



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 8th October 2020

Subject: 20/03322/FU - Change of Use from a residential property (C3) to a four bed House in Multiple Occupation (C4) at No. 8 4 Belvedere Mount, Beeston

APPLICANT

Refoveo Properties Ltd

DATE VALID

10/06/2020

TARGET DATE

EOT - 16/09/2020

**Electoral Wards Affected:
Hunslet and 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 the following conditions:

1. Standard 3 year implementation time limit.
2. Compliance with approved drawings.
3. No conversion of utility area to habitable rooms (i.e. living/dining/kitchen/bedrooms).
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 Ward Councillors Mohammed Iqbal and Elizabeth Nash, who have raised a number of concerns that are summarised as follows:
 - Loss of family home in an area where such homes are needed.
 - Concerns relating to the number of HMO's in the locality.

- Impact on the amenity of nearby residents.
 - Insufficient parking provision.
 - Additional pressure that will be placed on local waste services.
 - It will create a precedent leading to more HMO's in the locality.
2. As the matters raised by Councillors Iqbal and Nash 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

3. 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 existing 4 bedrooms to be occupied by unrelated persons. Shared facilities would still be provided nonetheless, most notably the ground floor kitchen and lounge and utility/storage rooms in the basement.
4. The applicant seeks planning permission to change the use of a property on Belvedere Mount from a dwellinghouse in the C3 planning use class to a small house in multiple occupation (HMO) (between 3-6) occupants in the C4 planning use class.
5. Externally, the applicant is proposing new paving slabs and the bicycle shelter, and will also remove the satellite dishes from the front of the property and tidy the front aspect by replacing the rotten gutters and sealing the walls where necessary. Planning permission is required as the property falls within the Council's Article 4 Direction area which controls changes of use from the C3 planning use class to the C4 planning use class.

Proposed works

6. Basement - The layout for this floor will remain unchanged but will be refurbished as utility/storage area. Structurally, this includes adding a few missing steps for the back exit to allow this to be used as a fire escape and adding a lockable fire door.
7. Ground floor - No changes to existing layout providing a kitchen and living room.
8. First floor - Two existing bedrooms on first floor will be retained and it is proposed to add an extra shower room and separate combined toilet with hand basin. This will mean on average, that each washing and toilet facility is shared between two people.
9. Second floor - This layout will be unchanged and remains as two bedrooms.
10. Externally, bike shelter will also be installed for 4 bicycles. The gate to the street would be made lockable. Bin storage is also proposed within the rear yard. 4 bins are to be provided.
11. The layout would consist of the following and a comparison to the Council's Advisory HMO standards is also provided:

	Room Use	Size Proposed	Advisory HMO (minimum requirement)
Basement	Utility rooms	18.2 m ² & 13.9 m ²	No standard
Ground Floor	Living area	12.8m ²	No standard
	kitchen	13.7m ²	6.51m ²
First Floor	Bedroom 1	7.4m ²	6.51m ²
	Bedroom 2	9.0m ²	6.51m ²
	Bathroom	3.0m ²	No standard
	Shower	1.6m ²	No standard
	WC	1.0m ²	No standard
Attic Floor	Bedroom 3	10.2m ²	6.51m ²
	Bedroom 4	9.0m ²	6.51m ²

12. No off-street parking is available and would continue to be provided on-street.

SITE AND SURROUNDINGS:

13. The application site consists of a mid-terraced property located in the Beeston area of Leeds, adjacent to Cross Flatts Park. The site consists of a two and a half storey red brick built property with pitched roof over. The property fronts onto Belvedere Mount and backs onto Back Belvedere Avenue. The property is served by a small yard to rear, delineated with the original low red brick wall with higher timber fencing behind.
14. The site lies in an established residential area of high density housing, characterised by rows of red brick terraced streets. The local area is characterised by properties falling within a mix of residential uses and falls within the Article 4 Direction area has surrounds the city centre.

RELEVANT PLANNING HISTORY:

On-site

15. 2/01372/FU - Change of use and alterations of house to 2 flats. Refused 21st May 2012 for the following reason:

The proposal would result in an over intensive use of the property and would not provide an adequate level of amenity for the prospective occupiers of the flats for the following reasons; that there is unsatisfactory outdoor private amenity space; the two bedroom unit does not have direct access to the bin storage area; and that the bedrooms on the second floor have very limited outlook due to their location in the attic space. As such the proposal is contrary to policy GP5 of the Unitary Development Plan Review, policy SGH1 of adopted SPG and Policy H6 of the Consultation draft of the Core Strategy.

Local area

16. Within the local area of Beeston there have been various applications for change of properties to C4 use. The most relevant to this application are the sites below:

14/07044/FU - 10 Belvedere Mount:

17. Change of use from dwelling house (class use C3) to House of Multiple Occupancy (class use C4)

18. This was refused (delegated) in due to an unacceptable impact upon neighbours through limited parking and additional noise and disturbance, and also for concerns relating to the loss of a family dwelling and the creation of a sustainable community.

18/07198/FU - 1 Noster Terrace:

19. Change of use and alterations of house (use class C3) to form house in multiple occupation (use class C4).

20. This was refused (delegated) due to an unacceptable impact upon neighbours through limited parking and additional noise and disturbance, for concerns relating to the loss of a family dwelling and the creation of a sustainable community, and also for reasons relating to the poor amenity for the prospective occupants.

