

application of the rural exception policy which is an accepted way of targeting particular local need without permitting larger amounts of market housing in settlements which may not be sustainable locations for such growth.

- 7.151 Whilst I appreciate that the Council have undertaken only a limited review of the UDP, I am concerned that FD/RDUDP contains no adequate or up-to-date justification for the proposed affordable housing policy alterations capable of complying with advice in Cr. 6/98. I appreciate the problems of keeping up to date in matters of housing need and house prices but the explanatory text needs to justify fully the alterations so that all those concerned and interested in a solution have the opportunity to understand the situation and to become fully involved in the development plan process.
- 7.152 Even though I accept that the lower threshold would provide for the delivery of more affordable housing units, and might well be considered as an element of future policy, I conclude that the proposal for a threshold of 10 dwellings fails because of the lack of full justification either in evidence or in the FD/RDUDP.
- 7.153 In reaching this conclusion I have taken into account other views expressed although none affects the outcome. There is no evidence to substantiate BT’s claim that a lower threshold would create an impediment to housing development proposals coming forward and thus restrict overall housing supply. If application of the lower threshold was found to affect the viability of a scheme there would be the flexibility in terms of the negotiable target for provision to avoid this effect.
- 7.154 LRC consider that as well as the long-term case for lower thresholds being unproven, an ability to vary the thresholds should be built in to the Plan in order to account for future changes in need. However, the mechanism must be decided through the development plan process and so it is not possible to do as LRC suggest except possibly by a cumbersome formula. However, there is no support for such an approach in national guidance. I remain of the view that there is a need for a comprehensive updating and review of the policy towards the whole District which should be undertaken as soon as possible in the context of the new LDF system.
- 7.155 Some objectors say it is debatable who would benefit from the type of affordable housing likely to be built in RNL but it should be ensured that such dwellings are available to local people. This is not an objection to a lower threshold as such. AUDP Policy H13 should ensure that affordable housing is used for its intended purpose and the Council should ensure by appropriate planning conditions or agreements that affordable housing is provided for local people’s needs.

## **RECOMMENDATION**

- 7.156 I recommend that the UDP be not modified in accordance with FD Alteration 7/007.

## **ALTERATION 7/008 (POLICIES H15 AND H15A AND AREA OF STUDENT HOUSING RESTRAINT (ASHORE))**

### **Objections (First Deposit)**

20297 Unite

20298 Unite

## Leeds UDP Review – Inspector's Report: Chapter 7

20556	Leeds Metropolitan University	21560	Mr Thomas
20557	Leeds Metropolitan University	21564	Mr Coates
20558	Leeds Metropolitan University	21566	Marian Properties
20561	Leeds Metropolitan University	21591	RMP Properties
20562	Leeds Metropolitan University	21592	RMP Properties
20571	Ms Reed	21593	Avisons Development Ltd
20733	Ms Broom	21596	Cllr. Hamillton
20758	Adair Paxton	21602	Cllr. Hamillton
21067	Harris Lettings	21770	Leeds HMO Lobby
21489	Mr O'Neil	21771	Leeds HMO Lobby
21490	Templey Way Property Ltd	21773	Leeds HMO Lobby
21491	Morgan Properties	21881	Apex Estate Agency
21495	Associated Tower Cinemas Ltd	21883	Mr Broadbent
21496	Leeds Property Association	21884	Bilton in Ainsty with Bickerton Parish Council
21498	Leeds Property Association	21887	Mr McDonald
21519	University of Leeds	21937	RPS Group Plc
21546	Unipol Students Homes	25217	Cllr. Illingworth
21554	Aston Properties		
21555	Mr Younis		

### Objections (Revised Deposit)

30002	SJM Properties	30368	Kirkstall Village Community Association
30034	S. Rennie	30423	Leeds Property Association
30203	University of Leeds	30429	Unipol Student Homes

### Issues

- 7.157
1. Is there a "student problem" in Headingley to which planning powers can appropriately be applied?
  2. Does likely future growth in student numbers lend support to a restrictive approach?
  3. Are the emphasis and scope of proposed Policy H15 appropriate?
  4. Is a policy that seeks to control numbers of resident students reasonable and practicable?
  5. Should control be exercised by reference to houses in multiple occupation [HMO] rather than students?
  6. Should there be an additional policy aimed at reducing the proportion of HMOs?
  7. Is the proposed Area of Student Housing Restraint [ASHORE] a reasonable concept, appropriately defined?
  8. Is proposed Policy H15A, to encourage student housing in other parts of the City, appropriate and, if so, would it be effective?

### Inspector's Reasoning and Conclusions

- 7.158 The schedule of representations above omits 7 objections listed in the Council's evidence [LCC/028] and as there is no indication that these have been withdrawn I have covered them. The objection from Bilton in Ainsty with Bickerton Parish Council

is not to this Alteration, as recorded above, but to Alteration 7/003 [with regard to TATE] and I deal with it there.

