
SOUTH AND WEST PLANS PANEL

**Meeting to be held in Civic Hall, Leeds on
Thursday, 19th January, 2017
at 1.30 pm**

n.b. There will not be any site visits prior to the meeting

MEMBERSHIP

Councillors

J Akhtar	J Bentley	B Anderson	R Finnigan
D Congreve		R Wood	
M Coulson			
C Gruen (Chair)			
E Nash			
A Smart			
C Towler			

**Agenda compiled by:
Andy Booth
Governance Services
Civic Hall
Tel: 0113 24 74325**

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> <p>No exempt items or information have been identified on the agenda</p>	

Item No	Ward	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES - 22 DECEMBER 2016</p> <p>To confirm as a correct record, the minutes of the meeting held on 22 December 2016 – minutes to follow</p>	
7	Headingley		<p>APPLICATION 15/05863/FU - VICTORIA ROAD, HYDE PARK, LEEDS</p> <p>To receive and note the attached report of the Chief Planning Officer regarding an appeal decision following an application for the erection of 7 purpose built student accommodation blocks, 3 storeys in height providing 262 bed spaces in total with associated communal space, parking and landscaping including both private and public open green space.</p>	1 - 28
8	Hyde Park and Woodhouse		<p>APPLICATION 16/06914/FU - 7 EDWIN ROAD, HYDE PARK, LEEDS</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the change of use to HMO.</p>	29 - 44

Item No	Ward	Item Not Open		Page No
9	Kirkstall		<p>APPLICATION 16/03597/FU - LAND ADJOINING ST ANN'S MILLS, COMMERCIAL ROAD, KIRKSTALL</p> <p>To receive and consider an application from the Chief Planning Officer regarding an application for the laying out of a public footpath.</p>	45 - 58
10			<p>DATE AND TIME OF NEXT MEETING</p> <p>Thursday, 16th February 2017 at 1.30 p.m.</p> <p><u>Third Party Recording</u></p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties– code of practice</p> <ol style="list-style-type: none"> a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title. b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete. 	



Originator: Ryan Platten

Tel: 0113 378 7956

Report of the Chief Planning Officer

SOUTH & WEST PLANS PANEL

Date: 19th January 2017

Subject: PLANNING APPEAL PUBLIC INQUIRY DECISION SUMMARY

APPLICATION 15/05863/FU, APPEAL REFERENCE APP/N4720/W/16/3145119
Erection of 7 purpose built student accommodation blocks 3 storeys in height providing 262 bed spaces in total with associated communal space, parking and landscaping, including both private and public open green space at Victoria Road, Hyde Park, Leeds, LS6.

APPLICANT

Yorville and Maple Grove
Developments

APPEAL DECISION

Dismissed

APPEAL DECISION DATE

2nd December 2016

Electoral Wards Affected:

Headingley
Hyde Park and Woodhouse

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Plans Panel Members are asked to note the outcome of the appeal decision.

1.0 INTRODUCTION:

- 1.1 This report is presented to Plans Panel to update the Panel on the recently dismissed planning appeal at the former Leeds Girls High School swimming pool and sports field site at Victoria Road in Headingley Ward situated close to the boundary with Hyde Park and Woodhouse Ward.
- 1.2 The planning application to which the appeal relates was determined under delegated powers following pre-application discussions with ward members in the two aforementioned wards.

2.0 BACKGROUND:

- 2.1 A planning application to create a new purpose built student development consisting of seven blocks in the townhouse style to accommodate 262 bed spaces at the aforementioned site was submitted to the Council in September 2015. The proposal included the provision of both private and public amenity space on site alongside car parking provision for students and on-site staff.
- 2.2 The proposal attracted a large number of objections from local ward members, local MP's, local community groups and local residents.
- 2.3 The proposal was refused planning permission in December 2015 under delegated powers with five reasons for refusal being offered by the Council as follows:
1. That the introduction of such a significant amount of additional student accommodation in an area which already suffers significantly from the resulting impacts of high concentrations of student accommodation would add to the existing severe housing and population imbalance and be to the detriment of the balance and wellbeing of the community contrary to the Council's objective to foster sustainable mixed communities.
 2. That the development would be harmful to the amenity of both immediate neighbours and those residents in the wider area in relation to privacy, outlook, noise, disturbance and anti-social behaviour, both when considered as a single development and when considered cumulatively with other forms of housing occupied by students.
 3. That the level of public green/ open space proposed was insufficient in a part of the city with the largest deficit of green space provision in Leeds, which is significantly below the Leeds average, and which is projected to grow significantly in the future.
 4. That the quantity of built development at the site, the proximity of buildings to neighbouring dwellings and the failure to provide for sufficient amenity for future residents represented development of a poor design.
 5. That the failure to provide a sufficient level of on-site car parking would lead to overspill car parking in surrounding streets which would be harmful to highway safety.
- 2.4 The fifth reason for refusal was withdrawn by the Council prior to the commencement of the Public Inquiry after agreement was gained with the appellant as to an appropriate off-site highway mechanism to address the Council's concerns.
- 2.5 Local residents, on behalf of the Hyde Park Neighbourhood Forum and other community groups, acted as a Rule 6 Party at the Public Inquiry which was held in October 2016.

3.0 SUMMARY OF APPEAL DECISION

- 3.1 The Inspector concluded that the relevant concerns in relation to reasons for refusal one, two and four were cause to dismiss the appeal. The Inspector did not agree with the Council in relation to reason for refusal number three. The key findings of the Inspector can be summarised as follows:

- 3.2 The Inspector concluded that the proposal would be located in an area (Hyde Park) with an existing excessive concentration of student accommodation that has had, and continues to have, a significant detrimental effect on the balance and well-being of the communities in that area. The proposal would have further increased that excessive concentration and exacerbate the current imbalance in the local population.
- 3.3 The proposal would have added to many of the adverse social and other effects that flow from that imbalance, including effects on the physical health and well-being of members of the community regularly affected by noise, disturbance and antisocial behaviour; on the availability of housing for occupation by families and other sectors of the population; on the nature and make-up of local shops and services; and on user demand for and pressure on the major area of green space in the area. The proposal would also have caused harm to the living conditions of the occupiers of residential properties both immediately adjoining the site and the wider locality.
- 3.4 The combination of these factors led the Inspector to find that the proposal would conflict with the relevant criterion in Core Strategy policy H6 which aims to avoid new purpose built student accommodation being built in existing areas of excessive concentration. Further the Inspector found that the proposal would conflict with the overall aim of the relevant part of the policy (relating to purpose built student accommodation). The proposal would have also led to conflict with other relevant local planning policies.
- 3.5 The Inspector noted that the proposal would bring a number of benefits and the site was considered to be in a sustainable location. The proposed on-site private and public green and open space was also considered to be in compliance with the relevant Core Strategy policy. However, the Inspector concluded that these benefits should only be afforded moderate weight and that they would not outweigh the harm identified or the resultant conflict with the local development plan.

Background Papers:

Appeal Decision dated 2nd December 2016 (attached)

Certificate of Ownership - J Pullan and Sons Limited of Manor Works, Beeston, Leeds, LS11 8QT

Appeal Decision

Inquiry held on 11-14 and 25-26 October 2016

Site visit made on 24 October 2016

by Paul Singleton BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 02 December 2016

Appeal Ref: APP/N4720/W/16/3145119

Victoria Road, Hyde Park, Leeds, West Yorkshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Yorvale and Maple Grove Developments against the decision of Leeds City Council.
 - The application Ref 15/05863/FU, dated 29 September 2015, was refused by notice dated 23 December 2015.
 - The development proposed is erection of 7 purpose built student accommodation blocks 3 storeys in height providing 262 bed spaces in total with associated communal space, parking and landscaping, including both private and public open green space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Hyde Park Neighbourhood Forum (HPNF) appeared as a Rule 6 party and also represented the South Headingley Community Association and the Hyde Park Olympic Legacy Group.
 3. The Council called no evidence in relation to the fifth reason for refusal as it had reached agreement with the appellant with regard to on-site parking provision and a financial contribution for the making of Traffic Regulation Orders should the proposal be shown to result in undue additional parking pressure in nearby streets. That obligation has been secured by means of a S016 agreement. However, as the HPNF have maintained its objection in relation to parking I have dealt with this matter as a main issue.
 4. The Council and appellant have agreed a Statement of Common Ground (SoCG) and I have taken this into account in my decision. An addendum to the SoCG states that, although they differ as to the Council's ability to demonstrate a 5 year housing land supply, neither party argues that the relevant policies for the supply of housing should be treated as being out of date, having regard to paragraph 49 of the National Planning Policy Framework (Framework). I have considered the appeal on that basis.
 5. Amended plans lodged with the appeal show the number of studio units reduced from 22 to 4 and the number of cluster units increased from 40 to 43, together with minor alterations to window positions. These amendments do
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not represent a significant change to the proposal and no party at the Inquiry objected to them. I am satisfied that my acceptance of these amendments would not prejudice any other interested parties and have, therefore, considered the appeal on the basis of the plans listed in Appendix 7.1 to Miss Sparling's evidence. I have also adopted the amended description of development as set out in the appeal form.

6. An accompanied visit was made to the appeal site and a number of streets in the immediately locality. I also made unaccompanied visits to some other locations in Hyde Park and Headingley and to Beeston and Holbeck as requested by the parties.

Main Issues

7. The main issues are:
 - (a) The effect of the proposal, both on its own and in combination with existing student accommodation, on the balance and wellbeing of the community and on the Council's objectives of addressing local housing and population imbalance and fostering the creation of sustainable communities;
 - (b) The effect on the living conditions of occupiers of immediately adjacent residential properties with regard to privacy, outlook, noise, disturbance and antisocial behaviour;
 - (c) The effect of the proposal, both on its own and in combination with existing student accommodation, on the living conditions of occupiers of residential properties in surrounding streets with regard to noise, disturbance and antisocial behaviour;
 - (d) Whether the proposal would provide adequate green space to meet the needs of the future occupants of the proposed accommodation;
 - (e) Whether the proposal would provide for an appropriate quality of design in the context of the site and its surroundings; and
 - (f) Whether the proposal would provide sufficient on-site parking to meet likely operational needs and whether there would be any overspill parking that would be likely to give rise to an unacceptable adverse effect on the free flow of traffic and the safety of pedestrians and other road users on the local highway network.

Reasons

Policy Context

8. The relevant development plan policies are comprised within the Leeds Core Strategy adopted in 2014 (CS) and the saved policies of the Leeds Unitary Development Plan Review (2006) (UDPR). Relevant supplementary guidance is contained in the following documents:
 - Neighbourhoods for Living Supplementary Planning Guidance (SPG) (2003 as amended);
 - Street Design Guide Supplementary Planning Document (SPD) (2009);
 - Headingley and Hyde Park Neighbourhood Design Statement Supplementary Planning Document (SPD)(2010);

- Car Parking Supplementary Planning Document (SPD) (2016).
9. The Development of Self Contained Flats SPG referred by the Council was prepared as SPG to UDPR Policy SGH1, which is concerned with flats created through the sub-division of existing buildings, and is intended to apply to such changes of use. I do not consider the SPG to be relevant to the appeal proposal.
 10. Reason for refusal 5 refers to saved UDPR Policy T24. This has been superseded by the Car Parking Standards SPD and no longer forms part of the development plan.
 11. A draft of the Headingley Neighbourhood Plan, published for consultation purposes in the autumn of 2015, is the subject of objections and has not yet been submitted for examination. Its proposals can accordingly be afforded only very limited weight. The HPNF has published a set of objectives for its proposed Neighbourhood Plan but no draft Plan has yet been prepared. Those objectives can therefore be afforded only very limited weight in the appeal.

Balance, well-being and sustainable communities

12. The key policy of relevance to the first reason for refusal is CS Policy H6. Part B is expressly concerned with Purpose Built Student Housing Accommodation (PBSA) but Part A, relating to Houses in Multiple Occupation (HMOs) is also relevant to some of the issues in the appeal. The main parties differ as to how Policy H6B should be interpreted and applied to the appeal proposal and I set out my findings on these key matters below.
13. The policy should be objectively read in its proper context and the supporting text is there to help with interpretation rather than forming part of the policy. I consider that 'controlled' should be interpreted, in accordance with its common definition, to mean 'regulated' and that the purpose of the policy is to regulate the provision of PBSA so as to achieve the objectives set out in the policy's five clauses. On my reading, all five clauses are of equal standing and none involves a 'gateway test'. Policy H6B requires a judgement to be made as to the extent to which a PBSA proposal would meet those objectives and does provide for a proposal to be found to be in compliance with the policy even if it would breach of one or more of its detailed clauses.
14. Had the Council intended that all five clauses must be satisfied it would have adopted the form of words used in part C of Policy H6 which expressly requires that all of the criteria in the detailed clauses are met. The appeal decisions on which Mr Platten relies mostly relate to the application of Part A rather than Part B although these parts of the policy are constructed in a similar way. However, on my reading, none of those decisions indicate that the Inspectors relied upon a breach of a single clause to support their overall conclusions as to compliance with the policy as a whole.
15. Clause (i) of Policy H6B supports PBSA development at a general level but, when read with the introductory text, links that support to the key objective of relieving pressure on the use of private housing to meet student accommodation needs. CS paragraph 5.2.26 clarifies that PBSA is "*to be welcomed in order to meet need and to deflect pressure away from private rented houses in areas of over-concentration*". Paragraph 5.2.19, notes the existence of high concentrations of student housing in areas of Headingley,