18/02073/FU – 53 Wickham Street:

21. Change of use of house (C3) to a house in multiple occupation (C4).

22. This was refused by North and East Plans Panel due to the loss of a family dwelling within an area of high HMO concentration. The decision was appealed and dismissed, with the Inspector noting that there was little evidence of a wider community concern, but the proposal was located in a cluster of HMO's and in that context raised objections to loss of family home, impact on housing balance and cumulative harm to residential amenity.

HISTORY OF NEGOTIATIONS:

23. No revisions have been requested.

PUBLIC/LOCAL RESPONSE:

24. The application was advertised by site notice dated 8th July 2020. No representations from neighbours have been received.

25. Councillors Iqbal and Nash object on the following grounds:

- The applicants asserts this property is not suitable for a family in its current state as a reason for wanting a HMO – this is likely due to condition of the property rather than a local of need. Though there maybe market demand for HMOs in this areas as entry community into Leeds, there is a clear market need for three bedrooms or bedroom homes in the area. Officers should look at need first.
- The applicant's assertion there is not a significant number of HMOs in the area is poor. There is a well-known issue unlicensed HMOs in the area which are regularly reported for enforcement. The comparison distances used by the applicant to count the number of HMOs to justify

this is also subjective and include an area of a different ward on the other side of a park and a section of an industrial estate. This should be disregarded.

- The applicant asserts the property would be marketed to “young professionals” and thus should not attract any additional noise or anti-social behaviour or impact on the road network due to car use but can't enforce this without breaching anti-discrimination legislation. Officers should in particular note the recent DSS discrimination court ruling as clear proof of this.
- Regarding noise, the dynamics of a family is much different also to four individual householders, who will likely to have varying times of activity, life style and thus an increased noise profile on the street.
- Regarding the highway and parking, the provision of one parking space would not be policy compliant and the assertion the tenants are likely to not have a car in this case cannot be strong enough to disregard policy as the applicant cannot prevent a tenancy of a car owner unless the landlords wishes to engage in a discriminatory process.
- The waste from four individual households would already added the strained demand of the local waste severe comparable to the waste produced by a single household.
- There is such a dire need for family houses in this area. And a further problem is that if this is agreed it will encourage other owners of family houses to try to change the property into an HMO.

RELEVANT PLANNING POLICIES:

26. 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 plan, unless material considerations indicate otherwise. The development plan currently comprises the adopted Local Development Framework Core Strategy (2014), 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) the Core Strategy Selective Review (CSSR 2019), and any made neighbourhood plan.
27. The Site Allocations Plan was adopted in July 2019. Following a statutory challenge, Policy HG2, so far as it relates to sites which immediately before the adoption of the SAP were within the Green Belt, has been remitted to the Secretary of State and is to be treated as not adopted. All other policies within the SAP remain adopted and should be afforded full weight.

Core Strategy:

28. Relevant policies from the Core Strategy include:

- SP1** seeks to ensure that new development proposals are sustainably located with the bulk of development directed to the MUA.
- P10** highlight that new development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function. Proposals should accord with principles around size, scale, design, layout, character, surroundings, public realm, historic / natural

assets, visual, residential and general amenity, safety, security and accessibility to all.

T2 Accessibility

H2 Windfall Housing

H6(A) 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, 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.

Unitary Development Plan

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

GP5 Development proposals should resolve detailed planning considerations at the application stage.

BD5 General amenity issues.

National Planning Policy

30. This sets out the government's aims for promoting growth and sustainable forms of development. The following paragraphs from the NPPF are considered to be of particular relevance:

Paragraph 12 Presumption in favour of sustainable development

Paragraph 17 Twelve planning principles

Paragraph 61 The creation of balanced and mixed communities

31. The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

Leeds City Council Supplementary Planning Guidance/Documents

32. The following SPGs and SPDs are relevant:

Leeds Parking SPD

Neighbourhoods for Living SPG

Article 4 Direction to control changes of use to C4 Houses in Multiple Occupation

33. The Council confirmed the introduction of an Article 4 direction which requires planning permission for the conversion of dwelling houses (Class C3 use) to

houses in multiple occupations (HMOs) (Class C4 use) of between 3 and 6 unrelated occupants in 2011. The direction came into force on 10th February 2012.

34. 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 this time the government states 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.
35. 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'.
36. 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.
37. 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 or were likely to suffer encroachment of HMO concentrations due to their proximity to existing areas of high concentrations.
38. 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 still be judged against national and local planning policies and on their own merits.

Selective Licensing

39. Under section 80 of the Housing Act 2004 LCC has designated for selective licensing Beeston, and including the application site. The designation came into effect on 6th January 2020.
40. In a designated Selective Licensing area, all private sector landlords with properties in that area need to have a licence to operate their business. The licence contains a series of conditions that set out the standards a landlord is expected to achieve in relation to the management, use or occupation of their properties. This helps ensure that homes are of an acceptable standard.
41. Pursuing inclusive growth and reducing health inequalities are central to the City's ambition. Beeston and Harehills are key in realising that ambition and have been identified as Priority Areas for the Council and partners.
42. The Index of Multiple Deprivation (IMD) is widely accepted as a primary indicator of relative inequality. The IMD provides analysis to local geographic units: Lower Super Output Areas or LSOAs. Leeds is made up of 482 LSOAs, of which 16 are ranked in the most deprived 1% in the country. Parts of the areas within Beeston

and Harehills designated for Selective Licensing fall within the most deprived 1% in the country with the majority of the rest in the worst 10% in the country.