**A “Student Problem”?**

- 7.159 1. Although some objectors question whether the situation in Leeds is radically different from that in other cities with large universities, the Council’s evidence that there is a particularly marked concentration of student occupancy in Headingley has not been seriously challenged. Census information shows that some 54% of the population of the Headingley Ward are full-time students, compared with between 10% and 34% in a number of wards in other cities popular with students, and with university cities such as Oxford, Cambridge and Durham [LCC/028/D].
- 7.160 In some parts of the area, and in particular streets, the proportions are higher still and it is common ground that the area of concentration is growing in size, driven by continuing demand from students to live there and by provision of accommodation by landlords. The numbers of students, and of student properties, are also very large, the Council estimating that the vast majority of students living independently in the City [around 22,000] and a large proportion of the universities’ institutional accommodation [just under 10,000 bedspaces] are to be found in the proposed ASHORE. The evidence to the Inquiry is not sufficiently detailed or extensive to fully support the Council’s assessment that Headingley has **the** largest, most concentrated population of students in the country but at the very least it must be close to that point.
- 7.161 The questions then are whether this concentration is causing harm in planning terms, and whether any problems are of such a scale and nature that should appropriately be addressed through planning powers. The main outward problems cited by the Council and objectors as stemming from the presence of students are antisocial behaviour and late-night noise and disturbance, rubbish, poor appearance of student properties, proliferation of “to let” signs, and above-average rates of crime.
- 7.162 Police statistics show the Pudsey and Weetwood Division, covering Headingley, reporting the highest number of complaints of antisocial behaviour of all four Divisions in the City [LCC/028, Ax. 4]. However, whilst suggesting that concentration of students will be a significant contributory factor, the Council accept that it is not known whether the disturbance in these cases is attributable to students. Importantly too, if the statistics are read against the populations of each of the Divisions, as Leeds Property Association demonstrate [S/21498 etc., Ax. A and B], then the incidence of complaints per head in Pudsey and Weetwood is the lowest in the City.
- 7.163 Similarly, Headingley [postcode LS6] is cited as generating the highest number of night time domestic noise complaints to the Council’s Environmental Health Department but when the figures are compared with population it falls to 6<sup>th</sup> out of 32 postcodes, and the incidence of complaints per head is not markedly out of a line with that of a fair number of other areas [LCC/028, para. 4.11; and LCC/028/G]. None of this detracts from the disruption in the community that both antisocial behaviour and excessive noise can cause, and students’ lifestyle may well contribute significantly at times to both, but the evidence does not demonstrate such a close connection between the problems and students as a group as to justify a prescriptive policy approach to the latter.

- 7.164 There are undoubtedly problems in Headingley of irresponsible disposal of rubbish, a plethora of agents’ boards, at least at certain times of the year, and poor standards of property maintenance. However, although the Council sought a direction under the Advertisement Regulations to remove deemed consent provisions from “to let” boards [and following the Secretary of State’s refusal of the application intend to apply again] none of these problems can properly and directly be tackled through development plan policy. Other means of doing so have been cited, including enhanced cleansing services and codes of practice for landlords and letting agents. These approaches may not provide the Council and objectors with the level of control they seek but I am not convinced that the problems are so closely associated with a particular pattern of tenure as to justify the course of action proposed. They appear to me to be matters of poor community behaviour generally rather than something that is associated solely with students and with their accommodation, and it would certainly not be difficult to find instances of similar problems elsewhere in the Leeds, and indeed in all cities, in areas with no significant student population.
- 7.165 Police statistics for 2001 show a crime rate for Headingley some 75% higher than that for the City as a whole and a rate for burglary over four times higher [LCC/028, Appendix 4]. However, it would be unwise to draw general conclusions from one year’s figures and it also appears that the method of recording thefts from dwellings occupied by students may to some extent exaggerate the apparent incidence of crime. More importantly, it appears to be the transient nature of students, their lifestyle and their possessions that attract crime and it would seem perverse to attempt to tackle the crime problem by taking action against the victims rather than the perpetrators. Given the very large number of students already living in Headingley, action through the planning system to constrain numbers would in my view have little or no effect on the scale of crime.
- 7.166 In addition to the above outward issues there are also more deep seated concerns that a concentration of students is harming community cohesion and diversity, and detracting from sustainability. Imbalance in the population is seen as resulting in declining school rolls and associated risks of school closures; disengagement from the wider community and from the political process; a stock of dwellings no longer available for family occupation; and distortion of the local economy, manifested in a loss of diversity in local services and facilities. Some of these issues reflect wider social and demographic changes and to see Headingley solely as a community from which families are being “forced out” by students would be simplistic. It seems to me that, irrespective of the presence of students, a good deal of the housing in Headingley is unlikely to be occupied by families either because it is perceived by them as unsuitable [because of size, absence of gardens, location etc.] or is unaffordable to them. And whilst objectors argue that property prices are high largely because of pressure for student housing, I note Unipol’s view that, even if Headingley had not become popular with students, its character would probably have changed in any case, with the incoming residents being young professional people rather than students. The effects on availability of housing, and on house prices, would probably thus have been much the same.
- 7.167 That said, I believe that concerns about a loss of overall balance in the community, particularly as manifested through the transience and seasonal nature of student occupancy, are well founded; and that a continuing and significant growth in the number of students living in and around Headingley could in time seriously erode the range of choice of housing and the level and quality of services such as education.

Within the limits of what is possible under planning powers, seeking to manage such change, and maintain a better community balance, are valid planning objectives, best achieved through policy measures to maintain diversity in the housing stock. I consider below the extent to which proposed Policy H15 would achieve those objectives.