- Hyde Park and Woodhouse and, in my view, these references can only sensibly be taken to mean sub-areas of these districts. The policy should, therefore, be read in the context of that key objective of relieving pressure on private housing in areas with existing over-concentrations of student housing.
16. That link is reinforced by the Clause (iii) objective of avoiding excessive concentrations of student accommodation. This must logically embrace both HMOs and PBSA since the objective would not be served if the existing student HMOs in the area were not taken into account. A proposal would not breach clause (iii) if there is no evidence of harm to the balance and wellbeing of communities. However, the use of the word 'avoid' must also provide for a PBSA to be resisted if the area in which it would be located has an existing excessive concentration which can be shown to have undermined the balance and well-being of its local communities. Clause (iii) does not refer to any particular area but is concerned with the effect on communities and the effects on more than one community can therefore be taken into consideration. This is an appropriate approach to take in relation to the appeal proposal.
 17. 'Community' could simply mean a group of people living in the same area but, for planning purposes, the term should be understood to embrace a social dimension and some degree of common interest and interaction. Paragraph 50 of the Framework sets out the objective of creating sustainable, inclusive and mixed communities and requires that local planning authorities should plan for a housing mix based on the needs of different groups in the community. Some further assistance is given in paragraph 69 which states that the planning system can play an important role in facilitating social interaction and creating healthy and inclusive communities.
 18. The concept of a sustainable community must, therefore, embrace a mix of people of varied age, status, and background. The HPNF suggests that creating a community depends upon its members having common interests and purposes and feeling a sense of being a part of that community and I consider these factors to be some importance. The HPNF has worked to keep its Neighbourhood Plan Area separate and distinct from that to be covered by the Headingley Neighbourhood Plan because its members consider that their community has its own identity with its own particular issues and challenges. These arguments are supported by the evidence from a number of parties that Victoria Road forms a natural divide between Hyde Park and Headingley. That it should do so is, perhaps, not surprising given that much of the area immediately to the north has historically been used for educational and commercial purposes and that the nearest housing in the Buckingham is quite different in form and character to that to the south of Victoria Road. Mr Moore considers that Victoria Road continues to form an important boundary in respect of the student HMO and private housing markets.
 19. For very many years Headingley, Hyde Park and Woodhouse have been the most popular locations for students seeking accommodation in their second and subsequent years of study. The areas' proximity and ease of access to the main universities and colleges, the location of existing halls of residence within this area, the general attractiveness of the area and its facilities, and the availability of a substantial stock of houses suitable for conversion into HMOs have all contributed to that popularity and continue to do so. The failure to match the substantial growth in student numbers between 1997 and 2007 with the development of new halls of residence or PBSA led to significantly greater

concentrations of student housing in Hyde Park, Woodhouse, Headingley and other nearby areas with some streets in Hyde Park, Woodhouse and Headingley reaching close to 100% student occupancy. It also resulted in a spread of HMOs to areas not previously occupied by students, including Becketts Park and Far Headingley.

20. In 2005 students accounted for 54% of Headingley's population and the area was then thought to have the largest and most concentrated student population in the country (CD27) but it continued to grow. The appellant's Planning Statement (September 2015) estimated that students account for around 65% of Hyde Park's population of Hyde Park with 99% of these in HMOs, and Mr Platten and Mr Moore agree that, in a number of streets close to the appeal site, the proportion is likely to be in the 80th and 90th percentiles. HPNF's evidence is that many of the streets in the vicinity of the appeal site are dominated by student HMOs and that this has resulted in a substantial imbalance between students and other sectors of the population.
21. UDPR Policy H15 (now deleted) sought to address this imbalance and create more sustainable communities by managing the provision of student housing to maintain a diverse housing stock that would cater for all sectors of the population including families. Policy H15 gave positive encouragement for PBSA development that would improve the total stock of student accommodation, reduce pressure on conventional housing and assist in regenerating areas in decline or at risk of decline. Since the UDPR was adopted there has been a large scale increase in the supply of PBSA in Leeds.
22. The number of students living in PBSA increased from nearly 8,000 in 2007 to nearly 18,000 in 2012 and there are now more than 19,000 PBSA bedspaces available. The increase in PBSA has resulted in a reduction in the number of students living in HMOs from around 22,000 in 2007 to just under 18,000 in 2012 but this has not occurred in all parts of Leeds. The number of students in HMO bedspaces within the appellant's Study Area also decreased by around 3,700 and the total number of students living in the Headingley Neighbourhood Plan Area reduced by 1,271. However, over that same period, Hyde Park, Harolds and Burley Lodge experienced an increase of nearly 500 HMO bedspaces and the total number of students living in the Hyde Park Neighbourhood Plan Area increased by 744.
23. It can be seen therefore that, although increased PBSA provision has helped to reduce pressure for student occupation of conventional housing in parts of the Study Area, student numbers in that part of the Study Area in which the appeal site is located have continued to grow rather than fall. Hyde Park continues to have one of the largest over-concentrations of student accommodation in Leeds and must, for this reason, be considered to be one of the main areas in which the Council seeks, through the implementation of Policy H6B, to take pressure off of the use of conventional family homes for student accommodation.
24. Miss Jones' evidence is that students increasingly see higher education as a major investment and that this is reflected in changed expectations with regard to the quality of accommodation that they are prepared to accept. I see no other evidence to contradict that view. The high standards enjoyed by the large number of first year students occupying PBSA are, therefore, likely to lead to increased expectations as to the quality of the accommodation sought by such students in their second and subsequent years and to help to put

- pressure on HMO landlords to improve the quality of their accommodation. A recent shift in student demand away from older and less appealing HMOs has led to difficulty in letting properties on a full 12 months term, particularly in those areas which are further away from the universities and the City Centre.
25. In tandem with tax changes, these pressures have forced landlords to reassess property portfolios and have led to some landlords seeking to sell their harder to let properties and buying more property in locations where they can easily find tenants and maintain full occupancy. Hence, the stronger competition and raised expectations generated by increased PBSA provision have also served to concentrate landlord interest and investment in those areas which have traditionally been most favoured by the students themselves.
26. This is confirmed by Mr Moore's evidence that, although former student HMOs are being released to families in the peripheral areas of Becketts Park, Central Headingley and the Cardigan Triangle, investors from all over the country and even from Ireland are looking to acquire properties for student occupation in the 'Prime Student Letting Area' (PSLA) comprising the streets of Cardigan Road running east across to Woodhouse Moor, and Victoria Road, running south to Royal Park Road. Although there has been a lack of demand over the last 2 years for properties with C4 planning permission in the Headingley Neighbourhood Plan Area, similar properties in the Hyde Park Neighbourhood Plan Area remain very popular with, in some instances, strong competition between landlords to secure the purchase. An excessive concentration of student accommodation clearly persists in the Hyde Park part of the Study Area and there is strong evidence that this has had, and continues to have, a significant detrimental effect on the balance and well-being of the community within that area.
27. The strong competition to acquire houses in the PSLA, driven by the investment returns that HMO landlords are able to achieve, has increased house prices and has virtually forced the private purchaser out of the market. That this trend persists is shown by Mr Moore's evidence that properties in the PSLA suitable for 3 or more tenants will only achieve the best price if sold to a landlord. Some such properties might require planning permission for C4 use but Mr Frudd's Appendix 8 shows that the Council has been willing to grant such permissions in streets where a majority of the houses are already in HMO use. The Article 4 Direction and CS Policy H6A may have prevented further significant loss of family homes in the wider Study Area but seem to have had little impact in streets where student HMOs are already the dominant use. Indeed, the evidence suggests that the Council's application of H6A (iii) is likely to further increase rather than reduce the concentration of student accommodation in such streets.
28. The HNPF evidence and many of the written objections indicate a strong and widely held local feeling that Hyde Park has a significant over-representation of HMOs and that the population is dominated by students. Some comment that the area is overwhelmed by students in term time and feels like a 'ghost town' during the academic holidays. The frequent changeover of tenants in the majority of HMOs provides limited opportunity for students to get to know longer term residents and it must be difficult for those long term residents to try to get to know new neighbours on such a regular basis. It must also be very disheartening to be told that they are living in a 'student area'. Despite the best efforts of some long term residents to welcome new students each

year, the constant change in occupancy of adjacent properties must give rise to a considerable sense of insecurity. None of these factors are likely to contribute to the development of a sustainable, inclusive and healthy community.

29. I note the appellant's evidence with regard to noise complaints and accept that some other parts of the City experience a similar level of complaints as the Hyde Park area. I also accept that noise complaints with regard to PBSA developments are generally much lower than for HMOs. However, I consider that, when taken together with the representations from the Council's Anti-Social Behaviour Team (ASBT) and the Police and the evidence from those living in the area, the plans appended to Mr Platten's evidence do show that the Hyde Park and Woodhouse area has experienced a very high level of complaints about noise, disturbance and anti-social behaviour (ASB) compared to many other parts of Leeds, including other areas such as Beeston which has a similar housing mix and density. The HPNF statements and third party representations provide clear evidence of the frequent and persistent nature of such problems and their effect on the quality of life of people in the area. Councillor Walshaw stated that such concerns form a significant part of the case work of the Ward Councillors for this part of Leeds.
30. The existence of these problems has also been accepted by a number of Planning Inspectors in the various appeal decisions that have been referred to. The Police Architectural Liaison Officer's consultation response notes that not all student activities that cause disruption are recorded as crimes and the HPNF states that there is a significant level of under-reporting of noise and disturbance from groups passing through residential street in late evening and early hours. Such incidents may be under-reported but they can and do have a significant detrimental effect on those whose sleep is disturbed.
31. The evidence within the Cumulative Impact Policy Report (RP Appendix 51) of a high proportion of burglaries and thefts in the Hyde Park and Woodhouse areas confirms the vulnerability of students to such crimes. Such crime is higher in areas with a large numbers of student HMOs and lower in respect of PBSA developments where security is generally much better. However, although I see no substantial evidence that the presence of PBSA is likely to have a beneficial effect on crime levels as the appellant suggests. There has been a decrease in ASB incidents in recent years but the report records that rowdy and inconsiderate behaviour accounted for a significant proportion of such incidents and that alcohol and youth related were the top two 'qualifiers' recorded against such incidents. None of those who gave evidence at the Inquiry sought to suggest that all students are badly behaved or to demonise them as a group but this data, and the ASBT comments, provide corroboration of the HPNF and third party evidence on the extent and adverse impact of such problems and their long-standing nature.
32. There is some consensus that matters are starting to improve but this appears to be as a result of the concerted efforts of the Council, Police and other partners in responding to and dealing with complaints rather than reflecting a marked change in behaviour amongst the minority of students who give rise to such complaints. Indeed, there are references in the HPNF statements to a number of noise, disturbance and ASB incidents having occurred within the PSLA area within the first few weeks of the new academic year.

33. I observed on my site visits the significant problems that result from waste and recycling bins being left out on the street and, although not present in all of the surrounding streets, these bins obstruct the pavements and overflowing and overturned bins lead to on-street litter and the potential to attract rodents. The standard of maintenance of properties and front garden areas is generally poorer in those streets with a preponderance of HMOs and I observed a marked contrast on my visit to Beeston where properties of a similar age and type appeared generally to be much better maintained and cared for. These issues, and other apparent problems such as empty bottles, broken glass and general litter on the pavements, harm the visual amenity of these streets and have an adverse effect on the sense of ownership and pride which long term residents feel towards the area in which they live. I do not suggest that students are responsible for all street litter in the area but the HNPF evidence is that this is more evident in term time than in holiday periods.
34. Headingley Town Centre and Hyde Park Corner Local Centre appear to be healthy centres, with a good range of multiple retailers and other outlets, and investment in these and other local centres has no doubt been supported by the spending power of students. Compared to other centres of a similar scale and position in the retail hierarchy, Headingley and Hyde Park Corner do not have a materially disproportionate representation of bars, restaurants, hot food takeaways or charity shops. Many smaller town and local centres have experienced a reduction in fresh food shops and an increase in coffee bars, cafes and restaurants even where there is no student catchment to draw upon.
35. There is, however, evidence that the 'offer' within some of the bars, cafes and shops is influenced by the large student market within the immediate catchment, for example the relatively large alcohol display in the Sainsbury's Local and corner shops. That influence is perhaps most marked in respect of the Brudenell Social Club which, I suspect, would have a very different food and entertainment offer but for the strength of the student market. The significant over-representation of letting agencies at Hyde Park Corner has an obvious adverse effect on the make-up of that centre and the balance of services and facilities which it offers. In combination, these effects reduce the wider attractiveness of these centres and generate a sense that they no longer serve the needs of the long term residents or provide a strong focus for community interaction. There is also convincing evidence that the over-concentration of students places additional pressure on the use of Woodhouse Moor and discourages some local people from using its facilities at the busiest times.
36. Many families have moved away because they have felt unable to live with the noise, disturbance and other effects of living in an area dominated by student HMOs and some of those relocations have resulted in the conversion of a former family home to HMO use. It has also proved difficult, at times, for families who want to move within or into the area to secure either owner-occupied or rented accommodation. The over-concentration of student accommodation and the perception of Hyde Park as a student area have had an obvious adverse effect on the balance and well-being of the community in this regard and Mr Moore's evidence of the strength of demand from landlords for properties in the PSLA shows that this remains a live issue.
37. These long standing issues have been the subject of a sequence of policy responses by the Council and were considered at both UDPR Inquiry in 2005

and the CS Examination in 2014. The CS Examining Inspector commented that it would be unrealistic to turn the clock back to the point where students are outnumbered by other population groups. The HPNF shares that view but seeks a meaningful shift in the balance of the population away from students. The objectives set out for the proposed neighbourhood plan, of rebalancing the community and encouraging more long term residents to move into the area, are consistent with the Council's aspirations of creating a more balanced and sustainable community in the area.