43. The main aim of Selective Licensing is, together with other measures as part of a wider strategy, to improve the housing conditions in the private rented sector in order to contribute to a reduction of issues relating to the level of deprivation in the areas.
44. To achieve the aim, LCC is seeking to - improve the management of the private rented sector properties in the areas in partnership with the sector or by using the powers available under the scheme as appropriate by visiting every licensed property during the life time of each scheme; improve the quality of private rented sector properties to ensure the safety of occupiers in the areas by supporting the schemes with resources to address substandard accommodation where they fail to meet the minimum legal standards; work in partnership with the sector and other agencies and to support licence holders to address issues relating to the environment, crime and ASB, and; work in partnership with the sector, agencies and residents to address their needs in relation to household income, employment, health and access to services.

CONSULTATIONS RESPONSES:

45. Highways – The Council's parking guidance recommends 2 parking spaces per 4 bedroom house and 1 parking space per 2 HMO bed spaces - therefore 2 parking spaces for the proposed HMO use. A highway objection on any increase in on street parking could not be justified given that required parking for the current use and the proposed use are the same. No objection subject to a cycle parking condition.
46. Neighbourhoods and Housing Private Rented Sector – In our experience of similar properties in this area, the tenants will be on individual contracts and will live independently of each other, meaning it is a Category A HMO. Given that tenants will be individually selected by the landlord and imposed on the rest of the household, the sharing of communal facilities may lead to stress, anxiety and conflict. This could lead to tenants retreating to their rooms, where they may introduce their own cooking facilities and the communal kitchen/lounge/dining facilities would become redundant. The tenant's rooms should therefore be of sufficient size for the combined use of sleeping, living, food preparation and dining.
47. Flood Risk Management – The application site is located in Flood Zone 1 so no objection.
48. Waste Management - The HMO property would require 2 x 240 residual bins and 2 x 240 recycling bins.
49. ASB Team - No active noise case for Belvedere Mount since 2016 when a Section 80 noise abatement notice was issued to a resident in February 2016 after loud music was witnessed being played at a property on the street. No other active cases or reports to the Out Of Hours noise team in relation to ASB/noise issues on this street.
50. WY Police - Beeston has a higher than the national average of recorded crime. The Police generally do not encourage or support HMOs as they tend to be lower quality housing and many result in higher calls for service from the Police. There are no crime records at the address, but there are high levels in the area.

MAIN ISSUES

- Housing Delivery
- Inclusivity and the Public Sector Equality Duty
- Visual Amenity
- Residential Amenity
- Highways/Waste Considerations
- Climate Change
- Representations

APPRAISAL

Housing Delivery

51. Housing Delivery is a key material consideration. The Framework requires that Local Planning Authorities maintain a sufficient amount and variety of land so that housing can come forward where it is needed, and that the needs of groups with specific housing requirements are met. Within this context the size, type and tenure of housing needed for different groups should be assessed and reflect in policies including (among others) those who require affordable housing, older persons, people with disabilities and travellers. Planning policies should also identify a supply of specific, deliverable sites for a period of five years.
52. Policies SP1, H2, and H6 of the Core Strategy seek to ensure that new HMO proposals are sustainability located, provide a range of housing types within the district, offer a good standard of amenity and do not harm existing communities.
53. The application property lies within the council's Article 4 Direction Area and thus planning permission is required for the conversion of the class C3 dwellinghouse to a C4 HMO. The intention of the Article 4 Direction is to ensure that the Local Planning Authority can ensure communities within the city remain mixed and balanced, and that the negative impacts of a large concentration of HMO's as outlined within the government's report 'Evidence Gathering – Housing in Multiple Occupation and possible planning response – Final Report' in September 2008 do not occur.
54. Core Strategy policy H6 sets out general objectives to plan for sustainable and balanced communities and to control the growth of forms of housing which can lead to harmful pressures on the local housing stock and services of an area. Part A of the policy relates to HMO's and outlines five criteria against which applications will be determined, recognising the need to provide a sufficient supply of HMO's as well as the need to prevent harm in some instances.
55. Part of A of the policy aims to ensure that (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 proposals for new HMOs address relevant amenity and parking concerns; and (v) would not lead to the loss of housing suitable for family occupation in areas of existing high concentrations of HMOs.