- 7.168 It is evident that the student market has significantly skewed the range and type of shops and services in Headingley, with above-average representation of businesses such as letting agents, cafes and charity shops that might have less appeal to other local residents. However, much of this change appears to me to be due to wider social and economic forces over which planning control has only limited influence. For example, loss of family-orientated businesses, referred to by one objector, may be regrettable but is not something that the Council could change through their development control powers. Given the number of students already resident in Headingley, the range of commercial services and facilities that have set up to cater for them, and the limitations of planning controls on changes of business, it is unlikely that planning policy could achieve any substantive change in the range of such services and facilities, at least in the short term.
- 7.169 Nor am I convinced that this is a planning priority. Even with the changes that have taken place, Headingley Town Centre at least retains a good range of daily needs shops and services, has specialist shops not found elsewhere, has strong pedestrian flows and appears to be trading well, with relatively few vacancies. Whilst I agree with the Council that the reasons for the relative performance of town centres are often complex, the presence of a substantial student population must in part explain the vitality of Headingley compared with other similar centres elsewhere in the City. In any case, it may well be that measures to maintain and enhance the diversity of local housing, that I recommend below, will in turn and over time help encourage the diversity in local shops and services that objectors seek.
- 7.170 Although there are differences of view about the relative balance between problems and benefits attributed to the student population, there is general agreement among the Council and objectors that their influence has been neither wholly positive nor entirely negative. The proximity of the universities and of the City Centre, which make Headingley particularly attractive to students, also mean that travel distances are short and, together with good bus services, this makes for sustainability. The universities are clearly major cultural, social and economic players in the life of the City and the presence of a range of accommodation close at hand must help to attract students and thus maintain the standing of the institutions and, by extension, the prestige of Leeds. Nor should the direct contributions that students make to the economic and social life of the City be lightly discounted. These benefits are not necessarily uppermost in the minds of those who live in Headingley, and perceive the problems of student housing, but they are nevertheless real and should weigh against any tendency to see the issue of student occupancy in Headingley as a wholly negative one, and solely in terms of control.
- 7.171 The RUDP rightly acknowledges these benefits, and also that population imbalance and its resultant problems need to be tackled in a multi-disciplinary way and in partnership with other bodies, and that the increase in the number of students needs to be planned and managed. However, the general emphasis of at least the first part of the Alteration is that there is a largely undifferentiated "student problem" that has to be tackled in a primarily restrictive way. The situation is much more complex than this

but the proposed approach is reinforced by somewhat alarmist reference to the student population in Leeds growing by “thousands” over the Review period, and of “large swathes of housing in Headingley and adjoining areas” having been acquired for student letting. Also, although para. 7.6.31a explains the limited scope of planning controls, the overall implication is that the “problem” is capable of a planning solution.

7.172 My conclusion on the first issue is that concentration of students has certainly created problems but that those problems are diverse in nature and in many cases can and should be tackled by means other than planning. It is over-simplistic to assume that seeking to prevent further growth in student numbers in and around Headingley through planning control will in any substantive way reduce the problems identified in para. 7.6.29 of FD/RDUDP. The success of any planning policy will depend upon its efficacy in maintaining and enhancing the diversity of the housing stock.

### ***Growth in Student Numbers***

7.173 2. There was general agreement at the RTS that there is little point in attempting long-term projections of student numbers because of uncertainties over matters such as the future direction of government and university education policies and the effects of introduction of “top-up” fees. However, there was also a consensus that future growth is unlikely to be at the same rate as over the past 15 years or so, during which time student numbers in the City roughly doubled to around 40,000, especially as participation of young people in further education approaches the Government target of 50%.

7.174 The University of Leeds' projections appear to bear this out with an increase of some 900 students envisaged from 2004/5 to 2007/8, equivalent to about 3% over 3 years [INQ/DOC/13, para. 1.14]. Applying this rate of increase to the figure of 40,145 students currently requiring accommodation would suggest an increase in the total number of students in Leeds of something over 5,000 over the Plan period to 2016. This is a very crude calculation that must be treated with considerable caution but it does accord reasonably well with the 5,000 additional students over 10 years that Unipol give as an upper estimate of likely growth. Whilst this level of growth would clearly be significant, it would be nothing like that experienced in the recent past and does not readily bear out the somewhat alarmist emphasis of the RUDP text referred to above. Also, even on the Council's assessment in evidence that a substantial part of the total student population live within the proposed ASHORE, it does not follow that most of the additional population will be housed there, and Unipol suggest that there will only be a limited effect on Headingley [INQ/DOC/13, para. 1.15]. There is no cogent evidence to suggest that the likely scale of future growth in student numbers in Headingley is such as to lend support to a restrictive approach to student accommodation.

### ***Emphasis and Scope of Policy H15***

7.175 3. The proposed Policy is unequivocal in stating that proposals within the ASHORE that fall within the scope of the three criteria “will not be permitted”. Although the Council indicated at the RTS that they were prepared to consider certain exceptions, for example for students with particular housing needs, there is no scope in the Policy as written [beyond that generally available under S54A of the Town and Country Planning Act 1990] to do so. There is no provision for considering individual site circumstances or the merits of a particular proposal. Nor apparently would it be

applied with any obvious flexibility as it is envisaged that it would bear on proposals for even one additional bedspace. In my view such a restrictive policy would require very special justification.

7.176 Although for the purposes of the licensing regime for HMOs in the Housing Act 2004, a “single household” is defined by reference to a family relationship, there is no such stipulation in planning law. The Town and Country Planning [Use Classes] Order 1987 includes within the same Class, C3, Dwellinghouses, both a dwellinghouse occupied by a single person or family and one occupied by up to 6 residents living together as a single household, so that a change from one to the other does not require planning permission. Cr. 03/2005 confirms that such a household can also include groups of people, not necessarily related to one another, who choose to live on a communal basis. Proposed Policy H15 would thus not bear on cases where a landlord purchases a property to let to a group of students living as a single household. As this appears to be one of the main ways in which the stock of student housing in Headingley has expanded, and could be expected to continue to do so, the effect of the proposed Policy would be limited from the outset.