38. HPNF indicate a preference for young families to move into the area and that would help to create a more sustainable community. However, that objective could be assisted through the attraction of other groups such as young working adults who would also add to the mix and balance of the population with positive effects. These groups might seek HMO or rented accommodation in the short term but they have the potential of becoming future 'home builders'. Hyde Park has historically been an attractive location for graduates who wish to stay in the City and other young people seeking their first family home and there is good evidence that this remains the case. There is, therefore a prospect that the proportion of such young people in the population could grow subject to the availability and cost of suitable accommodation.
39. Against this background it would be possible to conclude that the proposal conflicts with clause (iii) of Policy H6B on the grounds that a PBSA proposal on a site in the heart of the PSLA would fail to avoid an existing excessive concentration of student accommodation. The proposed development would add significantly to that excessive concentration and cause additional harm to the balance and well-being of the community within the Hyde Park area.
40. The proposal has been designed to be attractive to returning students and I understand that this is a market that Unipol and other providers are keen to exploit. The Graystacks scheme in Nottingham has increased the proportion of non-first year tenants from around 38% in Year 1 of its operation to around 71% in Year 3 (Data from Unipol Assistant Chief Executive submitted at the Inquiry). However, that scheme is much smaller than the appeal scheme (84 bedspaces as opposed to 262) and has been designed as a row of 7 town houses in order to get away from the en-suite model and to relate more closely to a family house (HJ Appendix G).
41. The appeal scheme has been designed to have the external appearance of rows of town houses and, at 262 bed spaces, would be smaller than many other PBSA developments. Internally, however, it would have a fairly standard layout of a single level cluster of en-suite rooms around a shared kitchen and dining area. The majority of the proposed blocks would comprise 6 such clusters sharing an access rather than each cluster having its own front door as in the Graystacks scheme. The Graystacks scheme also appears to have a degree of inbuilt adaptability to alternative residential use which is not reflected in the design of the appeal proposal. I note also that the local community seems to have had an active involvement in the development of the Graystacks proposals. This contrasts markedly with a prevailing view amongst objectors to the appeal proposal that they have had little or no input into its formulation and development. For these reasons, I am not persuaded that the Graystacks project provides either a direct parallel for the appeal proposal or firm evidence as to how that development might be occupied on completion.

42. The proposal would effectively be a pilot project for this type of accommodation in Leeds and there can be no certainty as to how successful it might be in attracting returning and post-graduate students. It is likely that it would be fully let in its first and subsequent years of operation, both because of its location and the quality of accommodation and because the business model is likely to depend upon full or near full occupation. On a worst case basis the scheme would attract 262 new students into the PSLA. When compared to the existing student population of Ash Grove the effect of the proposal would, as the HPNF argue, be like adding another 'street full' of students.
43. Even if the scheme were to achieve the appellant's target of 50% occupancy by returning and post-graduate students there is no evidence that this would result in a reduction in the number of students in HMO accommodation in the streets surrounding the site. In addition, success in attracting 'returning' students would not necessarily be accompanied by a significant level of retention of individual students from one year to the next. The occupancy data for the Graystacks scheme shows no retention of tenants from Year 1 and only 17 students (around 20%) having been retained from Year 2 into Year 3 of its operation. I have seen no evidence to suggest that retention rates would be any higher in the appeal scheme.
44. The 54 student responses to the HPNF survey demonstrate the continued strong attraction of shared housing for students who have lived in halls or PBSA in the first year of their studies. Students tend to choose their second year accommodation on the basis of their friendship groups (which may not relate to those that they share with in the first year) and a number of students may choose PBSA in their final year to aid concentration on their studies and exams. Taken together, this evidence suggests that there is likely to be a high annual turnover of students in the proposed accommodation. The tendency for students to seek second year accommodation near to their first year halls or PBSA would also be likely to reinforce the continued demand for shared student housing in Hyde Park.
45. The proposal may help to encourage the transfer of some shared student houses to family housing or other forms of HMO in those parts of Headingley which have already seen such a trend. It may also encourage some HMO landlords in those areas to improve the quality of student accommodation and to reduce occupation density in some properties. Such changes could benefit the balance and well-being of the communities in parts of the wider Study Area but that benefit would likely be thinly spread. However, all the evidence suggests that the PSLA will continue to prove attractive to students and be seen by landlords as an area where strong student demand is guaranteed, notwithstanding the addition of 262 PBSA bedspaces.
46. For these reasons, I find that the proposal would significantly increase the numbers of students living in the Hyde Park Neighbourhood Plan Area and would exacerbate the existing excessive concentration of student accommodation in that area. I set out my findings on the effect of the proposal in respect of noise, disturbance and ASB under the second and third matters below but those findings lead me to conclude that the proposal would have an adverse effect on the well-being of the local community in this regard. The proposal would also reinforce the existing adverse effects with regard to the availability of homes for other sectors of the population, the focusing by local shops and services on the student market, pressure on the use of local open

- space, and the feeling by long term residents that they are increasingly outnumbered and isolated within their community. In my judgement these adverse effects outweigh the benefits that might flow from the proposal by helping to reduce pressure on the use of conventional housing for student accommodation elsewhere in the Study Area.
47. There are extant outline and reserved matters permissions on the site for the development of 24 new homes with a 50/50 split between 3 bedroom and 4 bedroom houses. The appellant contends that there would be little demand from families but that argument appears to be based on Mr Moore's views that the site is on the wrong side of Victoria Road in market terms and his experience that properties to the south of that boundary have proved less attractive to families because they are back-to-back houses or have little or no garden area.
48. However, there is evidence of a latent demand for family housing in this part of Hyde Park and that many prospective purchasers have been defeated by the lack of suitable properties or outbid by HMO landlords. Mr Yaqub recently purchased a large family home on Hyde Park Terrace because he wanted to stay in the area to be close to his parents and other family members. Mr Moore categorised this as a 'special purchase' but the size of the Muslim community within the area around the Brudenell Road mosque would suggest that other families might have similar reasons for wanting to acquire or rent houses in the Hyde Park area. Other groups might also wish to locate there.
49. There is evidence that some of the new properties in the Victoria Gardens scheme have been bought by buy-to-let landlords and concern that the flats formed by the conversion of parts of the Office Park might be used for student accommodation. Both of these outcomes would further add to the existing excessive concentration of student accommodation within the vicinity of the appeal site. Mr Moore considers that there would be landlord interest in the houses proposed on the appeal site but agrees that 4 bedroom homes would not be viable as student HMOs.
50. The alternative scheme, for which planning permission has been granted, could provide new homes of a type not currently available in the area. The site adjoins a large number of student HMOs but is physically separate with its own access from Victoria Road. The construction of 24 new, 3 and 4 bedroom houses with gardens would create the potential for families and other non-student groups to move into the area and an opportunity of starting to rebalance the local population. It is possible that some of the houses might be acquired for student occupation but it seems unlikely that this would become the dominant form of occupation. Any houses so occupied would be readily convertible for family accommodation in the longer term. The appeal proposal would provide neither that adaptability nor create any realistic opportunity of adding to the diversity of the local population. Its implementation would kill off the opportunity presented by the alternative proposals for the site. Although the site is not allocated as a housing site the loss of that opportunity would be detrimental both to the Council's aspirations for securing a greater mix of housing and a more sustainable community within Hyde Park and to one of the key objectives of the proposed Neighbourhood Plan.
51. For these reasons, I find that the proposal would conflict with clause (iii) of Policy H6B and would not help to achieve a key objective of that policy with

regard to taking pressure off the use of private housing in areas of over-concentration of student accommodation. I agree that there would be no conflict with clauses (ii) and (iv). I deal with clause (v) below under the main issue relating to design quality and set out my overall conclusions with regard to Policy H6B at the end of my decision.

Living conditions of occupiers of immediately adjoining residential properties

52. The Neighbourhoods for Living SPG suggests minimum separation distances for the offset of new residential development from the site boundary. The SPG need not rigidly be applied but does state that the Council regards the distances in the table on page 57 as the normal minimum requirement for houses developed on flat sites in suburban areas and on schemes with conventional windows. There is no explicit statement that higher standards should apply to developments of more than 2 storeys but it is logical that a 3 storey building with living accommodation on each floor is likely to bring an increased risk of loss privacy for neighbouring occupiers.
53. The 7.5 metres (m) distance used by the appellant is that suggested between the secondary aspect of the proposed development and the site boundary. For the purpose of the SPG 'secondary aspect' means windows to bedrooms and ground floor kitchens. Although described as secondary by the appellant, the upper floor windows on the western elevation of Block A would be the only windows to the study bedrooms. Each cluster of 6 bedrooms would share a kitchen and eating area but there would be no shared living room and students would be likely to spend a large part of their time in their study bedrooms. Given that the proposed block would be of 3 storey height, I consider that this is a situation where a greater separation distance might reasonably be required. However, rather than meeting a higher standard, the proposed separation between Block A2 and the site boundary would fall 0.5 m below the 7.5m distance suggested in the SPD.
54. There appear to be only secondary windows in the gable wall of Number 63 Victoria Road and the proposal would be unlikely to result in a loss of privacy to rooms lit by those windows. The rear garden to No 63 would be overlooked by some of the study bedrooms on the first and second floors of Block A2 and the proposed windows would be of generous height (at around 1.7m). The vegetation to the site boundary would filter views but their screening effect would be limited in the winter months and the proposal would result in a loss of privacy to the occupiers of that property when using this private amenity space. The application of manifestation to the lower part of the windows could provide some mitigation but the extent of manifestation needed to prevent overlooking would, in my view, have an adverse effect on the attractiveness and usability of the study bedrooms affected by that treatment
55. The distance from Block D to the southern boundary of the site would be some 1.5m below the suggested minimum standard. The Welton Road Flats building to the south has windows in its rear elevation that appear to serve both principal and secondary rooms but the proposed window to window separation distance (of about 18.5m) would protect privacy levels within both the existing and proposed buildings. One corner of the Welton Road building is closer to the shared boundary but Block D would be offset such that there would be no direct views into the small corner windows in that rear projection. Dense vegetation to the site boundary would screen the shared amenity space at the

- rear of the flats from ground and first floor windows in Block D. Views would, however, be possible from second floor windows and the proposal would lead to some loss of privacy to users of that amenity space.
56. Concerns were raised about possible over-shadowing of properties on Ash Grove but the additional plans produced by Miss Sparling demonstrate that there would be very little risk of this occurring. Neither, in my view, would those properties suffer any loss of privacy.
57. Unipol is acknowledged to have a good reputation and I do not doubt that the proposed development would be managed to a high standard. There is likely to be better control of taxis coming and going to the site compared to what reportedly happens when taxis are called to HMO accommodation in nearby streets. The effective management of refuse collection would ensure that no problems should arise with regard to bins being left in the wrong place or overflowing or overturned bins as can be seen elsewhere in the local area. The buildings and grounds would also be maintained to a good standard. I also accept that proposed buildings would incorporate high standards of insulation that would minimise the risk of noise breakout from the bedrooms and studios.
58. However, the proximity of many of the bedrooms to the site boundaries would give rise to the risk of noise disturbance in the event that students were to play loud music with their window open. There would also be a risk of noise and disturbance being generated through the use of the proposed areas of shared amenity spaces. Although notated on the proposed site plan as 'external study areas', these would provide attractive places for students to congregate on warm days, summer evenings and on a warm night after students have returned from a party or bar. Such gatherings would be likely to result in loud chatter and other noise which would cause disturbance to residents of adjacent properties. The proposed siting of these spaces around the perimeter of the site and adjoining residential properties on Ash Grove and Welton Road would not help to minimise those risks.
59. The proposed management arrangements would enable incidents and complaints of noise and other disturbance to be investigated and responded to. However, I agree with the Council and the HPNF that much of that response is likely to be reactive, following complaints about noise or other disturbance, particularly at the start of the academic year and at other times, such as at the end of exams or end of term when students wish to celebrate. There would be 262 students on the site and it would only take a relatively small number of those with little or no regard for their neighbours to cause a significant level of disturbance. Whilst I recognise the low level of complaints with regard to student accommodation currently managed by Unipol, I do not consider that the proposed management procedures and controls would be capable of eliminating noise and disturbance from the proposed development, particularly if there is a significant turnover of tenants at the start of each year.
60. Having regard to the above considerations, I find that the proposal would adversely affect the living conditions of the occupiers of nearby residential properties with regard to overlooking and the loss of privacy and to noise and disturbance. These effects would result in a conflict with CS Policy P10, which requires that development should respect amenity, and with UDPR Policies GP5, which seeks that proposals should resolve detailed planning considerations and avoid loss of amenity, and BD5, which requires that all new

buildings should be designed with consideration to their own amenity and that of their surroundings. These effects would also cause harm to the well-being of the local community and add to the conflict with Clause (iii) of Policy H6B.

61. I do not agree that more significant problems would arise from the alternative development scheme as I do not accept that the proposed housing development would necessarily be dominated by student accommodation. Neither do I consider that all the students who might occupy some of the units within that development would be likely to cause noise and disturbance to their neighbours.

Living conditions of occupiers of residential properties in surrounding streets

62. There is strong evidence of existing noise and ASB resulting in disturbance to residents in streets surrounding the appeal site, particularly in late evening and the early hours, from groups of students going to or from bars, parties or other activities. There are various different evening destinations that students may wish to go to and a number of different streets would likely be chosen as routes to and from the proposed development. The risk of noise and sleep disturbance to residents would be quite widespread. The proposed deployment of street wardens at the start of the academic year and other high risk times may have some positive effect but any benefit in terms of modifying behaviour would be likely to be short lived in most cases. Controlling this type of noise and disturbance is challenging because of its moving nature, the difficulty of identifying who is responsible for the noise (and of identifying where they live) and the fact that they will most likely have moved out of the street by the time that the ASB Team or the police are able to respond to any complaint.
63. I agree with the Council that there is little reason to think that the effects of the proposal in this regard would be materially different from those of an HMO scheme. However, in terms of student numbers, the scheme would equate to over 40 additional HMOs (assuming an average of 6 students in an HMO). The pedestrian surveys show sufficient capacity on the main pedestrian routes to accommodate peak morning and evening movements of students to and from their studies but provide no evidence as to the risk of noise and disturbance from the movement of students in the evening and early hours.
64. Accordingly, I find that the proposals would add to existing levels of noise, anti-social behaviour and disturbance to residents of nearby streets in the late evening and early hours and would cause significant harm to their living conditions in this respect. Such an outcome would also exacerbate the adverse effect which such incidents already have on the health and well-being of the community. This again would contribute to the degree of conflict that would be caused with clause (iii) of Policy H6B.