56. The proposal is considered to satisfy criteria (i) and (ii) of part A in that the proposal will assist in ensuring an adequate supply of HMOs is maintained in Leeds. The application property is situated within the Main Urban Area close to bus stops, and within reasonable walking time of the City Centre. Local services and schools are located within the wider residential area and the dwelling is located close to open amenity space. As such is it considered that the property is sustainably located, satisfying H6(A) (i) and (ii)) and also the general intentions of policies SP1 and H2.
57. Turning then to criterion (iii) and the need to avoid detrimental impacts of a high concentration of HMOs where the balance and health of communities would be harmed. HMOs can result in a more frequent turnover of residents, resulting in a more transient community which lack strong, affective ties to an area. In turn this can result in a higher likelihood of antisocial behaviour, stemming from a lack of psychological ownership of an area. As noted within the responses from the council's environmental health team and WY police there is no evidence of a sustained problem relating to antisocial behaviour within the street, and although crime levels are higher than average within the area there is also no evidence that the provision of a further HMO would materially worsen the incidence of crime.
58. A search of the database of HMO Licenses issued by the council, and Planning and Council Tax records, shows that there are other dwellings on the street which have been converted into HMO's and flats, although the majority of the dwellings on the street remain as family homes. Records show HMOs at other properties (No.6 and No. 26) and that there are flat conversions at No. 1 and No. 30. HMO properties are lightly spread within the community, as in the wider community area, the following adjoining streets have been assessed for numbers of HMOs in relation to the overall housing stock:
- Harlech Park Court, Belvedere Terrace, Belvedere Mount, Belvedere Avenue, Woodview Road (27 – 62), Woodview Road (1-34), Harlech Crescent, Harlech Street, Harlech Terrace, Harlech Grove, Harlech Avenue, Harlech Mount, Burlington Place (1 – 23 odd), Burlington Road (2 – 104 even), Burlington Road (1- 145 odd), Harlech Road (2 – 150 even), Tempest Road (186 – 268 (even)).
59. Within this search criteria there are 416 houses and 52 HMO/flats, which equates to 11% of the housing stock. Even if some HMOs and flats are not recorded on the council's databases, officers consider it would be difficult to argue that a high concentration of such uses exists whilst the vast majority of houses within the area (89%) remain single family dwellings. Furthermore, there is no direct evidence to suggest any of existing difficulties being experienced within the area are directly attributable to HMOS. Thus it is not considered that there is a risk of the negative impacts of high concentrations of HMOs occurring as a consequence of this particular proposal.
60. As will be outlined below there are no significant concerns relating to amenity (paragraphs 69-75) or highway safety (paragraphs 76-79) and thus the application satisfies criterion iv. Criterion v relates to the loss of family housing in areas of existing high concentration of HMOs, and this has been highlighted as a concern for Ward Members. However, as noted it is not considered that the evidence demonstrates there is a particularly high concentration of HMO's within the area that substantiates this concern and would in itself amount to a reason for refusal.
61. Before moving on to address matters of amenity it is necessary to address the matter of the planning and appeal history of HMO's within Leeds. Taking the wider

point first, over the passage of time the council have sought to resist some HMO proposals on the grounds they were within areas of a high concentration and/or would result in the loss of a family dwelling. Council records show that since 2014 twenty nine appeals (against refusal of permission for C4 uses, small shared houses occupied by between three and six unrelated individuals) have been decided, and a reasonable proportion of these have been dismissed (65%). However, a clear geographical divide emerges between the Hyde Park/Woodhouse/Headingley area of the city, and the eastern area when the data is interrogated more closely. Within the north west of the city where evidence suggests 80-90% of properties within a community are HMO's, 80% of the appeals have been dismissed. Within the eastern area of the city where records suggest approximately 10% of the housing stock are HMOs / flats only two appeals have been dismissed.

62. Whilst 'planning-by-appeal' is not an appropriate way to determine applications, previous appeal decisions are nonetheless material considerations that must be taken into account. The above review is limited in its nature but these appeal decisions do clearly indicate that the council has very limited success in persuading Inspectors that a concentration of HMO's around the 10% mark is harmful. This proposal is within this same general percentage with a local concentration of circa 11%. It is therefore very difficult to suggest that such a proportion is harmful, as indeed the Inspector in the Wickham Street (see paragraphs 21 to 22 above) proposal broadly suggested. Whilst there will clearly be a tipping point between the 90% concentration in the north-west of the city and the 10% within the eastern area where harm will begin to occur, it is not considered there is sufficient evidence that this point will occur at circa 11%. Unlike in the Wickham Street proposal there is not a high cluster of HMO's around the application site, and therefore whilst it is acknowledged that there is a history of HMO refusals within the area, the broader appeal history has resulted in officers reassessing the position. The lack of success in sustaining refusals on appeal is a material consideration that strongly indicates it is not appropriate to resist such proposals within areas where the proportion of HMO's is around 10% of the housing stock, as in this case.

Inclusivity and the Public Sector Equality Duty

63. The Equality Act 2010 contains within it the Public Sector Equality Duty (PSED) which requires not just that public bodies work to positively prevent disadvantage for those with protected characteristics but also that public bodies exercise their functions in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage. The Leeds Index of Multiple Deprivation 2019 identifies Beeston as containing some of the most deprived (within the top 10%) Super Output Areas nationally.
64. There is a clear link between poverty and disadvantage, and HMO accommodation does provide low cost housing. Thus provision of this tenure will likely result in an increase in the percentage of individuals within lower socio-economic bands within an area. It should however also be noted that cities require receptor communities, that are those which provide appropriate accommodation for new residents as they establish themselves within an area. Policy H6 acknowledges this need by providing a positive framework for provision of different tenures, whilst also noting the need to prevent harm. As outlined above it is not considered that there is a high percentage of HMO's within the immediate vicinity of the application property and as such the aggregate impacts of disadvantage (eg poor health outcomes, lower educational achievement etc) will not be heightened by the provision of one additional HMO property. It is also noted that the applicant suggests the property

will be marketed to young professionals. As noted by the Ward Members such marketing may be considered discriminatory and the council could not, and would not, seek to restrict the occupancy of a dwelling based upon socio-economic bands. As such it is not considered that allowing the application will breach the council's duty to reduce inequalities of outcome resulting from socio-economic disadvantage.