7.177 Nor would the Policy have any effect upon the large existing stock of student accommodation unless halls of residence were altered, extended or redeveloped [criterion i], or other student housing was extended [criterion ii]. Although the Council reasonably argue that action under planning powers must be seen as only part of an approach that also involves other disciplines and agencies, and is being pursued through the Shared Housing Action Plan [CD/GEN/02], they also accept that the effect of the proposed Policy on Headingley would be “marginal”. Bearing in mind also its restrictive emphasis, and the level of detail at which it is intended to operate, this begs the question of whether it is being put forward to give a sense of action being taken rather than in the expectation that it will bring tangible planning benefits. The aspiration that it will send out clear signals about the unacceptability of future student accommodation in Headingley [INQ/DOC/13, para. 1.17] is not in itself sufficient justification. I conclude on the third issue that proposed Policy H15 is unreasonably inflexible in emphasis and of doubtful efficacy.

#### ***Reasonableness and Practicality of Policy H15***

7.178 4. Planning policies not infrequently seek to reserve certain types of dwelling to meet particular needs [such as affordable housing], or to control the balance of the housing stock in some way [such as to retain dwellings of a particular size or character], but this is not the same as endeavouring to control or preclude occupation by a particular category of occupant, in this case students. Such an approach poses the immediate problem of defining a “student”. Whilst the Council argue that it is essentially a person in full time education, objectors have drawn attention to the wide range of means of study now available, as well as highlighting likely difficulties in application of the proposed Policy such as how it would affect students sharing accommodation with non-students, employed people who become students, doctors and nurses in training, and post-graduate and mature students. It has also been pointed out that those seeking accommodation because they will shortly become students, and to whom the Policy could therefore reasonably be expected to apply, could not at that particular time be termed “students”. That the Council suggest that exceptions might be made in certain such cases simply highlights the difficulty of producing any reasonable or workable definition.

- 7.179 Both the Council and the HMO Lobby argue that being a student implies a certain way of life and pattern of residence that have particular land-use implications and that student occupancy is therefore a planning issue. As noted above, I am not convinced that all the problems referred to are entirely attributable to students, or are planning problems, but even if they were this would not in my view justify treating students as an undifferentiated group subject to a particular form of planning control that does not apply to the rest of the population. Such an approach would in principle be unreasonable and discriminatory, as is evident from even a moment’s consideration of the situation if it were taken to any persons defined by occupation [such as teachers] or perceived stage in life [such as elderly people].
- 7.180 Also, although the Council say that the AUDP Policies H9 and H15 already identify students as a population group, the first does so in order to ensure that “balanced provision” is made for their needs, and the latter encourages or discourages student accommodation in different locations and in general terms. Neither seeks to directly preclude occupation of properties by students. It is almost inconceivable that the Council would take the same restrictive policy approach to the other population groups identified in Policy H9, namely ethnic minorities, elderly people, people with disabilities and households on low incomes.
- 7.181 The cited policies of other local planning authorities on student housing [LCC/028, Ax. 1] do not support the Council’s approach. These are primarily positive, enabling policies that seek to encourage provision of purpose-built student accommodation, and safeguarding of the same, to relieve pressure on the housing market. Even the closest in emphasis to that proposed here, a policy in the Nottingham Local Plan Review [First Deposit Draft], is couched in terms that planning permission will be granted for student housing, subject to stated criteria. None have the restrictive emphasis of proposed Policy H15. Nor does the evidence on appeals in 2003/4 [LCC/028, Ax. 5] support the Council’s contention that proposed Policy H15A has already been tested several times. In none of the three cases in which Inspectors reportedly considered the draft Policy did they accord it more than limited weight, which is to be expected given the early stage at which the RUDP then was.
- 7.182 Any effect that proposed Policy H15A had in spreading the student presence more widely would take time to achieve. Meanwhile in my view Policy H15 would do nothing to reduce Headingley’s attractiveness to students and landlords. At the same time, by restricting provision and improvement of purpose-built student accommodation such as halls of residence within the ASHORE, whilst leaving the stock of rented shared housing virtually unaffected, it would increase student pressure on the housing stock and accelerate the loss of family housing. Although the HMO Lobby argue that any development that brings additional students into Headingley should be resisted, I believe that a clear distinction can be drawn between purpose-built accommodation provided by the universities and specialist providers, and subject to defined management and maintenance regimes, and shared conventional dwellings in residential streets. The former might increase student numbers within the area, and thus have some effects on the overall demographic balance and certain aspects of local character, but would have no adverse effect on the existing housing stock. Any risks that students would be likely to move from purpose-built accommodation into shared housing would in my view be outweighed by the benefits of enlarging the stock of good quality accommodation, which might in turn lead to a more general raising of standards in student housing. Indeed, this is an argument for seeking to encourage rather than restrict provision of purpose-built accommodation.

## The Policy in Detail

### *Criterion (i)*

7.183 The widening of the scope of criterion (i) at RD stage to restrict alteration, extension and redevelopment of halls of residence that would result in a net increase in bedspaces, as well as the building of new halls, attracted objections on the grounds that this would unreasonably inhibit the improvement of the building stock to meet the future needs of students. Although the Council subsequently conceded that the “no net increase in bedspaces” test might be applied across two or more sites together, I consider it undesirable to impose such a restriction as a matter of policy, especially as the scale and implications of any proposal can be fully appraised through the development control process. It would be preferable for the Council and providers to together prepare an accommodation strategy for the area as a context for considering individual proposals. Over time this is more likely to lead to a progressive upgrading of accommodation standards, and a corresponding reduction in community problems, than the over-restrictive approach currently proposed.