Green space

65. With the error in the table in CD 20 having been corrected, the parties agree that there is a deficiency of green space within the Hyde Park and Woodhouse ward and that CS Policy G4 is engaged. Mr Frudd questions its applicability to PBSA proposals but the policy seeks to match open space provision with the demands of the resident population and to ensure that new developments should contribute towards remedying any undersupply in a proportionate way. The proposal is a residential development and would result in a material increase in the population of the area. I see no significance in the fact that the

- policy does not refer to PBSA since, as the Council points out, it makes no reference to any other specific forms of residential accommodation.
66. No explanation is given in the CS as to what constitutes a residential unit and this term should, therefore, be interpreted to reflect the circumstances in each case. The closest approximation to a residential unit within the appeal proposal is the 6 bedroom cluster and it is appropriate that this should be used as the basis for applying the policy. Applying that same approach each of the studios should also be treated as a residential unit. The Council's proposed 4:1 ratio has no basis in the policy or its explanatory text and is drawn from the CS Summary Monitoring Table which is concerned with different matters. An average household size of 2.4 persons may have been used to calculate the combined green space contribution per dwelling (CS paragraph 5.5.11) but this is an average figure which no doubt reflects a wide range in household sizes across the City. As such, it provides no meaningful indication as to whether or not a ratio adopted for any particular form of development is appropriate.
67. As defined in the CS glossary, green space includes both public and private space used for formal or informal recreation. The Council argues that public accessibility is necessary for an open space to be counted as green space for the purposes of Policies G3 and G4 but there are some obvious qualifications to that general principle including allotments which are a separate category of green space in the CS background paper (CD20). Some privately owned bowling greens might be used only by registered members of a club but could still form a valuable part of the green space provision that would help to reduce user demand on publicly owned and more widely accessible facilities.
68. I see no logical reason why shared amenity space that would be available for use by all 262 residents should not be counted within the green space to be provided by the proposal. Neither do I consider that this space would be so fragmented as to render it incapable of beneficial use. On that basis, and not including the parking and access zones which would have very limited value as open space, the proposal would provide a total of 4,570 square metres (sq. m) of green space against a policy requirement of 3,720 sq.m. This would exceed the required level and make a positive contribution to remedying the current deficiency in the ward. No conflict would therefore arise with CS Policy G4.

Design quality

69. The proposed accommodation blocks would be of an acceptable quality of design that would respond positively to the site's context and the character of the surrounding area. The main parties differ as to the effect on setting of the listed building at No 63 Victoria Road and the Headingley Hill, Hyde Park and Woodhouse Moor Conservation Area. Having considered those submissions and undertaken my own assessment on the site visit my conclusions are as follows.
70. The site is currently vacant and has a somewhat neglected appearance but only a very small portion of the site falls within the conservation area. As the development proposed in this part of the site is very limited in its scope there would be no significant change in the contribution which the site makes to the character and appearance of the conservation area. Subject to the satisfactory reinstatement of the stone boundary wall to accommodate the new access (which could be secured by means of a planning condition) the direct effect on the character and appearance of the conservation area would be neutral.

71. I note the Council's contention that the demolition of the former buildings and the stripping of top soil from the site were unauthorised. However, no enforcement action has been taken; neither is there any live enforcement case or any authority in place for officers to initiate action under section 215 of the Town and Country Planning Act 1990. There appears, therefore, to be limited prospect of enforcement action being taken and the most that might realistically be achieved through a section 215 notice would be a general tidying up of the site. Accordingly, I do not agree that the existing state and condition of the site should not be used as the baseline for assessing the effect of the proposal on the designated heritage assets.
72. In its vacant state and unkempt condition the site has a mildly negative effect on the setting both of the conservation area and the adjacent listed building but this is limited by virtue of the site being securely fenced with no public access. Development of the front part of the site with new buildings which would be sympathetic to and compatible with the grain and character of the surrounding area would result in a moderate enhancement to the setting of the conservation area. The combination of the proposed Block A development and the open space adjoining the curtilage of No 63 would also provide for a moderate enhancement of the setting of the listed building. The statutory duties under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 would be met and the proposal would bring positive benefits by enhancing the setting of the listed building and conservation area.
73. Each of the studios would have an internal space of 20 sq. m and occupiers of these units would have access to a shared kitchen/dining area of 29.5 sq.m. As those students would not always need to cook or eat in their studio it is, reasonable to include that shared space in the overall calculation on a pro rata basis; this produces an equivalent of 27.5 sq. m of amenity for each studio. This is an acceptable standard for single occupancy units and in line with what the Council has accepted in PBSA developments elsewhere in Leeds.
74. The proposal would be of an acceptable quality of design that would be consistent with the guidance set out in the Neighbourhoods for Living SPG and the Headingley and Hyde Park Design Statement and the Street Design Guide SPDs. No conflict would arise with CS Policy P10 or Policy P12 in this regard and the proposal would also comply with saved UDPR Policies GP5 and BD5 in relation to design considerations.

Car parking

75. The Car Parking SPD states that 1 parking space per 8 students would be expected for student accommodation. No separate standard is set out for PBSA but, given the building management and likely parking charges that would apply in most PBSA schemes, I see no reason why a higher standard should apply. The 32 spaces proposed (a ratio of 1 space per 8.2 students) would be slightly below that expected level but not by a significant degree.
76. The appellant's surveys show very low occupancy of the on-site parking provision at Lupton Flats and Royal Park Flats student accommodation in Hyde Park (EA Appendix E) but these findings were challenged by HPNF. However, as the SPD has only recently been adopted, that document should be used to identify the appropriate standards against which the proposal should be assessed. Although there would be a slight under-provision against those

standards this does not suggest the likelihood of a serious excess demand for on-site spaces or a significant risk of overspill parking on nearby streets. However, there is a risk that some students may seek to avoid parking charges if they feel that they could find free parking off-site and it is clear that term-time parking on some nearby streets is already at a premium. There would be a residual risk of increased demand for on-street parking and, if this were to occur, it would add to congestion and cause detriment to residents in some of the adjoining streets.

77. Adequate mitigation could be provided through the proposed financial contribution that would enable appropriate parking management measures to be introduced should any problems occur. The concerns raised in the fifth reason for refusal could satisfactorily be dealt with by this means and no conflict with CS Policy T2 would arise in this regard.

Other Matters

78. The site is a sustainable location for student accommodation having regard to its proximity to the main university and college campuses, the City Centre, and public transport services and the proposed access arrangements are adequate for the level of traffic movements that would be generated. There are no objections on other technical grounds.
79. There is no general requirement to demonstrate a need for the proposal although a substantial volume of evidence has been submitted on this matter. Having considered that evidence I accept that there is a need for the qualitative upgrading of student accommodation generally and that PBSA development can play an important role in driving that improvement. The evidence of a quantitative need for the proposal is less clear.
80. Combined student numbers for all of the City's higher education institutions have recovered following the introduction of the £9,000 fee levels. However, there are many uncertainties with regard to future numbers, notwithstanding Leeds University's status as a top 100 world ranked institution, and the rate of increase in new undergraduates has seen a year on year reduction since 2012. Future growth is likely to be modest and to be achieved only by increasing market share and all good universities are competing for a finite pool of top grade A level students.
81. Converting likely growth in student numbers into an assessment of demand for PBSA bedspaces is even more difficult because any prediction is heavily dependent on the assumptions as to the relative popularity of PBSA compared to other forms of accommodation. Miss Jones places much reliance on a 2:1 ratio in her assessment but that is taken from a viability model rather than one developed to demonstrate actual demand. Having regard to these considerations, and to the evidence of the substantial pipeline of additional PBSA schemes and an existing surplus of student bedspaces overall, I do not find that there is an overriding or pressing need that would justify a grant of planning permission for the proposed development contrary to the provisions of the development plan.
82. The HPNF objects on the grounds that the proposal would result in the loss to the community of an important area of existing green space and a recreational resource. However, as conceded by Mr Sharma, the granting of permission for residential development means that the site enjoys no policy protection as

green space or recreational land. The site has also been removed from the Register of Assets of Community Value. Hence, although I acknowledge the desire of the local community and the Ward Councillor to secure the land for recreational use, I am unable to give those aspirations any weight in my decision.

83. A number of trees on the site frontage and perimeter are protected by a Tree Preservation Order (TPO). A tree survey has been carried out and root protection areas have been identified as part of that assessment. The proposed layout takes account of those trees which should be protected and incorporated into the development. Protection measures could be secured by a planning condition and I am satisfied that the development could be carried out without a material risk to the long term health of the TPO trees.
84. The proposal would result in the redevelopment and beneficial use of a large vacant site but the existence of the alternative development scheme demonstrates that this benefit could be secured by other means. Similarly, although the proposal would provide some enhancement to the setting of the heritage assets this could also be achieved by other forms of development.
85. The proposal would help to meet the qualitative need for an improved standard of student accommodation and would make a small contribution to meeting housing supply in the City. The specialised nature of the bedspaces proposed means that any such contribution would be limited in scale and can only be given limited weight, irrespective of whether the Council is able to demonstrate a 5 year HLS. Although the proposal may result in some student HMOs being made available to family or other use in the wider Study Area the effects of such changes on the well-being of communities are likely to be dispersed and, hence, of much more limited impact than the adverse effects on the well-being of the community within the Hyde Park Neighbourhood Plan Area.
86. The proposed public open space and 'wild area' would be a positive benefit but its proposed location and access arrangements call into question the extent to which this might be seen by residents of immediately adjacent houses as a benefit. Also, although the site would be open during daylight hours and Mr Blakey indicated that local people would be able to use of the shared amenity spaces, I consider that very few would chose to do so. These areas would be partially enclosed by the building blocks and, as they would be overlooked by a large number of study bedrooms, would have the character of semi-private or defensible spaces. They would be unlikely to invite public use and the sense of ownership that students might be expected to have towards the shared amenity areas could give rise to friction if non-residents did seek to make use of these spaces.
87. The expenditure likely to be generated by an additional 262 students would support local shops and services as well as those in the City Centre. That benefit would, however, be offset by the likely adverse effect of the proposal in further encouraging businesses to focus on the student market to the detriment of other sectors within the local community. The CIL payment resulting from the proposal would be a positive economic benefit.
88. Paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Regulations require that planning obligations should only be sought, and that weight be attached to their provisions, where they are: necessary to make the development acceptable in planning terms; directly

related to the development proposed; and are fairly and reasonably related in scale and kind to the development. I have identified a residual risk of overspill of car parking demand onto nearby streets and resultant harm to residents of those streets. In view of that risk and the conditional nature of the obligations within the signed S106 Agreement, such that they would be triggered only if there is evidence of resultant harm in this respect, I am satisfied that those obligations meet these tests and I have afforded weight to them in reaching my decision.

Conclusions

89. For the reasons set out earlier in my decision, I conclude that the proposal would be located in an area with an existing excessive concentration of student accommodation that has had, and continues to have, a significant detrimental effect on the balance and well-being of the communities in that area. The proposal would further increase that excessive concentration and exacerbate the current imbalance in the local population. It would add to many of the adverse social and other effects that flow from that imbalance, including effects on the physical health and well-being of members of the community regularly affected by noise, disturbance and antisocial behaviour; on the availability of housing for occupation by families and other sectors of the population; on the nature and make-up of local shops and services; and on user demand for and pressure on the major area of green space in the area. The proposal also would cause harm to the living conditions of the occupiers of residential properties both immediately adjoining the site and in the wider locality as set out in my conclusions with regard to issues (b) and (c).
90. Taken together these considerations lead me to find that the proposal would conflict with Clause (iii) of CS Policy H6B and with a key purpose of the policy of controlling PBSA development such that it avoids existing areas of excessive concentration. Accordingly the proposal does not derive positive support from Clause (i) of the policy. I therefore find that the proposal would conflict with Policy H6B as a whole notwithstanding that it may help to take pressure off the use of conventional housing for student accommodation elsewhere. I also find the proposal would conflict with other policies of the development plan (CS Policies P10 and P12 and UDPR Policies GP5 and BD5 in terms of its effect on the living conditions of the occupiers of nearby residential properties.
91. The proposed PBSA development would be in a sustainable location and would provide economic benefits in terms of construction investment, expenditure by the future occupiers on goods and services, and the CIL payment. It would provide social benefits by making a small contribution to the overall supply of new housing in Leeds and by assisting the qualitative upgrading of accommodation available to students in the City. The proposal has the potential to bring social benefits by reducing the pressure on the use of conventional housing for student accommodation in some parts of the Study Area and elsewhere in the City with some limited benefit to the communities in those areas where that effect is experienced. I have also identified some limited benefits in respect of the provision of additional public open space and with regard to the enhancement of the setting of the listed building and conservation area.

92. Although these benefits should be given moderate weight they would not, in my judgement, outweigh either the harm that I have identified or the resultant conflict with the development plan.
93. For these reasons, and having regard to all matters raised, I conclude that the appeal should fail.

