14.5m ²)	6.51m ²
	Shared WC/shower room	2.2m ²	No standard
Attic Floor	Rear bedroom	12.4m ²	6.51m ²
	Front Bedroom	10.8m ²	6.51m ²

6. Parking would be located on street with the addition of a bike store to the rear yard of the property.

SITE AND SURROUNDINGS:

7. The application site consists of a red brick, mid-terrace property, situated on a residential street of similar properties. There are dormers to the front and rear. The

property has a very small amenity space adjacent to the footpath and has no off-street parking.

8. A small yard area is provided to the rear and is accessed via a back lane. Bin collections take place via this access road.
9. The area is predominantly residential in character and comprises mostly of similar, high density housing.

RELEVANT PLANNING HISTORY:

10. None on site

11. Off-site (surrounding streets):

63 East Park Parade - 19/00036/FU - Change of use, including formation of lightwell , from residential property (C3) to a House in Multiple Occupation (C4) - Approved 17.05.2019.

21 Ecclesburn Road - 13/04580/FU - Change of use of house (C3) to form house in multiple occupation (C4) - Approved 22.11.2013.

HISTORY OF NEGOTIATIONS:

12. The proposal has been the subject of discussions between officers and the applicant. Concerns originally raised were in regard to the lack of outlook and natural light to the proposed two basement bedrooms. Since expressing these concerns revised plans have been submitted which has reduced the bedroom provision from six to five and removed these rooms from the basement, replacing with a kitchen and storage area. In addition revised plans have also shown that the basement wall has been removed and changed to a railing the internal floor is specified to be 2.4m high and the access door will also be glazed.

PUBLIC/LOCAL RESPONSE:

13. The application was advertised by site notice posted 20th December 2019.
14. Twelve letters of objection, including a petition of 32 signatures has been received against the proposal.

Objection comments:

- Increase in on street parking
- Increase of anti-social behaviour, due to end users
- Impact on the value of property prices
- Increase of rubbish
- Impact of noise from potential residents
- Concerns of who would manage the property
- Concerns over increase in crime
- House should remain as a family dwelling

- More than a site notice should have been displayed
- Impact on local services and infrastructure
- Bike store would be an eyesore
- Concerns same would happen as what did at number 16 Ecclesburn Street
- Lack of connections to surrounding community

15. In addition to the above points Cllr Asghar Khan has also raised an objection to the proposal, stating the following:

'As local elected member for BRHill ward I was contacted by several constituents regarding the negative impact from HMO's i.e. 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 Social economic problems that affect the local community.

- Loss of family housing in the area.

- 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 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 another HMO was licensed in the street.'

CONSULTATIONS RESPONSES:

16. Neighbourhoods and Housing Private Rented Sector – Concerns over ceiling height of basement bedrooms and lack of light. No details on plans in regard to fire escape. Comments in regard to the facilities being not fit for the end use, failing to comply with the HMO license requirements. (Note- These comments have now been addressed through submission of revised plans)
17. Highways - In view of the existing use as a four bedroom family house a highway objection to this proposal would be difficult to justify.

18. Flood Risk Management - No objection.
19. Waste Management - A five bedroom HMO property would require 2 x 240 residual bins and 2 x 240 recycling bins.

PLANNING POLICIES:

20. Section 38(6) of the Planning and Compulsory Purchase Act states that for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan, unless material considerations indicate otherwise. The development plan currently comprises the adopted Local Development Framework Core Strategy as amended (2019), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP), the Aire Valley Leeds Area Action Plan (2017), the Natural Resources and Waste Local Plan, the Site Allocations Plan (July 2019) and any made Neighbourhood plan.

Adopted Development Plan & Guidance

21. Relevant Policies from the Core Strategy (as amended) are:

Policy T2 – Accessibility and new development
Policy H6 (Part A) - HMOs, Student Accommodation and Flat Conversions
Policy P10 – Design and accessibility

22. Relevant Saved Policies from the Unitary Development Plan are:

Policy GP5 – General planning considerations
Policy BD6 – Alterations should have regard to the original building

23. Other Relevant Local Documents

LCC Advisory Standards for Houses in Multiple Occupation (September 2019)

National Planning Policy Framework

24. The revised National Planning Policy Framework (NPPF), published in February 2019, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

Article 4 Direction – C3 to C4

25. 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.
26. 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.