7.184 Criterion (i) is also flawed in that the restriction it imposes on new halls of residence is at odds with the exclusion of the two university campuses, and especially that at Beckett Park, from the ASHORE. Although this is justified as enabling students to live where they study, reducing the need to travel and the impact on the community, it is illogical as it could potentially lead to a considerable increase in the number of students accommodated within the ASHORE. Given that students would be unlikely to confine all their leisure time activities to campus, the impact on the community would appear to be little different from that of students living elsewhere.

### *Criterion (ii)*

7.185 The universities object to the proposed prohibition of any increase in the number of habitable rooms on the basis that this could prevent desirable improvements to dwellings, and suggest control over the number of bedrooms instead. I appreciate the logic of using the more widely defined habitable rooms as a yardstick so as to preclude the subsequent conversion of additional rooms to bedrooms but the criterion is open to the more serious criticism that the term “student housing” is not defined. Although the Council say that what is such housing should be apparent from the context, this is only properly the case with student halls of residence and other forms of purpose-built and specifically provided accommodation. Elsewhere to determine that, say, a terraced house is student housing on the basis of its occupants at a particular point in time is at odds with national advice that planning controls are concerned with the use of land, and that the question of who is to occupy premises will normally be irrelevant [Cr. 11/95, para. 92]. There would also be serious practical problems in implementation. For example, a house with 6 occupants, all of whom were students, might be defined as “student housing” but would the same apply to one occupied by 3 students and 3 employed people?

### *Criterion (iii)*

7.186 It appears that the intention of this criterion, at least in part, is to proscribe larger new flats provided for students to share but to exempt from control smaller flats intended for the wider housing market. Some objectors seek a wider restriction, applying to all dwellings or to all flats, and also to changes of use to student accommodation and to

extensions and alterations. Others argue that the control should apply to flats with four or more bedrooms, rather than three, so as not to preclude flats for students with dependents. In my view the fundamental issue is whether the intended prohibitory occupancy condition can be justified in principle and irrespective of the precise level of control proposed.

7.187 Cr. 11/95 advises that, with certain limited and identified exception, if housing is an acceptable use for land there will seldom be good land-use planning reasons for restricting occupancy to a particular type of person. It seems to me that whilst there may well be a good case for restricting occupation of purpose-built student residences to students in recognition of the particular purpose, form and management of the accommodation, a condition that seeks to preclude students and, by implication confine occupation to non-students, is quite a different matter. The Circular advice continues that occupancy conditions should not be imposed “save in the most exceptional cases” but it cannot reasonably be argued that they are justified here because the problems attributed to students in Headingley are “exceptional” in their nature and scale. It is clear from the totality of the advice that what is said about exceptions is intended to apply to “an individual house [or extension] on a site where development would not normally be permitted” and not to a large, defined geographical area.

7.188 Nor is the Council’s proposed occupancy condition analogous to those applied to dwellings for agricultural workers because in the latter case the proposal is being permitted to meet particular needs in a situation where planning permission would normally be refused. Here houses in multiple occupancy, or flats of 3 or more bedrooms, would appear to be acceptable in principle but only if occupied by persons other than students. To say, as the Council do, that if such properties were to be provided in the ASHORE they would be occupied by students, and thus without a condition there would be a sound case for refusal, is a tendentious and circular argument. Further confusion arises from the statement in the supporting text that it may be difficult to determine whether new development will be occupied by students and that conditions will be applied “where there is an element of doubt”. This does not bode well for consistent application of the Policy.

7.189 Measured against the tests for conditions in Cr. 11/95, the proposed occupancy condition cannot readily be justified on grounds of need as in planning terms there would be no good case for refusing permission without it. It is also arguably not relevant to planning as there are alternative ways of dealing with problems in Headingley, and it would be unreasonable for reasons set out above. There could also be major problems in enforcement as, whilst members of the public might draw attention to possible breaches of conditions, collecting evidence and proving contraventions could be difficult, especially as it might well be hard to argue that a contravention on one particular property had resulted in direct and discernible harm to the surrounding area.

#### *Exceptions*

7.190 Objectors seek various exceptions from the Policy to cover occupiers such as students with dependents and those with special needs, and postgraduate and mature students; and also to allow renovation for student use of vacant and derelict properties, and former local authority dwellings, on a not-for-profit basis. The Council counter that the former can be provided for within the existing stock of student

bedspaces, and that to allow the latter would potentially enable a large number of proposals to proceed in contravention of the Policy. To me the fact that so many exceptions have been suggested, all on the face of it with a good claim to consideration, underlines the significant shortcomings of the Policy. My overall conclusion on Issue 4 is that the proposed Policy H15 is unreasonably restrictive and could not be practicably implemented.

### **Houses in Multiple Occupation**

7.191 5. The HMO Lobby suggest that the problems inherent in seeking to define and control occupancy by “students” could be avoided by focussing on the form of tenure, and that as the majority of HMOs in the ASHORE are occupied by students, that term [as defined in the Housing Act 2004] should be substituted for reference to student housing and occupation in the proposed Policy. Whilst I can see the attractions of this proposal, it has three fundamental shortcomings. Firstly, it would fundamentally change the purpose of the Policy to control of HMOs, and the Council say they have no hard evidence on the extent of population problems related to occupancy of such properties. Secondly, confusion would arise with the existing Policy H18 on HMOs in the AUDP. That Policy appears to me to be unequivocal in its approach and would be relevant to instances of students not living as a household. Thirdly, the introduction of the Housing Act definition of a HMO leaves unchanged Class C3 of the Use Classes Order which, as already noted, draws no distinction between a dwelling occupied by a family, and one in which 6 residents live together as a single household. I do not therefore see how a policy aimed at HMOs could bear on shared student occupancy which has been identified as extensive in Headingley.