Paul Singleton

INSPECTOR

APPEARANCES

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Witnesses:

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Witnesses:

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Advocates:

Sue Buckle & Dawn Carey-Jones

Committee Members

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Sue Buckle

Committee Member and Local Resident

Paul Armitage

Local Resident

Mohammed Haneef Yaqub	Local Resident
Adele Beeson	Local Resident
Janet Bailey	Local Resident

INTERESTED PERSONS:

Tony Crooks	Local Resident and Proprietor of Leeds.net.com
Dharmveer Thethi	Owner, Landlord Supplies
Councillor Neil Walshaw	Ward Councillor – Headingley Ward

DOCUMENTS AND PLANS SUBMITTED AT THE INQUIRY

General:

Full text of Leeds Core Strategy adopted November 2014

Letter of Notification of Date, Time and Venue of the Inquiry

Certified copy of S106 Agreement

Signed Statement of Common Ground between the Council and appellant and Addendum concerning the 5 year Housing Land Supply

Appellant's Opening Statement and List of Appearances

Council's Opening Statement and List of Appearances

HPNF Opening Statement

Council's CIL Compliance Statement

HPNF Closing Submissions

Council Closing Submissions

Appellant Closing Submissions

Appellant Documents:

AP1 - copy of email correspondence regarding a recent noise complaint at Marsden House PBSA

AP2 - Site Sections Drawing with 25⁰ lines added (Sheet 1)

AP3 - Site Sections Drawing with 25⁰ lines added (Sheet 2)

AP4 - Landscape Examples Drawing

AP5 - Addendum to Mr Moore's Proof of Evidence

AP6 - Unipol note of occupancy patterns at Graystacks PBSA in Nottingham

AP7 - Plans showing comparative green/open space provision proposed within the appeal scheme and the extant permission for 24 houses on the appeal site

AP8- Plans showing the Spring Equinox sun path analysis

Council Documents:

C1 - Email correspondence between the Council and Appellant dated 10.10.16 re additional documentations

C2 - Email dated 06.10.16 from Anti-Social Behaviour Team Manager to Planning Officer re noise complaint at 4 Atha House Halls of Residence

C3 - 2008 Shared Housing Action Plan for the designated Area of Housing Mix

C4 - Table showing Noise Nuisance Cases and Noise Abatement Notices Served in each of the City's Electoral Wards and by 1000 head of population

C5 - Mr Platten's updated list of PBSA aimed at non-first year students

C6 - Explanatory Note re the calculation of the requirement for and provision of natural green space within the Hyde Park and Woodhouse Ward confirming an error in the heading of Table 4.1 of Core Document 20

C7- Plans of the Hyde Park and Woodhouse, Headingley and Beeston and Holbeck Ward areas to indicate relative housing densities in these wards

HPNF Documents:

HPNF1 - Additional photographs of on-street parking in Ash Grove

HPNF2 - Written Statement from Rukhsana Hussain

HPNF3 - Written Statement from Mark Harrison Stanton

HPNF4 - Rebuttal Statement by Bill McKinnon

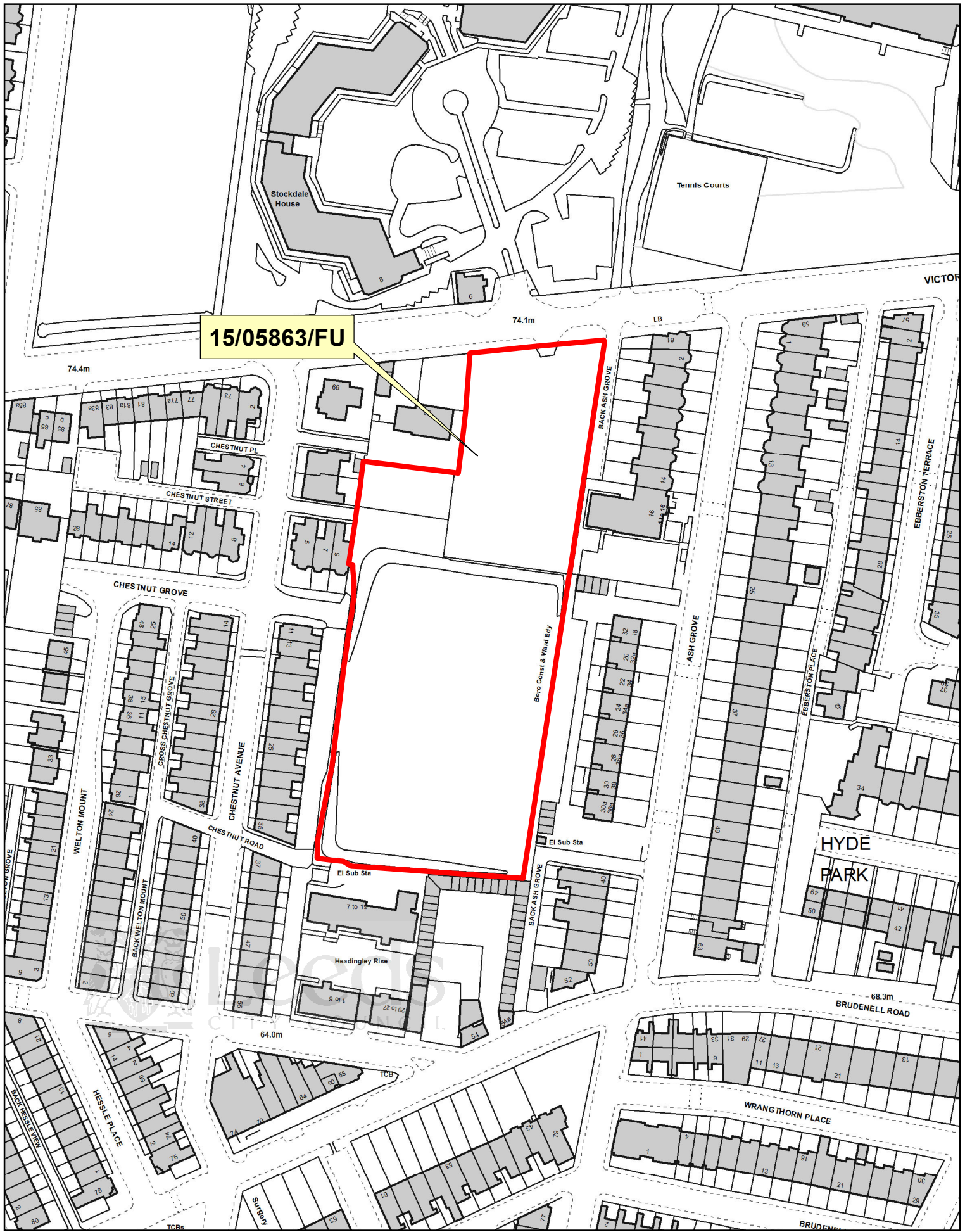
HPNF5 - Examples of 'Welcome' and 'Goodbye' letters issued to students in shared housing accommodation

HPNF6 - Example of The South Headingley Community Association newsletter dated July 2012

Other Documents:

Statement by Dharmveer Thethi

Written representation by Greg Mulholland MP



15/05863/FU

SOUTH AND WEST PLANS PANEL



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Originator: Ryan Platten
Tel: 0113 378 7956

Report of the Chief Planning Officer

SOUTH & WEST PLANS PANEL

Date: 19th January 2017

Subject: APPLICATION 16/06914/FU – Change of use of house (C3) to form house in multiple occupation (C4) at 7 Edwin Road, Hyde Park, Leeds, LS6 1NL

APPLICANT	DATE VALID	TARGET DATE
Mr. Shakeel Sharif	10 th November 2016	5 th January 2017

<p>Electoral Wards Affected:</p> <p>Hyde Park and Woodhouse</p> <div style="border: 1px solid black; display: inline-block; padding: 2px;">Yes</div> Ward Members consulted (referred to in report)	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION: REFUSE PERMISSION for the following reasons:

- 1) The Local Planning Authority considers that the change of use of the property into a House in Multiple Occupation (HMO) and subsequent loss of a house suitable for occupation by a family or other C3 occupant in an area of severe housing and population imbalance caused by a high concentration of HMOs and student occupants would further add to this imbalance. This would be significantly harmful within this context and serve to undermine the Council’s wider objectives to address the existing imbalance through the fostering of a more sustainable housing and population mix in this part of the city. As such the proposal would be contrary to the wider aims of Leeds Core Strategy policy H6 and the guidance contained within the National Planning Policy Framework.

- 2) The Local Planning Authority considers that the change of use of the property into a House in Multiple Occupation (HMO) in an area with an existing high concentration of HMOs would, when considered cumulatively with other similar forms of housing, significantly add to those harmful impacts associated with high concentrations of HMOs, in particular those which are already recognised to be severe in the area including problems of anti-social behaviour, noise, nuisance, crime, impacts on the physical environment and streetscape, and the restructuring of local services and facilities to meet the needs of the predominant population. As such the proposal would be contrary to the wider aims of Leeds Core Strategy policies H6 and P10,

saved Leeds Unitary Development Plan policy GP5, and the guidance contained within the National Planning Policy Framework.

- 3) The Local Planning Authority considers that the change of use of the property into a House in Multiple Occupation would, when considered cumulatively with the large number of existing Houses in Multiple Occupation in the area, significantly harm the residential amenity of immediate neighbours through increased comings and goings which would lead to increased anti-social behaviour and noise and disturbance. As such the proposal would be contrary to the wider aims of Leeds Core Strategy policies H6 and P10, saved Leeds Unitary Development Plan policy GP5, and the guidance contained within the Headingley and Hyde Park Neighbourhood Design SPD and the National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 This application is presented to Plans Panel at the request of Ward Councillor Javaid Akhtar who has noted that the applicant has suffered from noise, disturbance and anti-social behaviour in the past as a result of living in an area which has a high student population.
- 1.2 The site was the subject of a previous planning refusal for an identical proposal in 2014. There has been no significant change in local planning policy objectives or circumstances since this time.

2.0 PROPOSAL:

- 2.1 The applicant seeks planning permission to change the use of the property on Edwin Road from a dwellinghouse currently occupied in the C3 planning use class to a small house in multiple occupation (HMO) (between 3-6) occupants in the C4 planning use class.
- 2.2 No changes to the external or internal layout of appearance of the property or site are proposed as part of the application.
- 2.3 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.

3.0 SITE AND SURROUNDINGS:

- 3.1 7 Edwin Road is an end terrace property situated on the corner of Edwin Road and Regent Terrace. The property is a traditional Victorian red brick terrace house which has been extended and altered to accommodate six bedrooms. The property benefits from modest sized garden areas to the front and rear with a vehicular access and modest parking area included as part of the rear garden space.
- 3.2 Edwin Road is situated in Hyde Park and Woodhouse ward in an area characterised by rows of Victorian red brick built terraced streets. The local area is recognised to have one of, if not the, highest concentrations of HMOs in Leeds and as a result of this and similar forms of accommodation has long since been recognised to be an area of severe housing and population imbalance, largely as a result of the high number of students who reside in the area.

4.0 RELEVANT PLANNING HISTORY:

4.1 The site was the subject of a number of proposals for extensions and alterations from 2007 to 2009 as detailed below:

07/03084/FU - Dormer windows to front and rear (Refused 2007)

08/01333/FU - Dormer windows to front and rear and single storey side extension (Approved 2008)

09/02792/FU - First and second floor side extension (Approved 2010)

4.2 In 2014 (14/00308/FU) planning permission was refused for a proposed change of use of the property to a small HMO in the C4 planning use class. The proposal was assessed against the now deleted UDP policy H15 (Area of Housing Mix) and Core Strategy policy H6 (HMOs, Student Accommodation and Flat Conversions) which at the time of the decision had yet to be adopted and so only carried limited weight. The application was refused for the following three reasons:

1. The loss of a house suitable for occupation by a family to a HMO would add further to the severe housing and population imbalance in the area;
2. The additional impact, when considered cumulatively, of an additional HMO on those significant harmful impacts identified to be existing in the local area;
3. The impact, when considered cumulatively, of an additional HMO on the amenity of neighbouring residents.

5.0 HISTORY OF NEGOTIATIONS:

5.1 None.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been publicised by means of site notice. Councillor Javaid Akhtar (Hyde Park and Woodhouse) has requested that the application be determined at Plans Panel.

6.2 The Leeds HMO Lobby, comprising of all the local community associations within the former Area of Housing Mix have written to object to the application. The reasons for objection can be summarised as follows:

- The proposal would lead to a loss of amenity for local residents through comings, goings, noise and disturbance;
- The proposal would add to those detrimental impacts already caused by the existing housing imbalance in the area;
- The proposal would be contrary to local and national planning policy by adding to the existing housing and population imbalance in the area;
- The proposal, if approved, would go against the grain of recent planning appeal decisions in the area.

7.0 CONSULTATION RESPONSES:

7.1 Highways – No objections: Whilst an increase in car parking would be likely as a result of the building being occupied by up to 6 adults it is considered that there is sufficient parking both on and off site to accommodate the proposal.

8.0 PLANNING POLICIES:

8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan currently comprises the adopted Local Development Framework Core Strategy (2014), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Local Plan DPD.