65. The Equality Act also requires the council to positively eliminate discrimination for those with any of the nine protected characteristics (eg race, gender etc) and the characteristic that is most relevant to the proposal is disability. The dwelling has a stepped access to both the front and rear, and given its size and scale there is limited opportunity to provide for level access, or to alter the internal layout to make rooms and floor accessible to those with limited mobility. Physical mobility is only one aspect of disability, and although it is not possible to make the current dwelling accessible to all, there is no evidence the proposal will materially worsen access to the city's housing stock to those who are characterised as disabled under the Act. As such it is not considered that allowing the application will breach the council's duty to reduce discrimination for those with protected characteristics.

Visual Amenity

66. Externally, new paving slabs and the bicycle shelter to the rear are proposed. Removal of the satellite dishes from the front of the property and a tidy up of the front aspect (by replacing the rotten gutters and sealing the walls where necessary) is suggested but otherwise no other external alterations are proposed.
67. Waste management have requested the provision of four bins and the plans provided show that there is sufficient space within the existing enclosed rear yard for the storage of these bins. A condition will be imposed to ensure bins are stored only within the area and that no refuse is stored elsewhere. The existing boundary fence to the rear yard will screen both the cycle store and the bins from public view.
68. 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.

Impact upon Residential amenity

69. Leeds Core Strategy policy P10 aims to protect general and residential amenity and policy H6 part A makes specific reference to the amenity of future occupants of HMOs. Saved UDP policy GP5 aims to protect amenity which includes the amenity of future occupants, and those already living within the area. The council's Neighbourhoods for Living SPG looks to ensure development proposals provide a good level of amenity for future occupiers and the Framework 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.
70. As such it is clear that 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 a property and with neighbouring properties to prevent general noise and disturbance issues. Good residential amenity usually also includes provision of appropriate defensible space around a dwelling and adequate outdoor amenity.

71. The property is to provide four bedrooms (as at present), a kitchen and separate lounge, two toilet/shower facilities and a basement for use as storage. It is thus considered that there is adequate provision of essential facilities and adequate space for residents to relax and sleep. The council has no adopted planning policy relating to the internal space standards for HMOs, however the advisory standards for HMOs as used by the Housing team are helpful, although clearly not material nor determinative. As outlined in paragraph 11 the property meets or exceeds the minimum standards, and thus there is a strong indication that the proposed rooms are of an adequate size. It is noted that the two bedrooms within the attic space are only served by rooflights however this is the existing situation and they do still allow natural light penetration and ventilation. The provision of two main communal areas to the ground floor does provide residents with appropriate living space and replicates the existing layout. Both these areas both have good outlook and ventilation. Before concluding on this matter it is noted that the PRS team note that bedrooms should be of a sufficient size to allow the combined use of sleeping, living, food preparation and dining, which the proposal does not. However, such provision would amount to the creation of separate flats, which the application does not propose and there is no evidence that such provision is required in order to ensure an acceptable standard of amenity. The application provides bedrooms of an adequate size, and communal areas for living, cooking and dining. As such future residents have access to all necessary facilities and the proposal is acceptable in this regard.
72. The dwelling does not have a significant amount of outdoor space, and some of this will be required to house bins and a cycle store. The house thus has defensible space, but will lack any private outdoor space, and this is regrettable. However, within terraced streets in dense urban areas gardens are not common features and many houses within the immediate vicinity, including many C3 dwellings do not include private rear gardens. As such, the lack of a garden is part of the pattern and character of housing within the area and is not considered to be significantly and demonstrably harmful to the amenity of future residents. It is also noted that Cross Flats Park is to the south-west, and this provides an open green area that is immediately accessible to residents.
73. It is also noted that the planning history of the site includes a refusal for the provision of two flats. This was recommended for approval by officers to East Plans Panel (as was), however Members considered that the lack of outlook from the attic rooms combined with the lack of private amenity space resulted in a substandard level of amenity for future occupants and the application was refused. Members views in relation to the previous proposal are noted, however for the reasons outlined above neither the rooflights to the attic rooms nor the characteristic lack of outdoor amenity space is considered harmful in relation to the current proposal for a 4 bed HMO.
74. Development proposals must also have regard to the amenity of neighbouring residents. Neighbouring amenity can be impacted in a number of ways. This can be through a direct relationship with neighbouring properties (eg new windows causing overlooking), or through additional noise and disturbance from an intensification of use. The external alterations required to convert the property do not result in any additional windows or built development, and thus there will be no impacts in relation to overlooking, overshadowing or overdominance. The occupation of the property by unrelated adults may amount to a slight intensification in its use. However, the layout of the property remains basically the same as a C3 dwellinghouse, with living areas at ground floor and bedrooms to the

upper floors, and thus there is no harmful juxtaposition of rooms. Furthermore as the proposal does not result in an increase in the number of bedrooms, the number of residents overall is unlikely to increase, and the impact of having additional adults (rather than children) residing at the dwelling is unlikely to result in a perceptibly harmful increase in movements associated with the residential occupation of the house.