7.192 Spatial planning, as outlined in PPS1, seeks to integrate planning policies with policies that have an impact on land-use but which cannot necessarily be implemented through the planning system; and the preparation of the LDF may be the opportunity to examine how planning and housing legislation can be better dovetailed together to address issues raised by multi occupation. It may also be that in the months ahead the possible implications for planning control of the HMO licensing system introduced by the Housing Act will become clearer.

### **Suggested Additional Policy**

7.193 6. Concerned that proposed Policies H15 and H15A will do no more than slow the growth of the student population in the ASHORE, the HMO Lobby seek an additional policy, H15B, stating an intention to designate sub-areas or Diversity Zones where ceilings would be set on the proportion of houses in multiple occupation, as a basis for reducing their numbers by a variety of means. Rather than a policy this seems to me to be essentially a statement of intent to carry out further work, the exact nature of which is far from clear. It is hard to see how this approach would bear on forms of occupancy covered by Class C3 of the Use Classes Order, and the implications of the Housing Act licensing system for planning control need further study, as noted above. Nor would it be appropriate to seek to cover the detailed measures proposed for reducing the number of HMOs in Supplementary Planning Guidance; if they were to be used in implementing the policy then they should be set out in that policy. In any case it appears from Alteration 7/009, deleting Policy H19 and related text, that the Council are moving away from the position of preparing specific policy guidance for HMOs in defined areas, of the type the objector seeks.

## ASHORE

- 7.194 7. The justification for the ASHORE as designated is that it covers both concentrations of student occupancy and a “buffer zone” where there is pressure for student housing but still a significant non-student population. Objectors are divided between those who seek extensions to the Area, and those who resist any such enlargement and argue for deletion of the designation in its entirety. The HMO Lobby seek inclusion of Beckett Park Campus in the interests of consistency, and Kirkstall Hill on the grounds that it is vulnerable to further student housing development. The HMO Lobby, Unipol and the Universities submit a joint statement arguing for inclusion of Moor Grange and Lawnswood on the grounds that they are vulnerable to student pressure; contraction of the eastern edge of the Area to exclude properties abutting the University of Leeds campus; and exclusion of Burley Lodge and Woodhouse pending an assessment of the potential role of student housing in their regeneration, with the proviso that if they came under pressure for student housing they be included as a second phase. The proposed addition at Kirkstall Hill is shown in S/21770 etc. and the changes proposed in the joint statement are shown in S/21546/21544/30429.
- 7.195 There is no objection in principle to defining an area within which a restrictive policy should apply and I acknowledge that the proposed ASHORE relates reasonably to the concentration of student occupancy as shown by demographic information [LCC/028, Ax. 2]. The definition of a “buffer zone” beyond that concentration is then, as the Council say, largely a matter for judgement, as indeed is evident from the differences of view referred to above. However, as I consider that proposed Policy H15 is inflexible, unreasonably restrictive and unlikely to be effective it follows that the ASHORE concept is similarly flawed. I recommend that it be replaced by an Area of Housing Mix within which a revised Policy H15, recast in more positive terms, would seek to maintain and enhance what I see as the central planning issue of the Alteration, namely the quality and variety of the local housing stock. Such a policy would have both regulatory and promotional aspects; the first to maintain a reasonable stock of housing suitable for family occupation, and the second to encourage improvements to the student housing stock, in particular through provision of purpose-built accommodation, with the aim of reducing conflict over time between the interests of students and other residents.
- 7.196 Progressive improvement of the student accommodation stock should be the subject of discussion between the Council, the universities and accommodation providers, of the sort evidently envisaged in the second part of proposed Policy H15. However, the proposed text is unsatisfactory in a number of respects. Firstly, it is inappropriate to refer to “the manifest problems of a concentrated student population” because it is by no means “manifest” that the problems referred to stem solely from the presence of students, or are capable in all cases of a planning solution. Secondly, and similarly, some of the themes referred to, such as improving communications, and better regulation, do not obviously fall within the sphere of planning, nor is it clear what is meant by “dealing with the residual effects of dispersal”. Thirdly, “lobbying for enhanced legislative control” can be a corporate aim of the Council but is not a valid statement of planning policy. I recommend below revised text outlining the aim of this part of the Policy as to work towards an agreed strategy for student housing in Headingley.
- 7.197 “Area of Housing Mix” is a provisional title and the revised policy and supporting text I recommend are intended to be a framework and a direction rather than definitive. It is

for the Council to decide both what the policy area should be called and the details of the policy itself. However, if the emphasis is positive rather than restrictive then the precise extent and definition of the area become less important and there is a good case for both widening the area to include the additional areas suggested by objectors, namely Kirkstall Hill, Beckett Park Campus, Moor Grange and Lawnswood, and retaining within it those parts suggested for deletion, namely Burley Lodge and Woodhouse. In this way it will be possible over time both to monitor the effectiveness of the policy in those parts of the Area where student occupancy is not currently extensive, and to channel the social and economic benefits of properly planned student accommodation into those parts that are in need of regeneration. I do however recommend making the suggested detailed amendments to the boundary west of the University of Leeds campus as the sites there currently included in the proposed ASHORE are closely related to the campus and have little or no affinity with Headingley as a whole.