27. Revised guidance contained within 'Department for Communities and Local Government Replacement Appendix D to Department of the Environment Circular 9/95: General Development Consolidation Order 1995 November 2010' in relation to the use of Article 4 directions for this purpose was published by the government on the 4th November 2010. This guidance states that Article 4 directions can be used where the exercise of permitted development rights would 'undermine local objectives to create or maintain mixed communities'.
28. 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.
29. 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
30. 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.
31. 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.

MAIN ISSUES

- Principle of development
- Impact upon Design
- Impact upon residential amenity
- Highway/Waste considerations
- Accessibility

- Climate Change
- Neighbourhoods and Housing Private Rented Sector
- Representations

APPRAISAL

Principle of development

32. 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.
33. 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.
34. Having regard to the detailed criteria for Part A, Policy H6, the following observations in relation to this application proposal are set out below:
- (i) A search of the database of HMO Licenses issued by LCC shows that there are no other dwellings on the street that have been converted into HMOs and that the majority of the dwellings on the street remain as family homes. Arguably, the conversion of this dwelling to form an HMO would assist in improving the choice of housing types and tenures in this part of Richmond Hill and therefore satisfies this policy criterion.
 - (ii) The property is situated within a well-established residential area with close links to local centres and the City Centre. Thereby, it is considered that the proposal complies with this particular policy criteria. Public transport links along East Park Parade are also very nearby.
 - (iii) In assessing the impact on a 'community', Policy H6 should not be assessed on a single street basis but on a wider community area. As searches of the HMO License database and planning permission reveal the vast majority of the surrounding houses remain occupied as single households, which are likely to be occupied by a combination of families, couples and potentially single people. HMO properties are lightly spread within the community. The application site does not fall within a part of the city that is already recognised to have very high concentrations of HMOs, such as areas within Hyde Park, Headingley or

Woodhouse - where some streets contain up to eighty or ninety percent HMOs. Such circumstances led to the formation of planning policies over the past decade to address such severe housing and population imbalances. As commented above, the immediate area does not have a high concentration of HMO type accommodation. For these reasons, the proposal would not result in an unacceptable increase of HMOs in the locality which would undermine the balance and health of communities. Accordingly, this proposal is considered to satisfy this policy criterion.

- (iv) Leeds UDP Policy GP5 aims to protect amenity including neighbouring amenity. Core Strategy policy P10 aims to protect general and residential amenity and it is recognised that HMOs can impact on neighbouring amenity in a number of ways. The government report 'Evidence Gathering – Housing in Multiple Occupation and Possible Planning Response' notes that this can include through anti-social behaviour, noise and nuisance. In the subject property the original internal layout shows four bedrooms. The overall intensity of its use would therefore be unlikely to be materially different from occupation as a single family dwelling. There may be a different pattern of comings and goings, and occupants may lead different lifestyles, but it is not considered that in this instance the accommodation available would create unacceptable situation in terms of potential noise and disturbance concerns for adjoining residents such as to justify refusal on these grounds.

The submitted floor plans show that the envelope of the building is able to accommodate five bedrooms and the internal layout shows communal areas comprising of kitchen, lounge and shower room, with three of the bedrooms featuring en-suites. These spaces are considered to be of a good size for future occupants, given the number of rooms proposed. As such it is considered that the HMO would provide adequate accommodation for future occupants of this type of housing.

A condition is attached to the permission which requires the basement area to be retained as a store and kitchen and the ground floor living area also to prevent conversion into additional bedrooms and thus an intensification of the property.

In addition, the plans show that each room will be provided with windows that provide adequate outlook and sunlight penetration.

The occupiers will have access to a small rear yard area, with also the recreational ground of East End Park which is located to the east, at the end of the street (approx. 40m away).

The Highway Officer has not objected to the scheme on the basis that the site would not create a higher requirement for parking as per parking SPD than its original C3 use. A condition will be added requiring full details of a secure cycle parking space. A further condition will be added regarding details of the provision of a bin store.

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

would unacceptably reduce the stock of family housing in this street and the local area and this policy criterion is satisfied.

35. Further to the above considerations, it is noted that the supporting text to Policy H6 states that: *"In the interpretation of H6A (iii) it is recognised that some streets (or 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, in the interpretation of H6A (v) 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"*. It is clear that the vast majority of properties in this street and adjacent streets are occupied in the C3 planning use class and are of a size and location which would be suitable for family occupation. As such it is not considered that the aforementioned exemption to the policy would be applicable
36. Overall, it is considered that the proposal would not make a significantly harmful contribution to wider housing mix and community balance concerns so as to justify a refusal. As such the proposal is considered to comply with Core Strategy Policy H6 and the guidance contained within the NPPF

Impact upon design of existing dwelling and wider street scene

37. The external alterations proposed are for the removal of the rear door/ replaced with a window, enlargement of the basement rear window and alteration of wall to railings with glazed door to the kitchen area and introduction of a bike and bin store area. Given the small nature of these alterations and additions no concerns, in regard to the impact upon the design of the dwelling or wider street scene is considered to be created. A condition is recommended which requires any making good of the existing brickwork to match the existing.