8.2 The Local Development Framework Core Strategy was adopted by the Council on 12th November 2014. The following policies contained within the Core Strategy are considered to be of relevance to this development proposal:

General Policy – Sustainable Development and the NPPF

Spatial Policy 1 – Location of Development

Spatial Policy 6 – The Housing Requirement and Allocation of Housing Land

Policy H2 – New Housing Development on Non-Allocated Sites

Policy H6 – HMOs, Student Accommodation and Flat Conversions

Policy P10 – Design

Policy T2 – Accessibility and New Development

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

GP1 - Land use and the Proposals Map

GP5 - Development control considerations including impact on amenity

BD6 - Alterations and extensions should not harm neighbouring amenity

H3 - Housing Land Supply

Supplementary Planning Documents and Guidance

8.4 Relevant supplementary planning documents and guidance are outlined below:

- Neighbourhoods for Living SPG (December 2003)
- Street Design Guide SPD (August 2009)
- Headingley and Hyde Park Neighbourhood Design Statement SPD (September 2010)
- Natural Resources and Waste Development Plan Document (January 2013)
- Parking SPD (January 2016)

Neighbourhood Plans

8.5 The Hyde Park Neighbourhood Forum has published their vision statement prior to drafting their Neighbourhood Plan. One of the Neighbourhood Forum's published objectives in the vision statement is "to rebalance the community by diversifying use of the current housing stock to attract and retain more long term residents to / in the neighbourhood". As the Neighbourhood Plan is still in its infancy the weight to be attached to the vision statement when considering planning proposals should only be very limited at this stage.

Other Relevant Local Documents

8.6 Other relevant local documents include:

- LCC Advisory Standards for Houses in Multiple Occupation (January 2012)

NPPF

- 8.7 The National Planning Policy Framework (NPPF) (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.
- 8.8 Paragraph 50 of the NPPF states: "to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should... plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)".
- 8.9 Paragraph 69 of the NPPF states that: "the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities".

Article 4 Direction – C3 to C4

- 8.10 The application site falls within an area that is subject to an Article 4 Direction. The Council confirmed the making of an Article 4 direction which requires planning permission for the conversion of dwelling houses (Class C3 use) to houses in multiple occupation (HMOs) (Class C4 use) of between 3 and 6 unrelated occupants in 2011. The direction came into force on 10th February 2012.
- 8.11 The Article 4 Direction was introduced in response to changes to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) in October 2010 and to the Town and Country Planning (Use Classes) Order 1987. At that time the government stated that Article 4 directions could be used by Local Authorities to remove permitted development rights for a change of use from the C3 use class to the C4 use class in areas where high concentrations of HMOs are leading to the harmful impacts.
- 8.12 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'.
- 8.13 The Council recognises that HMOs can provide an affordable type of housing and contribute to the overall mix of housing types and tenures available. However it is also recognised that high concentrations of HMOs can result in numerous harmful impacts.
- 8.14 The government published the report 'Evidence Gathering – Housing in Multiple Occupation and possible planning response – Final Report' in September 2008. This report identified the following impacts that occur as a result of high concentrations of HMOs:

- Anti-social behaviour, noise and nuisance

- Imbalanced and unsustainable communities
- Negative impacts on the physical environment and streetscape
- Pressures upon parking provision
- Increased crime
- Growth in private sector at the expenses of owner-occupation
- Pressure upon local community facilities and
- Restructuring of retail, commercial services and recreational facilities to suit the lifestyles of the predominant population

8.15 In making the Article 4 direction the Council recognised that some or all of the above impacts are occurring in areas with existing high concentrations of HMOs in Leeds. The Article 4 Direction boundary was subsequently chosen to include areas which are either recognised to be suffering from some, or all, of the harmful impacts identified above or be likely to suffer encroachment of HMO concentrations due to their proximity to existing areas of high concentrations.

8.16 The Article 4 direction does not serve as a justification for refusing or approving planning permission in the Direction area. Planning applications which are required by the Direction will be assessed against national and local planning policies.

9.0 MAIN ISSUES:

9.1 The following main issues have been identified:

- (1) Existing Lawful Use
- (2) Housing Mix and Balanced Communities
- (3) Harmful Impacts of High Concentrations of HMOs
- (4) Impact on Neighbouring Amenity
- (5) Design and Character
- (6) Highway Safety, Parking and Bin Storage;
- (7) Other relevant considerations.

10.0 APPRAISAL:

Existing Lawful Use

10.1 The existing property is occupied by the applicant and his family as a dwellinghouse under the C3 planning use class. The applicant has noted that a building control application was approved by the Council in 1991 (Council reference H9-26/368/91/REG) for works to convert the property into 5 bedsits. However, no information has been provided to demonstrate that these works were undertaken and no planning records exist for the subdivision of the property into bedsits. Notwithstanding this it is noted that the historical use of the property has little relevance to the consideration of the current application and that planning records as far back as 2007 demonstrate that the property has, at the very least, been occupied for a considerable period of time by a family in the C3 planning use class.

Housing Mix and Balanced Communities

10.2 As is noted at paragraph 3.2 above the application site falls within a part of Hyde Park which is recognised to have one of, if not the, highest concentrations of HMOs in Leeds, with some nearby streets consisting of houses being made up of eighty or ninety percent HMOs. The area also includes a high number of other forms of residential accommodation such as flats, bedsits and purpose built student

accommodation which, like HMOs, are attractive to students. As a result of this it is recognised that the local area in which the application site is situated has a severe housing and population balance. This has been recognised by a succession of local planning policies over the last 15 years which have formed the Council's response to the rapid growth of accommodation aimed at, and occupied by, students since the late 1990's and early 2000's.

- 10.3 Until November 2014 the application site was situated in the Council's Area of Housing Mix as designated by the now deleted policy H15 of the Leeds Unitary Development Plan. In introducing policy H15 the Council recognised that the growth in student numbers brought significant benefits to Leeds including the widening of educational opportunity, injection of spending power into the local economy, enhancement of the city's academic status and contribution to the city's culture. However, the uneven distribution of the resulting student population posed a serious problem with the overwhelming majority of students being situated in the Council wards of Headingley and Hyde Park and Woodhouse.
- 10.4 In a further attempt to tackle the housing and population imbalance in this and other areas the Council made an Article 4 Direction in February 2012 so that conversions of houses falling within the C3 use class (dwellinghouses) to houses in multiple occupation falling within the C4 planning use class (small HMOs) require planning permission. Headingley, Hyde Park and Woodhouse, the areas with the greatest concentrations of HMOs in the city, were noted at the time of the drafting of the Article 4 Direction in 2011 as areas which were perhaps the most affected by those impacts which result from a high concentration of HMOs and other forms of housing occupied by highly transient residents such as students.
- 10.5 In light of the wider aims of the now deleted policy H15 and the introduction of the Article 4 Direction (in addition to other mechanisms which the Council has looked to employ over the last 15 years in response to the impacts resulting from the identified housing and population imbalance) the Council's Core Strategy looked to address these ongoing issues through the introduction of policy H6. Policy H6 aims to take a universal approach to tackling those three types of accommodation which have resulted in housing and population imbalances in certain parts of the city. Its wider objective, to address housing and population imbalances through the creation of mixed, sustainable communities, are consistent with paragraph 50 of the NPPF noted above at paragraph 8.8. Indeed, at the time of the Core Strategy adoption the examining Inspector noted "the maintenance of mixed and diverse communities is a legitimate policy objective and accords with national guidance". This view was in compliance with the earlier comments of the UDP examining Inspector who noted in relation to the preceding policy H15 that "seeking to maintain a reasonable range of housing to meet different needs, and thus help sustain a balanced community, is a valid planning objective".
- 10.6 Alongside the wider objectives of the policy, the detailed criteria for Policy H6 part A requires proposals for new HMOs in the Article 4 Direction area to both (1) "avoid detrimental impacts through high concentrations of HMOs which would undermine the balance and health of communities" and (2) "avoid the loss of existing housing suitable for family occupation in areas of existing high concentrations of HMOs", amongst other criteria. In assessing the impact on a 'community' the policy should not be assessed on a single street basis but on a wider community area. This is clear from both the supporting text to the policy and from recent appeal decisions. It is further noted that, as those impacts of high concentrations of HMOs identified by the policy occur in a much wider area than any individual street, to not do so would be inappropriate within the context of policy H6.

- 10.7 The application site falls within the Hyde Park Neighbourhood Forum Area which has been defined by the local community as an appropriate boundary for their neighbourhood/ community. This area is therefore an appropriate starting point for the consideration of policy H6. The NPPF at paragraph 69 notes that the planning system can play an important role in creating healthy and inclusive communities. The concept of a sustainable community must embrace a mix of people of varied age, status, and background.
- 10.8 The most recent data available to the Council shows that the longstanding severe housing and population imbalance in this area has not improved in recent years despite the longstanding efforts of the Council. Indeed, the number of students living in the Hyde Park area is, if anything, thought to have increased over the last 10 years with the most recent data from Unipol showing around a ten percent increase in student residents in Hyde Park between 2007 and 2011. The proposal to create a new HMO at the application site would therefore further undermine the balance and health of the community by providing a form of accommodation which adds to both the existing housing imbalance (a HMO) and the existing population imbalance given the high likelihood the resulting HMO would be occupied by students due to the exceptionally strong demand from students for housing in this area.
- 10.9 The proposal would also lead to the loss of a house suitable for occupation by a family which will further add to the existing imbalance. It is noted that whilst the applicant has argued previously that family occupation presents certain challenges in the area, as a result of the high number of student residents, the property nonetheless has a number of attributes which would be likely to make it attractive to a family. For example the property includes front and rear garden spaces and is within 30m of the Hyde Park recreation and play area and within 250m of Woodhouse Moor, a large city park. It is also noted that there is anecdotal evidence of demand for properties in this location from families, including that presented by the Hyde Park Neighbourhood Forum at the recent planning appeal public inquiry which the Council successfully defended at Victoria Road, only a relatively short distance from the application site and also within the Hyde Park Neighbourhood Forum boundary.
- 10.10 The proposal would also fail to meet the wider objective of the policy to address housing and population imbalance in an area with a recognised longstanding severe imbalance in these respects. Indeed the proposal would run directly contrary to the Council's long term planning response in this part of Hyde Park to encourage a more sustainable housing and population mix. As such the proposal could only be considered significantly harmful when considered alongside the aforementioned objectives.

Harmful Impacts of High Concentrations of HMOs

- 10.11 In addition to the harm caused in relation to housing and population mix as noted in section 2 above, there are a number of further resulting harmful impacts of high concentrations of HMOs which have been identified in the area. Those harmful impacts associated with high concentrations of HMOs, which are now nationally and locally recognised, were first noted in the government published report 'Evidence Gathering – Housing in Multiple Occupation and possible planning response – Final Report' in September 2008 as:

- Anti-social behaviour, noise and nuisance
- Imbalanced and unsustainable communities [addressed in section 2 above]

- Negative impacts on the physical environment and streetscape
- Pressures upon parking provision
- Increased crime
- Growth in private sector at the expenses of owner-occupation
- Pressure upon local community facilities and
- Restructuring of retail, commercial services and recreational facilities to suit the lifestyles of the predominant population

- 10.12 The above list is also replicated in the supporting text to Core Strategy policy H6. The above harmful impacts have long since been recognised to a greater or lesser degree to be occurring in Hyde Park. When considering a proposal for the creation of a new HMO these impacts should be considered cumulatively with other HMOs and similar forms of housing in an area. To not take such an approach would undermine the wider policy objectives. To allow individual conversions on a piecemeal basis would also undermine the policy. Whilst evidencing some of the above harmful impacts beyond testimony from local residents can be challenging, the Council does collect data in relation to a number of these impacts which is detailed further below.
- 10.13 In relation to anti-social behaviour, noise and nuisance the Council's Anti-Social Behaviour Team recently reported that the wards of Hyde Park and Woodhouse and Headingley had a higher number of noise nuisance cases being opened (where statutory noise nuisance has been witnessed or where cases are persistent and serious) for individual properties than any other part of the city from the beginning of 2015 to September 2016. Indeed over this period 27% of all such noise nuisance cases in the city were located in these two wards (out of a total of 33 wards). This disparity is even greater when looking at the noise abatement notices served across the city, with 78% of notices served in this period in Leeds being in the Hyde Park and Woodhouse and Headingley wards. In response to these issues the Council and other bodies dedicate considerable resources to tackling the problems which arise and this has led to acute pressures to delivering the individual and combined anti-social behaviour services. For the Council's Anti-Social Behaviour Team this has resulted in services being routinely drawn away from other parts of the city which has impacted on the wider service.
- 10.14 In relation to crime it is recognised that other parts of the city also suffer from levels of crime which are similar to the wards of Headingley and Hyde Park and Woodhouse. However, in recent history the areas around the application site have suffered from particular types of crime including high rates of burglary, robbery and sexual offences. For example, according to the latest data available to the Council in the period 2014 to 2015 Hyde Park and Woodhouse Ward and Headingley Ward were ranked first and second for burglary in Leeds. These ranks fell to second and third respectively in the period 2015 to 2016. Hyde Park and Woodhouse Ward was also ranked third and second for robbery and fourth and sixth for sexual offences in the respective periods 2014 to 2015 and 2015 to 2016. The latest Headingley and Hyde Park Cumulative Impact Policy statement also outlined that the two wards had high instances of burglary, robbery, theft from person, assault and sexual assault in 2010.
- 10.15 In relation to negative impacts on the physical environment and streetscape, the large number of HMO's leads to a number of significant pressures on local services. These include significant implications of a large transient population for refuse collection and services during the student term times and at the end of the academic year. The area also suffers from problems of graffiti. For example the Council's West North West Locality Team responded to 241 service requests to clear graffiti

between January and July 2016 in the three Council wards of Headingley, Hyde Park and Woodhouse, and Weetwood. For comparison a similarly sized area, in terms of population size, includes the three Council wards of Armley, Bramley and Stanningley, and Kirkstall which received only 70 service requests in the same period. The Council also dedicates considerable resources to the management and upkeep of local parks and greenspaces including Woodhouse Moor which is in close proximity to the application site including additional enforcement staff funded by the Inner North West Area Committee (at a cost to the Area Committee of £11,998 for the 2015/1 financial year) due to the demand for these public spaces. Indeed the Headingley and Hyde Park Neighbourhood Design Statement SPD adopted by the Council in 2010 notes that “Woodhouse Moor is the most intensively used green space in Leeds and suffers abuse, especially from barbecue trays, during the summer term”.