### ***Policy H15A***

- 7.198 8. Some objectors argue that market forces should not be resisted, that forcing students to go where they do not wish to live would not help other parts of the City to thrive, and that such an approach would run contrary to sustainability. Nevertheless, the principle underlying the proposed policy has not been seriously challenged and, subject to reservations over the details, is generally supported by the universities and other major providers of student accommodation. The approach essentially builds on the first part of AUDP Policy H15 and, whilst doubts have been expressed about the effectiveness both of that Policy and of the Council’s role to date, it is evident that a good deal of student housing has been provided in the past few years in locations outside Headingley. Reference was made at the RTS to developments at Kirkstall Brewery; Sugarwell Court, Meanwood Road; Clarence Dock; and Sentinel Towers which together provide over 2,300 bedspaces; and there was no good evidence that the effect had been anything other than generally beneficial.
- 7.199 It seems to me that the demand for student housing is such that with proper foresight and planning there is little risk of a policy of dispersal failing commercially, adversely affecting existing student areas or proving seriously unpopular with prospective tenants. There was also general agreement at the RTS that providing student housing can be a powerful force for regeneration, students often acting as “trail blazers” in initially unpromising areas and in turn attracting a wider housing market. I consider the thrust of proposed Policy H15A to be appropriate and well founded.
- 7.200 That said, I doubt whether a policy couched essentially in terms of broad “encouragement”, and with equally broad criteria, and which is described by the Council as primarily a development control tool, would in itself be effective in creating any real alternative student housing locations to Headingley. I agree with those objectors who argue for a more proactive approach, identifying particular areas well-suited to student housing, and setting out how the Council will plan for their development, so as to give confidence and certainty to would-be accommodation providers. Whilst there were suggestions at the RTS that there was a reluctance to be specific because of fears of creating a “second Headingley”, I consider it imperative to the success of the Policy for the Council to take a strong lead from the outset in planning for student housing in appropriate locations as an integral part of regeneration, and in partnership with the universities and other accommodation providers. Provided the criteria for selecting the areas are sound, identifying them

specifically need not mean denying investment to equally deserving candidates elsewhere. The approach taken by Sheffield City Council in the Devonshire Quarter of the City, to which attention was drawn at the RTS [INQ/DOC/13a, paras. 4.16 and 5.4; and S/20297/20298/A], could repay examination.

7.201 At the time of drafting the Policy no specific areas had apparently been identified but in evidence the Council suggested Little London, Lincoln Green, Richmond Hill, Hunslet, Holbeck, Beeston and Armley. Some of these areas were criticized at the RTS as poorly located relative to the universities, having limited public transport, or perceived as high crime areas. Some suggested alternatives were Kirkstall Road, North Street/Regent Street and Meanwood. I do not have detailed information on which to advise on possible areas but the Council should initiate discussions with the universities and major accommodation providers to draw up a short list of possibilities. Clearly, good public transport links will be of central importance, as will the scope to build a viable student community that makes a positive contribution to the area. Although reservations have been expressed about the City Centre as a possible location because of high land values, it has the great advantages of being close to the universities and a major magnet in its own right. Innovative means of funding and providing student housing there might be found and it should not be ruled out prior to the discussions I recommend.

7.202 RD changes to the Policy text make a number of improvements including deletion of reference in criterion (iii) to "modest" student population. It might be that something more than "modest" would be acceptable and the word is in any case imprecise and capable of widely differing interpretations. Continuing reference to assimilating student population "without prejudice to the amenity and viability of the existing community" is in my view somewhat pejorative; with proper and comprehensive planning from the outset problems of "assimilation" should not arise. I recommend below a revised policy that addresses this point as well as seeking to cover other matters raised at the RTS. However, it is not intended to be the last word on the subject but rather a framework to be fleshed out in the light of discussions with other parties.

## **RECOMMENDATIONS**

7.203 I recommend that the UDP be modified by:

1. incorporating paras. 7.6.28 – 7.6.30 of the supporting text of RD Alteration 7/008 subject to the following amendments:

a. updating the second sentence of para. 7.6.28 to reflect the latest available information on past growth in student numbers and future projections;

b. deleting the final two sentences of para. 7.6.28 and substituting the following:

**"The fact that large numbers of properties in and around Headingley are let to students inevitably puts pressure on the housing stock available for other sectors of the population and reduces that suitable for families. This encourages the view that the population overall is out of balance and that action is needed to ensure a sustainable community."**

- c. inserting the following at the end of para. 7.6.29:

“It is not suggested that all these problems are solely attributable to the presence of students, or that all students create such problems. Nor are the majority of them capable of being solved directly through planning powers. Nevertheless they are particularly associated with a high concentration of student occupancy, and planning has an important role in reducing and managing them through working to ensure that the community as a whole is well balanced and sustainable for the long term.”

2. deleting paras. 7.6.31 – 7.6.31b of the supporting text and inserting the following:

**“Area of Housing Mix**

Planning control over student housing is limited because a change from a family dwelling to one occupied by students living together as a household does not generally require planning permission. Accordingly it is only purpose-built student housing, extensions to existing properties occupied by students and changes of use that will require permission.

Within these limitations the Council will use its development control powers to manage provision of additional student housing as far as possible so as to maintain a diverse housing stock that will cater for all sectors of the population including families. It will also encourage proposals for purpose-built student housing, specifically reserved and managed for that purpose, that will improve the total stock of student accommodation, relieve pressure on conventional housing and assist in regenerating areas in decline or at risk of decline. This approach will apply within an Area of Housing Mix covering Headingley, Hyde Park, Burley and Woodhouse where students form a significant part of the population, together with the adjoining areas of Moor Grange and Lawnswood where pressure is likely for further student housing.

The Council will also work with the universities and with providers of student accommodation to agree a student housing strategy for the Area which will aim to strike a balance between this and other forms of housing; to set out Headingley’s role in terms of accommodating student housing and to progressively improve the student housing stock.”