Impact upon Residential amenity

38. The proposed development will provide adequate accommodation of a scale and layout that would not result in harm to the residential amenity of the future occupants or the occupants of neighbouring properties. All units are of an acceptable size and standard of amenity and the supporting table at paragraph 5 demonstrates the rooms sizes all exceed the minimum advisory standards for HMO licensing.

Highway/Waste considerations

39. Policy T2 of the Core Strategy seeks to ensure that development proposals are in an accessible location and adequately served by existing or programmed highways and by public transport, and with safe and secure access for pedestrians, cyclists and people with impaired mobility.
40. The Highway officer has provided the following comments. *'The reduction in the number of rooms from six to five is noted. This would slightly reduce the pressure on the demands for off-street parking where there are other units in multiple occupation, reducing the requirement to 2.5 spaces. Given that the site is accessible, the provision of bicycle parking and that not all occupiers may own or use a car, there is less likelihood for a detrimental impact on highway safety and on balance the revised number of rooms makes the proposal more acceptable in overcoming the car parking concern.'*

41. Due to the proposed change of use of the property the Council's Waste Management department have also been consulted, specifically with regard to the number of bins required for a five bedroom HMO. Waste management have responded stating that a five bedroom property would require 2 x 240 residual bins and 2 x 240 recycling bins. Subsequently a revised plan showing a bin store, capable of accommodating four bins has now been provided.
42. Subject to conditions requiring the store to be provided prior to occupation of the building and details of the bike store provided prior to occupation, for the reasons provided above, the applied use would comply with policy T2 of the Core Strategy, subject to the aforementioned conditions.

Accessibility

43. This application relates to a change of use which currently serves as a dwelling with stepped access to both the front and rear access area. The proposal seeks to change the use from C3 to C4. The constraints of the site and level difference results in there being no potential of providing level access and this is unachievable in this instance, given the level difference between the dwelling and street.

Climate Change

44. Members will be aware that the Council has recently declared a Climate emergency. Existing planning policies seek to address the issue of climate change by ensuring that development proposals incorporate measures to reduce the impact of non-renewable resources although the scale of this development is not caught by these. Nonetheless, the applicant has confirmed the building will be refurbished and will incorporate the following measures:

- The use of 'A' rated boilers
- 100% Low energy light fittings
- 4/2.6 litre flush cisterns
- Flow restrictors
- Insulated plasterboard to walls, achieving 0.26 U value (where applicable).
- Generally 400mm loft insulation, achieving a 0.11 U value
- Windows generally achieve 1.4 U value
- External doors 1.3 U value
- Localised ventilation fans are 'system 1'

45. The above points would be considered positive features which in turn would go towards helping towards impacts of Climate Change.

Neighbourhoods and Housing - Private Rented Sector

46. Comments received via the council's private Rental Sector have been addressed through the submission of revised plans which have omitted the basement bedrooms, swapping these for a kitchen and storage area. In addition these plans have also provided details of fire doors and escapes. The applicant has also provided additional comments which state that the kitchen will conform to HMO requirements and that the bedrooms will also conform to Leeds City Council's advisory notes for HMOs, in regard to room sizes.

Representations

47. The letters of objections that have been received, including comments from the local ward member have been addressed in the above report and through the use of appropriate conditions.
48. The below points are not planning material considerations, but are provided to Panel Members for information.
49. The proposed use ending up as number 16 Ecclesburn Street. This is a different situation to the current proposal as this was converted to self-contained flats and as such the council's housing team have taken appropriate action and served notice for this use to cease, due to unsafe/unacceptable living conditions.
50. The property would be managed via the lettings company (Letting Complete), who would be in charge of tenants and screen tenants before offering accommodation. In addition the agency state that they can be contacted 24hrs a day, if any residents experience any problems. In addition, they have also provided a statement which states that they have a zero tolerance on anti-social behaviour of tenants and if problems occur then appropriate action would be taken. HMO licensing requirements also ensure applicants/managing agents have appropriate management arrangements in place.
51. The application was advertised by means of a site notice to Ecclesburn Street which is in accordance with Government guidance, on the advertisement of planning applications.