75. It is possible that neighbouring residents will be aware of activity through the noise of engines, car doors and the impact of headlights, however it is very unlikely that this will be perceptibly different from the existing activity created by on-street parking. The only other physical evidence of an intensification of use will be the provision of a dedicated bin store, with its four (as opposed to two) bins. However, as this will be behind the existing close boarded fence this will not be evident to those living within the area. As such it is not considered there will be a significant increase in noise and disturbance. The proposal is therefore considered to be acceptable both in relation to the amenity of future occupiers and that of near neighbours.

Highway/Waste considerations

76. 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.
77. Highway officers note that the proposal is located within a sustainable location, with bus stops on Dewsbury Road providing a frequent service to the city centre and other locations. In order to further encourage sustainable transport provision of a cycle store within the enclosed rear yard will be conditioned, and the basement area also provides additional storage opportunities for cycles.
78. At present the property does not include any off-street car parking provision and the proposal as submitted does not change this situation. The matter of parking provision has been raised as a concern by Ward Members, however despite the change of use Highway Officers have expressed no concern regarding parking provision, noting that the demands of a C3 dwelling and that of the proposal are the same (two parking spaces), and thus there are no grounds for suggesting a harmful intensification in parking demand.
79. Waste management officers have requested that four (as opposed to two) bins are provided at the property, and there is adequate space around the property to ensure that bins are located off-street and thus no harm to pedestrian safety will occur. Ward Members have raised concerns relating to the additional demands placed upon refuse officers, however it is not considered that the need to empty one additional bin each week amounts to a harmful impact upon the provision of this service.
80. Thus subject to conditions requiring the bin and cycle stores to be provided prior to occupation the use would comply with policy T2 of the Core Strategy.

Climate Change

81. Members will be aware that the Council has 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 policies. Nonetheless, the applicant has confirmed the building will be refurbished and will incorporate the following measures:

82. The proposal includes the following:
- The use of 'A*' rated boilers
 - 100% Low energy light fittings
 - 6 and 4 litre dual flush cisterns
 - Flow restrictors on showers
 - Insulated plasterboard to walls, achieving 0.26 U value (where applicable).
 - 400mm loft insulation, achieving a 0.11 U value (where applicable)
 - Windows achieve 1.4 U value or better
 - External doors 1.3 U value or better
 - Localised ventilation fans are 'system 1'
 - The general application of re-use paint acquired from Seagulls Reuse Ltd, an environmental social enterprise.
83. The above points would be considered positive features which in turn would go towards helping towards impacts of Climate Change.

Representations

84. The concerns of Ward Members are noted within the above report and have been addressed in the relevant sections. Concern has been expressed relating to the question of precedent. All applications are assessed on their merit, having regard to the development plan and other material considerations. The quantum of HMOs within an area is a material planning consideration and would be taken into account in any future decision making. The grant of planning permission in this instance does not harmfully fetter the future decision making of the council.

CONCLUSION

85. The development accords with the aims and intentions of local housing policies and contributes toward a varied housing tenure within the city. This is in accordance with the Framework's emphasis upon housing provision although in light of the council's healthy housing land supply is a material benefit given only moderate weight. The development does not breach the council's PSED, will not harm visual amenity, residential amenity, and highway safety nor harmfully contribute to climate change; these are neutral matters that weigh neither for nor against the proposal.
86. Given the above, it is considered that the development accords with the local plan and thus is recommended for approval.

Background Papers:

Application file: 20/03322/FU

Certificate of ownership: signed by applicant.