- 10.16 In relation to the restructuring of local services and facilities, the large growth of the student population in the area has had a profound impact on the retail, commercial and recreational services in Headingley and Hyde Park and Woodhouse Wards over the past 10 to 15 years. These wards include Headingley Town Centre and the local centres at Hyde Park Corner, Royal Park, Cardigan Road and Woodsley Road. Over this period, in response to the huge increase in the numbers of transient residents, these centres have seen a marked increase in the number of letting agencies (A2), drinking establishments (A4), and take-aways (A5) which are targeted at the student population. Whilst it is recognised that students and young professionals, and the spending power they bring, make a significant contribution to the local economy, including in these centres, this has been to the detriment of other members of the local community who desire a different offer in terms of services and facilities.
- 10.17 Taking the above into consideration, the proposal, when considered cumulatively with similar forms of accommodation, would add to those existing harmful impacts occurring in the local area which result from a high concentration of HMOs. As noted above some of these impacts are in themselves severe in Hyde Park and as such the proposal could only be considered significantly harmful within this context.

Impact on Neighbouring Amenity

- 10.18 Alongside those impacts on residential amenity, such as anti-social behaviour, noise and nuisance which occur as a result of high concentrations of HMOs in the wider area, more localised impacts on the amenity of neighbours can occur as a result of new HMOs. These impacts are predominantly felt by immediate neighbours. There are no changes proposed to the exterior of the property or internal layout and as such the proposal will not lead to any additional harmful impacts on neighbouring privacy, outlook or lead to harmful overshadowing impacts.
- 10.19 However the proposal does lead to concerns relating to the intensification of the use of the site and the potential for noise, disturbance and anti-social behaviour both at the application property and through an increased number of comings and goings when considered cumulatively with the large number of other HMOs in the area. This can result from an increased number, or different pattern, of comings and goings of up to 6 adults in a C4 HMO compared to a family living in the same property or from the different lifestyles of a group of adults living together in a property rather than a family for example.

- 10.20 It is noted that there are a significant number of properties in the immediate locality which are not occupied by students or as HMOs. For example there are a relatively

large number of properties on Regents Terrace, Kings Road and surrounding streets (when compared with streets further afield) which are occupied within the C3 planning use class, likely by families, couples and individuals. It is noted that all residents, student and non-students alike, will feel impacts in terms of noise, disturbance and anti-social behaviour, and indeed it is noted that student residents make up a relatively high number of complainants to the Council's Anti-Social Behaviour Team in relation to noise (for example from September 2015 to May 2016 students were logged as complainants in 39% of cases in relation to noise complaints in Headingley and Hyde Park).

- 10.21 Within the aforementioned context it is considered that the proposal would be harmful to the amenity of immediate neighbours as a result of the increased comings and goings to the property and the greater likelihood of instances of noise, disturbance and anti-social behaviour which would result from the introduction a six bedroom HMO at the application site. In addition to this it is noted that the larger than average number of C3 dwellings in the immediate surrounding streets could be considered to be providing a relative haven for such occupants within the wider Hyde Park area. Such streets, if protected from further HMO growth, could be argued to be providing the best opportunity to encourage more families and other longer term occupants in to the area and this should be considered within the context of the wider housing and population mix objectives of the Council.

Design and Character

- 10.22 The proposal will not result in any external changes to the property or site layout and as such the proposal is not considered to be significantly harmful in design and character terms.

Highway Safety, Parking and Bin Storage

- 10.23 The existing property is served by one on-site car parking space. The proposal as submitted does not include any additional on-site car parking spaces. It is considered that the occupation of the property by up to 6 adults could potentially result in additional car parking demand. It is further noted that the streets surrounding the application site often suffer from parking congestion which is further exacerbated by the high density nature of the housing stock. However, it is the view of the Council's Highways Team that it would be difficult to justify a planning refusal on highway safety grounds. Whilst the potential increase in parking demand is a concern the Highways Team have noted the existing situation at the property, where a family could own more than one car, and the likelihood that future occupants would park on-street adjacent to the property. It is therefore considered that a planning refusal on these grounds could not be justified. The proposal would include adequate off-street storage for bins.

Other Relevant Considerations

- 10.24 There are a number of further relevant considerations which are summarised under relevant headings below.

Personal Circumstances of the Applicant:

- 10.25 It is noted that the applicant has not formally put forward a case as part of the current planning submission that the application should be considered in light of any special personal circumstances. However, as noted at paragraph 1.1 of this report Councillor Akhtar has noted that the applicant has suffered from noise, disturbance

and anti-social behaviour in the past as a result of living in an area which a high student population.

- 10.26 As is noted in section 3 above the application site does fall within an area which experiences significant impacts in respect of noise, disturbance and anti-social behaviour. However, impacts experienced in these respects by the applicant and his family would not serve as a justification for granting the proposed change of use to a HMO. Indeed, planning case law has established that personal circumstances such should not form material planning considerations which can normally be given significant weight by the Council as part of the decision making process. It is noted that members of South and West Plans Panel concluded as such at the Plans Panel meeting on 25th August 2017 in relation to an application for the change of use of a C3 property to a C4 HMO at 18 Welton Grove in Hyde Park.

HMO Exception Test:

- 10.27 It is noted that the applicant has not formally put forward a case as part of the current planning submission that the application should be considered in light of the relevant exception test included in the supporting text to policy H6. However, notwithstanding this it is appropriate to consider whether the proposal could be considered to meet the exception test.
- 10.28 The exception test sets out circumstances where the concentration of HMOs is so high on a particular street, that a planning proposal for the 'loss' of the last (or at the very least approaching the last) C3 property on that street could be supported by the Council. The Council considers it appropriate to apply the exception test on compassionate grounds in such circumstances, usually as a result of the property being unappealing to a family or other potential C3 occupant at any reasonable market price because it is the last, or approaching the last, non-HMO property on the street and would be unappealing as a result of this.
- 10.29 Whilst the address of the application property is 7 Edwin Road, the property fronts on to Regent Terrace and is more identifiable as part of this street as a result. This is therefore an appropriate study area for examining whether the exception test should apply. Of the twenty properties on this part of Regent Terrace only seven have been identified through Council tax records or the Council's HMO Register as being HMOs. As such the property is clearly not the last, or even approaching the last, C3 property in the street/row in which it is situated. As such the exception test would not apply.

Planning Appeal Decisions:

- 10.30 A number of relevant planning appeal decisions have been received by the Council since the introduction of the Article 4 Direction in February 2012 which are relevant to the current application. These are summarised below:

14 Brudenell Street, Hyde Park (LPA Reference 15/05291/FU – Change of Use from C3 dwelling to C4 HMO)

- 10.31 This appeal was dismissed by the Inspector in June 2016 in similar circumstances to the application site and is situated only a relatively short distance away. The property was also a terraced property in Hyde Park with a significant number of other C3 properties in the immediate vicinity. The Inspector concluded that the proposal would (1) be harmful to wider housing mix objectives through the loss of a family suitable house, (2) add to those existing harmful impacts in a high concentration HMO area and (3) have a harmful impact on neighbouring amenity through the significant increase in comings and goings and noise and disturbance which would result.

3 Spring Road, Headingley (LPA Reference 15/06585/FU – Subdivision of an Existing 12 bedroom HMO to form two 8 bedroom HMOs)

- 10.32 This appeal was dismissed by the Inspector in June 2016. Although the proposal did not lead to the loss of an existing C3 dwelling the Inspector concluded that the proposal would (1) result in an increase in HMO occupants in an area of existing housing imbalance and (2) result in increased comings and goings to the property which would be harmful to those C3 residents which lived on the street.

41 Haddon Place, Burley (LPA Reference 15/00032/FU – Change of Use from C3 dwelling to C4 HMO and basement flat)

- 10.33 This appeal was dismissed by the Inspector in November 2015. The property was an end terrace property in Burley in an area with a high concentration of HMOs. The Inspector concluded that the proposal would (1) be harmful to wider housing mix objectives through the loss of a family suitable house, (2) add to those existing harmful impacts in a high concentration HMO area and (3) have a harmful impact on neighbouring amenity through the significant increase in comings and goings and noise and disturbance which would result.

16 Glossop Street, Woodhouse (LPA Reference 12/04799/FU – Change of Use from C3 dwelling to C4 HMO)

- 10.34 This appeal was dismissed by the Inspector in October 2013. The property was an end terrace property in Woodhouse in an area with a high concentration of HMOs. Although the proposal was considered against the now deleted UDP policy H15 the overall local planning policy objectives are consistent with those of Core Strategy policy H6. The Inspector concluded that the proposal would (1) be harmful to wider housing mix objectives through the loss of a family suitable house, (2) add to those existing harmful impacts in a high concentration HMO area and (3) have a harmful impact on neighbouring amenity through the significant increase in comings and goings and noise and disturbance which would result.

11 Quarry Mount Place, Woodhouse (LPA Reference 12/01279/FU – Change of Use from C3 dwelling to C4 HMO)

- 10.35 This appeal was dismissed by the Inspector in November 2012. The property was a mid terrace property in Woodhouse in an area with a high concentration of HMOs. Although the proposal was considered against the now deleted UDP policy H15 the overall local planning policy objectives are consistent with those of Core Strategy policy H6. The Inspector concluded that the proposal would (1) be harmful to wider housing mix objectives through the loss of a family suitable house, (2) add to those existing harmful impacts in a high concentration HMO area and (3) have a harmful impact on neighbouring amenity through the significant increase in comings and goings and noise and disturbance which would result.

11.0 CONCLUSION

- 11.1 The proposal submitted to the Council is identical to that submitted to the Council in 2014 which warranted a planning refusal on three grounds. Whilst local planning policies have changed since the previous refusal through the adoption of the Core Strategy in November 2014 and the subsequent deletion of relevant UDP policies, namely policy H15, the local policy objectives in relation to the reasons for refusal have remained consistent through this transition. Furthermore national planning policy has remains unchanged since the original decision was issued and there has been no change in circumstances at the application site which would outweigh the harm previously identified.

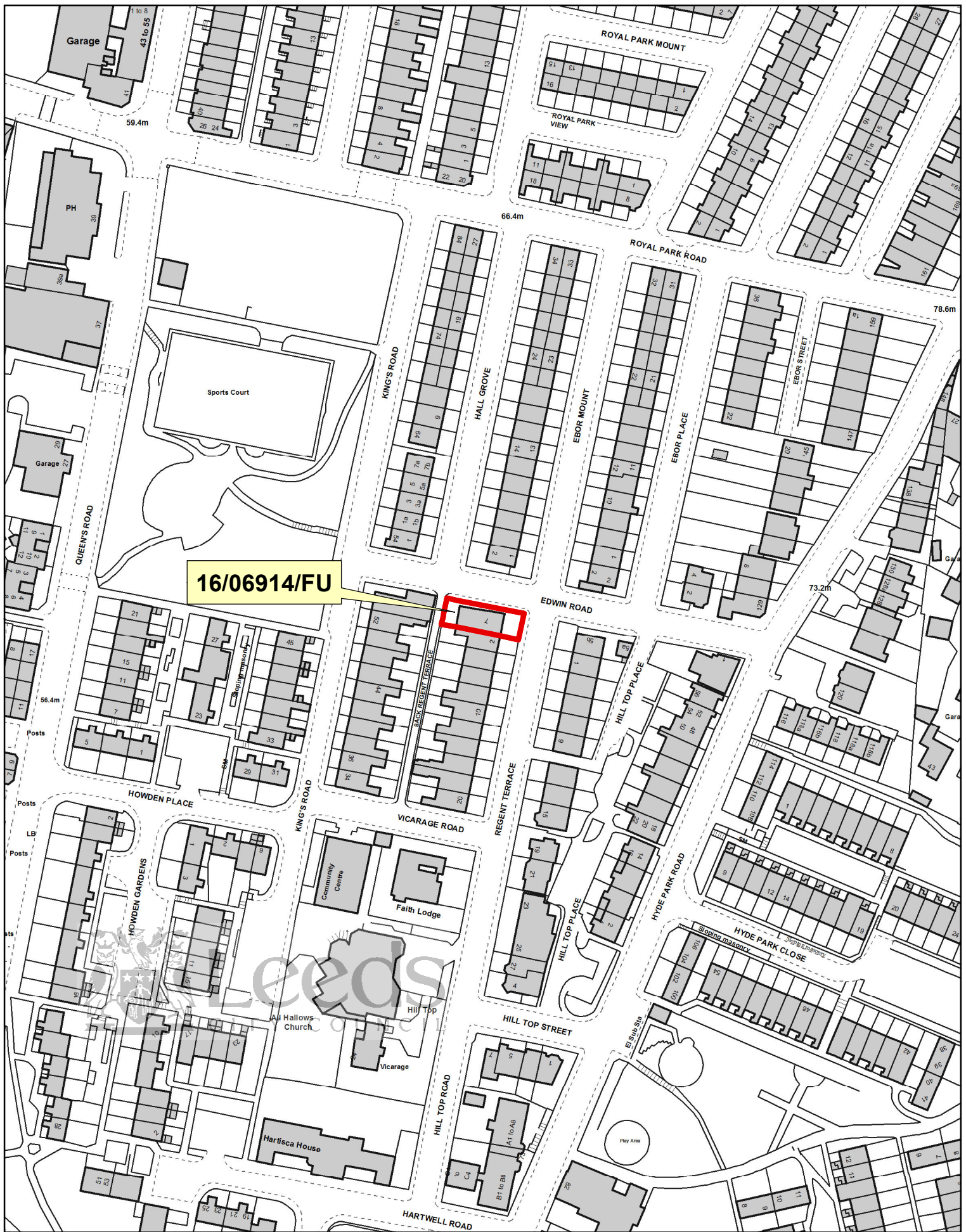
- 11.2 The property would be attractive to potential HMO occupants, in particular students, due to its location close to educational establishment and employment opportunities and as such would help to extend the supply of HMOs in Leeds. The property also benefits from off-street car parking and has appropriate off-street storage areas for bins. These factors are recognised as benefits of the proposal.
- 11.3 However, the proposal would lead to a number of significantly harmful impacts. The application site falls within an area with an existing severe housing and population imbalance. The proposal, in introducing a further HMO into an area of high HMO concentration and a form of housing that would be likely to be occupied by students in an area of high student occupancy, would only add to this imbalance. Further to this the proposal would lead to the loss of an existing family house which would be likely to be attractive to a family amongst a significant number of C3 properties in the immediate locality which could be viewed as a relative haven which may encourage further C3 residents to move into the area. As such the proposal would significantly undermine the Council's wider objectives to address the existing housing and population imbalance and foster a more sustainable community.
- 11.4 In introducing a new HMO likely to be occupied by students in an area of high concentrations of HMOs the proposal would also add to those harmful impacts which are already occurring in the area as a result of this. Some of these impacts, in terms of anti-social behaviour, noise, nuisance, crime, impacts on the physical environment and streetscape, and the restructuring of local services and facilities to meet the need of the predominant population, are already recognised to be severe in the area.
- 11.5 Alongside those impacts which harm the amenity of residents in the wider area noted above, the proposal, in leading to a significant intensification of the property with a greater potential for noise, nuisance and anti-social behaviour, when considered cumulatively with the large number of other HMOs in the area, would also be significantly harmful to the amenity of immediate residential neighbours.
- 11.6 Whilst the applicant has not put formally put forward a case as part of the planning application submitted that the application should be considered in light of any special personal circumstances it is noted that the applicant has suffered from noise, disturbance and anti-social behaviour in the past as a result of living in an area which a high student population. However, this would not serve as justification for granting planning permission. The relevant exception test from the supporting text of Core Strategy policy H6 would not apply.
- 11.7 Further to the above it is noted that since the introduction of the Council's Article 4 Direction in February 2012 the Council has received a number of favourable appeal decisions which have been considered in similar circumstances to the proposal now submitted. These appeal decisions, and the conclusions drawn by numerous Planning Inspectors, should form material planning considerations when considering the current application.
- 11.8 In conclusion it is considered that those factors weighing against the scheme far outweigh those factors in favour of the scheme. The comments of Councillor Akhtar and the Leeds HMO Lobby have been taken into account. It is noted that the concerns raised by the Leeds HMO Lobby on behalf of local resident associations are consistent with the Council's general approach and the draft objectives of the Hyde Park Neighbourhood Forum to be including in the upcoming Hyde Park