3. deleting Policy H15 and inserting the following:

**WITHIN THE AREA OF HOUSING MIX PLANNING PERMISSION WILL BE GRANTED FOR HOUSING INTENDED FOR OCCUPATION BY STUDENTS, OR FOR THE ALTERATION, EXTENSION OR REDEVELOPMENT OF ACCOMMODATION CURRENTLY SO OCCUPIED WHERE:**

- i) **THE STOCK OF HOUSING ACCOMMODATION, INCLUDING THAT AVAILABLE FOR FAMILY OCCUPATION, WOULD NOT BE UNACCEPTABLY REDUCED IN TERMS OF QUANTITY AND VARIETY;**

ii) THERE WOULD BE NO UNACCEPTABLE EFFECTS ON NEIGHBOURS’ LIVING CONDITIONS INCLUDING THROUGH INCREASED ACTIVITY, OR NOISE AND DISTURBANCE, EITHER FROM THE PROPOSAL ITSELF OR COMBINED WITH EXISTING SIMILAR ACCOMMODATION;

iii) THE SCALE AND CHARACTER OF THE PROPOSAL WOULD BE COMPATIBLE WITH THE SURROUNDING AREA;

iv) SATISFACTORY PROVISION WOULD BE MADE FOR CAR PARKING; AND

v) THE PROPOSAL WOULD IMPROVE THE QUALITY OR VARIETY OF THE STOCK OF STUDENT HOUSING.

THE AREA OF HOUSING MIX IS IDENTIFIED UNDER POLICY R1 AS AN AREA POLICY INITIATIVE WHERE THE COUNCIL WILL WORK WITH THE UNIVERSITIES, PROVIDERS OF STUDENT ACCOMMODATION AND THE LOCAL COMMUNITY TO DRAW UP A STUDENT HOUSING STRATEGY. SO FAR AS IS POSSIBLE IN PLANNING TERMS THAT STRATEGY WILL:

- MANAGE PROVISION OF NEW STUDENT ACCOMMODATION SO AS TO MAINTAIN A REASONABLE BALANCE WITH OTHER TYPES OF HOUSING
- SEEK PROGRESSIVE IMPROVEMENT OF THE STUDENT HOUSING STOCK
- IDENTIFY OPPORTUNITIES FOR PROVISION OF PURPOSE-BUILT AND MANAGED STUDENT HOUSING THAT WOULD REDUCE PRESSURE ON THE REST OF THE HOUSING STOCK.

4. incorporating para. 7.6.31c of the RD supporting text;

5. deleting Policy H15A and inserting:

STUDENT HOUSING DEVELOPMENTS WILL BE PROMOTED IN THE FOLLOWING LOCATIONS, WHERE THE COUNCIL WILL WORK WITH THE UNIVERSITIES AND WITH ACCOMMODATION PROVIDERS TO IDENTIFY AND BRING FORWARD FOR DEVELOPMENT SITES THAT WOULD SATISFY THE CRITERIA SET OUT BELOW:

*Council to insert locations following discussions with the universities and accommodation providers.*

AND IN OTHER LOCATIONS, WHERE PROPOSALS WOULD:

- i) HAVE GOOD CONNECTIONS BY PUBLIC TRANSPORT TO THE UNIVERSITIES, EITHER EXISTING OR TO BE PROVIDED TO SERVE THE DEVELOPMENT; OR BE CLOSE ENOUGH TO ENABLE EASY TRAVEL ON FOOT OR BY CYCLE;

- ii) BE ATTRACTIVE TO STUDENTS TO LIVE AND OF SUFFICIENT SCALE TO FORM A VIABLE STUDENT COMMUNITY, EITHER IN THEMSELVES OR IN ASSOCIATION WITH OTHER DEVELOPMENTS;
- iii) BE WELL INTEGRATED INTO THE SURROUNDING AREA IN TERMS OF SCALE, CHARACTER AND ASSOCIATED SERVICES AND FACILITIES;
- iv) CONTRIBUTE DIRECTLY TO THE REGENERATION OF THE SURROUNDING AREA, PREFERABLY AS PART OF COMPREHENSIVE PLANNING PROPOSALS; AND
- v) NOT UNACCEPTABLY AFFECT THE QUALITY, QUANTITY OR VARIETY OF THE LOCAL HOUSING STOCK.

6. incorporating Plan M/071, amended to include Kirkstall Hill, Beckett Park Campus, Lawnswood and Moor Grange [as shown in S/21770 etc.] and retitled “Area of Housing Mix”.

#### **ALTERATION 7/009 (POLICIES H18 AND H19)**

##### **Objections**

21061 Chinacorp Nine Ltd  
21499 Leeds Property Association  
21544 Unipol Students Homes

##### **Issue**

7.204 Are the proposed changes to the supporting text to Policy H18, and deletion of Policy H19, justified?

##### **Inspector’s Reasoning and Conclusions**

7.205 With the exception of that part of Leeds Property Association’s representation that objects to students and non-students being treated differently, these objections are either to the previous Alteration or effectively support this one. I deal with the proposed approach to students under 7/008 but the additional proposed para. 7.8.1 correctly draws the distinction in planning terms between HMOs and shared student accommodation. The Council do not explain why they propose deleting all references in policy and supporting text to an area-specific approach to HMOs other than to say that the changes are needed to reflect different approaches to dealing with HMOs city-wide and with student accommodation in the ASHORE. In the absence of any further information from them or from objectors I cannot conclude on whether or not the changes are justified but on the assumption that the Council have so satisfied themselves I endorse the Alteration. A minor typographical error in proposed para. 7.8.1 requires correction; “he” should read “The”.

**RECOMMENDATION**

**7.206 I recommend that the UDP be modified in accordance with FD Alteration 7/009.**