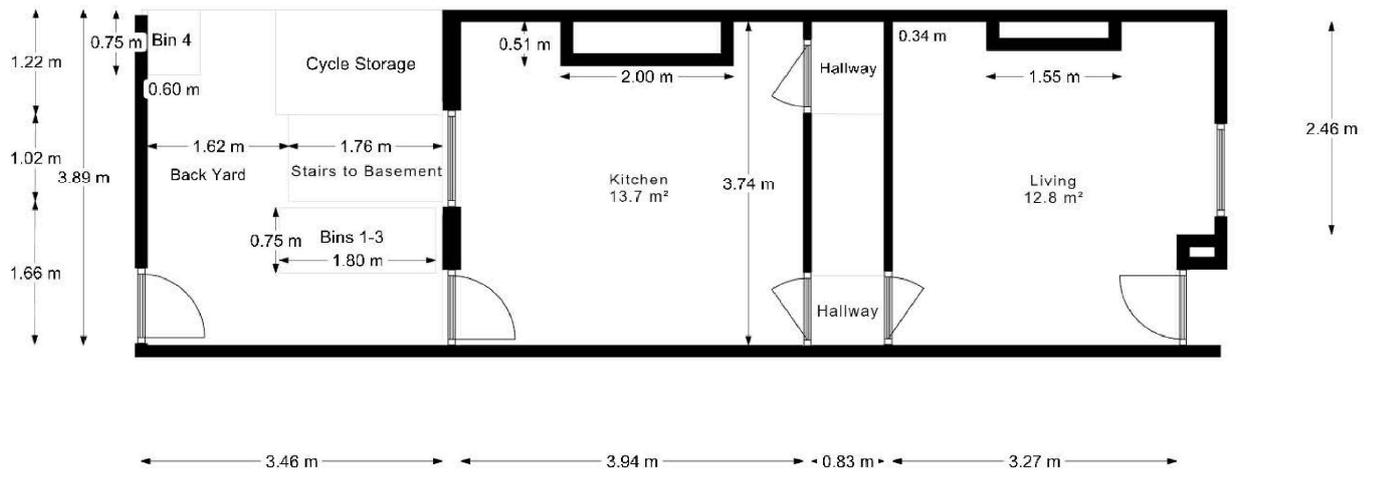
NORTH AND EAST PLANS PANEL

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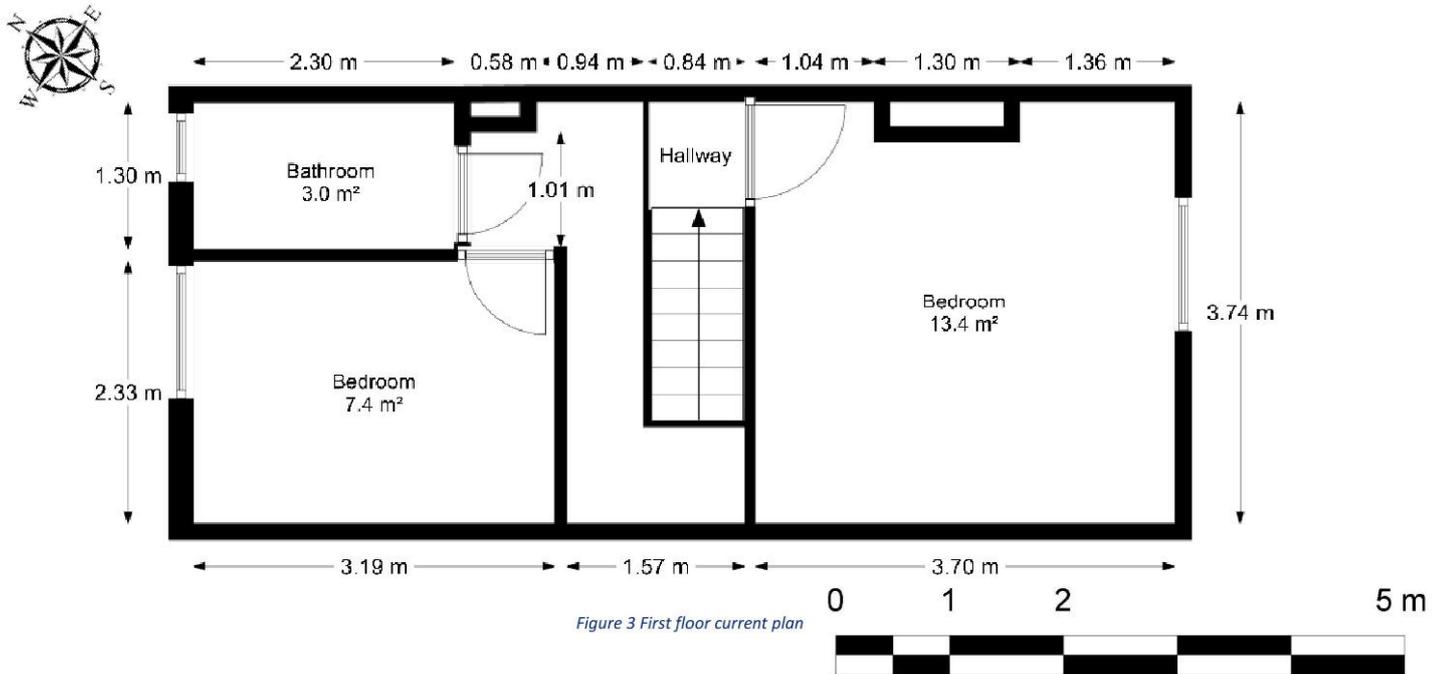
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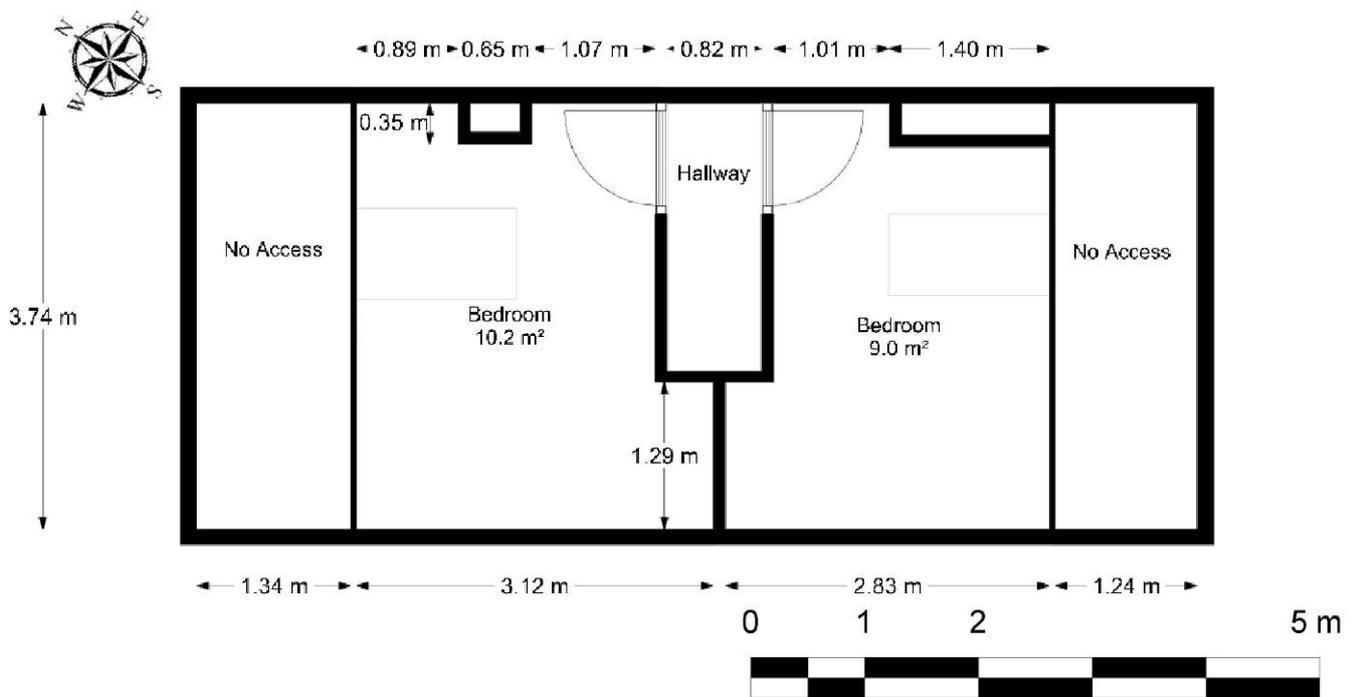
First Floor:

The proposal for this floor is to add an extra shower room and separate combined toilet with handbasin. (see figure 4). This will mean on average, that each washing and toilet facility is shared between two people and double the current capacity. The existing layout is in figure 3, proposed in figure 4



Second Floor:

This layout will be unchanged. As with other floors, we would be rewiring to provide a suitable number of power outlets for residents – near the bed and near the desk – as well other general refurbishment activity for improved aesthetics, safety and usability.



Current & Proposed Floorplans (scale 1:50)

Basement:

The layout for this floor will remain unchanged but will be refurbished back to a high standard for a convenient utility/storage area. Structurally, this includes adding a few missing steps for the back exit (left of diagram) to allow this to be used as a fire escape and adding a lockable fire door as shown on the diagram below to separate the gas and electric meters from the rest of the floor.

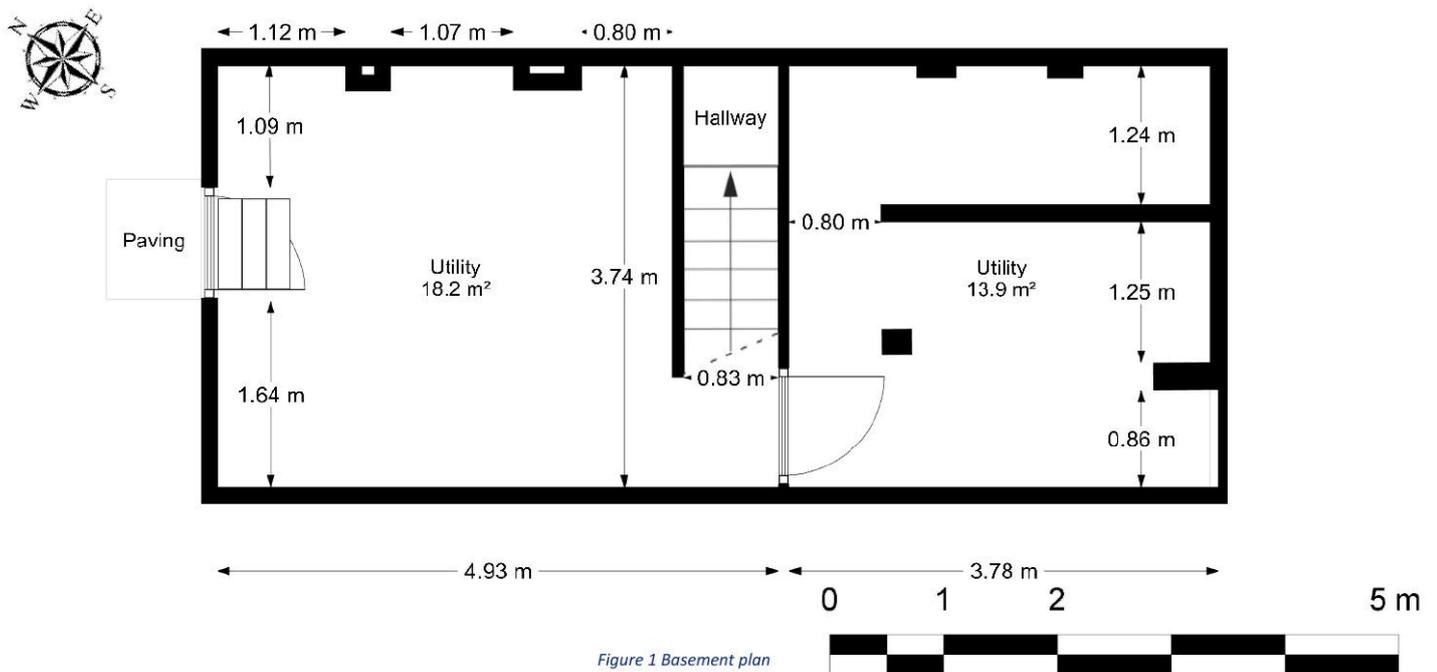


Figure 1 Basement plan