CONCLUSION

52. 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 dwellings, or highway safety, consequently the application is recommended for approval.

Background Papers:

Application files: 19/07601/FU

Certificate of ownership: signed by applicant.



NORTH AND EAST PLANS PANEL

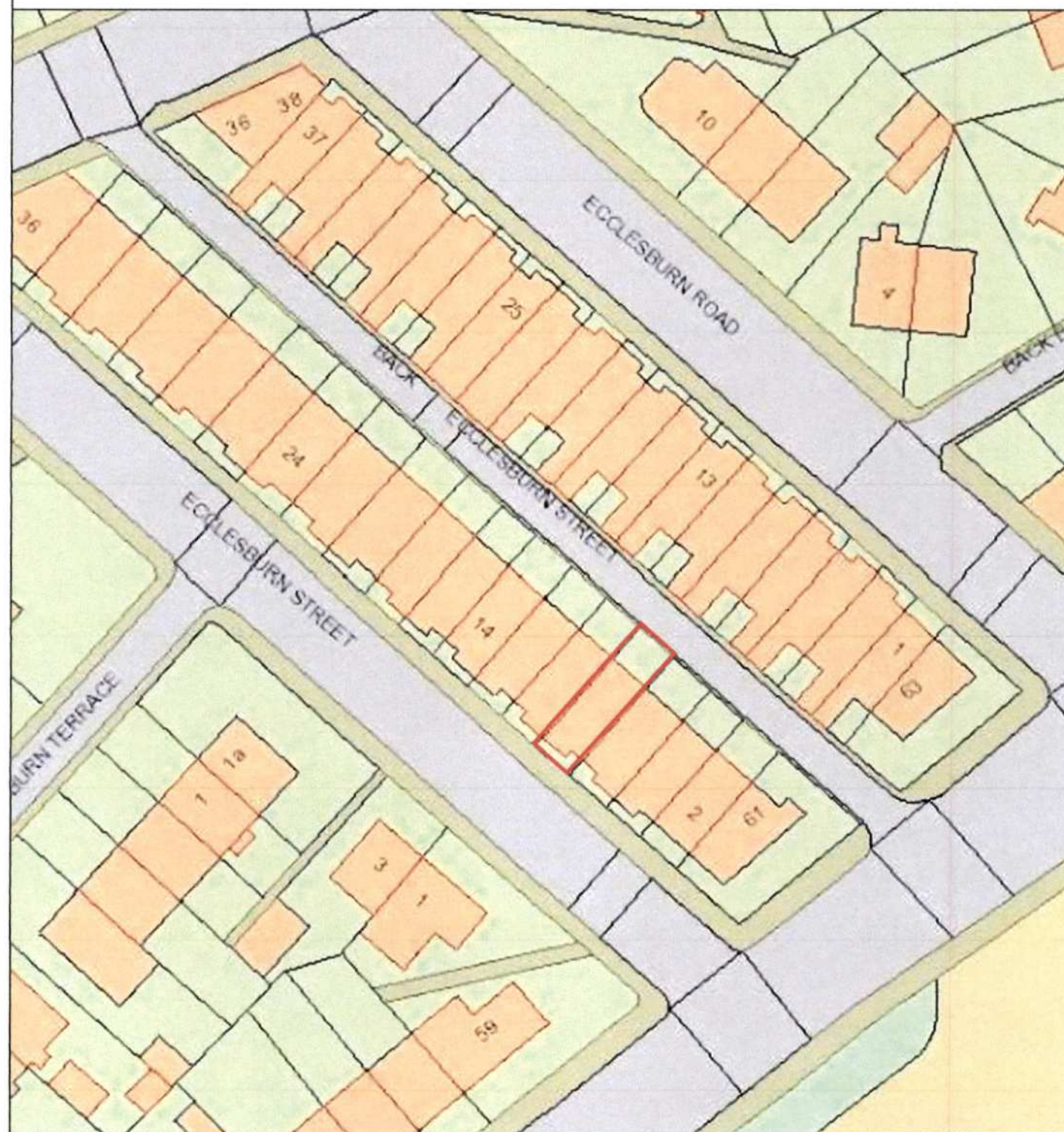
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SCALE : 1/1500



DIMENSIONS IN mm - DO NOT SCALE FROM DRAWING - REFER TO ANNOTATION



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Project No.	1291	Drawing No.	1291-10	Revision:	-	Drawn:	DK	Date:	Dec 19	Scale:	1:500@A