Neighbourhood Plan. It is therefore recommended that the proposal be refused for the reasons outlined at the beginning of this report.

Background Papers:

Application file - 16/06914/FU

Certificate of Ownership – Mr Shakeel Sharif



16/06914/FU

SOUTH AND WEST PLANS PANEL

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

SCALE : 1/1500





Leeds

CITY COUNCIL

Originator: Richard Edwards

Tel: 0113 3788035

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 19th January 2017

Subject: Application 16/03597/FU: Laying out of a public footpath along the River Aire, at land adjoining St. Ann's Mills, Kirkstall, Leeds.

APPLICANT

Cllr. John Illingworth

DATE VALID

18th July 2016

TARGET DATE

20th September 2016

Electoral Wards Affected:

Kirkstall

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 specified conditions.

1. Time limit on permission.
2. Plans to be approved.
3. Stone used for bridge repairs to match existing.
4. Condition to report unexpected contamination.
5. Importation of soils to site.
6. Submission of scheme of archaeological site investigation.
7. Fencing to protect engine house ruins.
8. Submission and agreement of an Otter Mitigation Plan.

9. No removal of trees without confirmation of absence of nesting birds (1st March – 31st August inclusive).
10. Pre-commencement Arboricultural Method Statement and Tree Protection Plan.
11. Details of all proposed fencing prior to installation.

1.0 INTRODUCTION:

- 1.1 This application is brought to South and West Plans Panel because the named applicant (John Illingworth) is an Elected Member for the Kirkstall ward.
- 1.2 This application was considered by Panel Members at the 24th November 2016 meeting. At that meeting Panel resolved to defer the decision to allow further discussion with the applicant and on-site business owners to resolve issues of security (that arise from the proposal) within the industrial estate.
- 1.3 The security issues arise from a section of the proposed footpath that was shown to run through the grounds of the St Anns Mills business estate. This estate has suffered from a history of anti-social behaviour and criminal activity which includes break-in, arson, vandalism, trespass and illicit activities. This has resulted in loss of finance and insurance issues for the companies affected as well as contributing to a negative image of the area. In order to overcome the security concerns gates were installed at the access point into the site, and also at a gap in the perimeter at the other end, this enables the police to take relevant action if an intruder is suspected, as well as acting as a visual and physical deterrent. The concerns arose as the previous proposal for the northern spur of the footpath involved diverting up into the estate itself, giving access to the buildings and surroundings by footpath users. The gates would need to be modified or removed to enable pedestrian access back out of the site, which would then result in people being able to gain access to the site for illegitimate reasons. There were also concerns raised regarding the safety of pedestrians using this northern spur due to the poor state of some of the buildings, and the use of the access road by large vehicles.
- 1.4 As a result of discussions the application has now been revised to remove the “northern spur” element of the footpath so that the proposal no longer involves entering the industrial estate or its private access road. This overcomes the current concerns with regard to security at the site, but would not prevent such a proposal coming forward again in future should the relevant concerns be fully addressed.

2.0 PROPOSAL:

- 2.1 Permission is sought to carry out alterations, including fencing, importation of materials, repairs to existing bridges and installation of a new footbridge, to create a footpath to and through St Ann’s Mills on Council-owned land. This

route would link up existing footpaths on the riverside adjacent to the Leeds Rhinos Rugby Academy pitches and the Goitside walk along Abbey Mill Goit, with a view to enabling the creation of a larger park within the Kirkstall Valley, improving public access to greenspace and the riverside.

- 2.2 This footpath will commence at the end of the existing footpath adjacent to the rugby pitches located to the north west of the site, and enter through a new motorcycle barrier and follow the course of the river, set back from the river bank to minimise disturbance to wildlife. Due to possible ground contamination, it is proposed that a 'no-dig' construction method is used that would simply involve laying a crushed stone footpath onto a geotextile sheet, laid directly onto the existing ground surface. This will not only avoid disturbing potentially contaminated ground but will also prevent damage to tree roots.
- 2.3 Existing cut timber on site will be used to demarcate the boundary of the footpath to the north, and discourage pedestrians from venturing off the footpath.
- 2.4 The footpath then runs along the southern edge of the depot site before turning to the south, passing through the ruins of the original mill, and crossing two existing stone bridges leading to the existing mill race. Due to the loss of some of the stone over the years, the smaller of the two existing bridges has no parapet on one side and a low parapet on the other. To ensure pedestrian safety and improve visual amenity a new stone parapet will be constructed in reclaimed Yorkshire stone to match the existing masonry, to a height of 1m. The height of the existing parapet will also be increased to 1m. At this location a new 1.5m wide pedestrian bridge will be constructed to allow public access to the adjacent woodland. Again a 'no-dig' crushed stone footpath will be created to avoid disturbing any contaminated land or damaging tree roots. Due to the difficulties associated with bringing heavy vehicles over the access bridge and into the woods, it is proposed to use a timber hardwood kit bridge, to be assembled on site. On the wooded side of the mill race the footpath will also be constructed using a 'no dig' construction method, to avoid damaging existing tree roots.
- 2.6 The footpath is to be constructed using an unbound buff sandstone that would be compacted to create a hard wearing surface. As the surrounding soil becomes vegetated and leaf litter etc., builds up, the footpath will take on a naturalistic appearance. The access barriers will be powder coated green to minimise their impact. The proposed finger posts, knee rail and footbridge would be of hardwood timber, in keeping with the wooded character of the area.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is an area of land formerly occupied by a textile mill located on the western side of Commercial Road in Kirkstall. The site is set down from

the road on the floor of the Aire Valley, and is approached via a meandering tarmac driveway which passes over the wooded embankments of the former mill goit via a single-width bridge, and through a pair of gates on the western side of the goit. To the south of the road bridge, the goit joins a bend in the River Aire via a series of weirs, channels and two semi-derelict stone bridges. Some of these structures comprise the ruins of the original 18th century mill building, which was long ago demolished to a height of around 1.0m, and an adjacent steam pumping engine house, possibly occupied by a Newcomen-type beam engine, which would have been used to augment the supply of water to the mill wheel during times of reduced water flow via the mill race.

- 3.2 This original watermill was replaced by a steam mill in approximately the 1820s, which was initially used for the manufacture of cashmere goods. This is located to the western end of the access road, and comprises a stone building over three stories. This main building is currently secured and has been vacant for many years. Other remnants of the original complex survive in the form of the semi-ruined boiler house and the stump of the original mill chimneystack, which it is believed stood to its full height until the early 1980s, and a number of stone and brick single and two-storey workshops lining the northern side of the access road. The whole site has a mixed and complex ownership pattern with the Council owning the area of land affected by the revised footpath scheme
- 3.3 There is currently an informal, unmade footpath which follows a route through the wooded embankment to the eastern side of the river south of the access bridge; however there is no access from this point to the western / northern part of the riverbank. The tree cover in this area is predominantly comprised of white willow, sycamore and ash. All are self-seeded, and most are in retention categories A or B.
- 3.4 The Aire Valley along Kirkstall Road is N1 Greenspace, designated as Urban Green Corridor (saved UDP Policy N8) and is also adjacent to the Kirkstall S2 centre, which follows the outline of the Morrison's supermarket site to the west. Whilst there are no other designations or allocations which affect the site, it lies within the Environment Agency's Flood Risk Zone 3, and is considered at high risk of flooding due to its proximity to the river and other watercourses. The last major flood event took place in December 2015, when much of the site was inundated.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 There is no directly relevant planning history to the site covered by this application. The majority of the historical records relate to changes of use of the surrounding buildings, including a retrospective application for change of use of the site of a former recycling centre on the northern side of the complex to a site for containerised storage, following the destruction of those buildings by a fire in 2012.

4.2 The footpath to the north, which runs alongside the rugby pitches and to which the proposed access will link, was constructed in 1999, as part of the redevelopment of former industrial land with the Morrison's superstore and Abbey retail park, to replace a previous alignment which crossed an earlier playing field.

5.0 HISTORY OF NEGOTIATIONS

5.1 Following the previous Panel decision to defer determination discussions have taken place with the applicant to remove the northern spur of the footpath so that the path no longer diverts up through the industrial estate. As a consequence this will allow time for separate negotiations with all relevant landowners to take place on if a footpath should run through the estate and if so what route it should take. All previous commentators on the application have been notified of this change and Panel Members will be notified of any further responses received.

6.0 CONSULTATION RESPONSES:

6.1 Highways:
No objection subject to agreement of Public Rights of Way officers.

6.2 Contaminated Land:
As no breaking of ground is proposed, there are no objections subject to standard conditions to report unexpected contamination and test any imported soils.

6.3 Sport England:
The proposal affects only land incapable of forming part of a playing pitch, does not involve the loss of or prejudice the use of any playing pitches, and thus meets one of Sport England's exceptions for development on land designated as playing pitches. No objections.

6.4 Nature Conservation:
The protected species survey submitted in support of the application has not been able to rule out the presence of otters or kingfishers, and hence conditions are recommended to agree and implement an Otter Mitigation Plan and prevent removal of trees during nesting season unless a survey is provided to the LPA prior to any such works.

6.5 West Yorkshire Archaeological Service:
St. Ann's Mill is a non-designated Heritage Asset with the remains of an early pumping system to augment the mill race, possibly using a Newcomen-type steam engine, located in the vicinity of the original mill building. An archaeological watching brief should be conditioned along with protection

measures for the remaining structures on site.

6.6 Environment Agency:

The proposed bridge will not result in any increase in constriction of the waterways and hence no additional flood risk is anticipated as a result of the scheme. The mill race is not a main river and can therefore be dealt with by the Local Authority's flood risk team. An evacuation plan for use in the event of rapid inundation is recommended.

6.7 Landscape:

No objection to no-dig construction subject to submission and approval of an Arboricultural Method Statement to include details of tree protection measures, contractor provision and use of locally sourced soils prior to the commencement of development.

6.8 Public Rights of Way:

Support the proposal as it would improve connectivity to the local footpath network including a path provided under Section 106 agreements from the Morrison's development along the river bank and alongside the Rugby Academy's playing pitches. It should be noted that all of the paths in this vicinity are currently not recorded on the Definitive Map as Public Rights of Way and so are not publicly maintainable as Public Footpaths.

6.9 Peak and Northern Footpath Society:

Support the proposals to improve public access to the waterway.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 A departure site notice was posted adjacent to the site entrance on Commercial Road on 5th August 2016. Sixteen letters of support and seven objections have been received in response, which can be summarised as follows:

7.2 Letter of support from Ward Cllr Venner due to benefits to recreation and accessibility to the riverside. The application supports original plans for the local area which date back to the 1970's as well as more recent city wide aspirations in the Waterfront Strategy. Opening up the area to more visitors will have a positive effect on reducing crime and anti-social behavior.

7.3 *Support:*

- The footpath link would complete the existing path to the rear of Morrison's and the Rugby Academy;
- Creating a waterside footpath would offer a safe and pleasant alternative to walking alongside the main road;
- The proposal will encourage walking, improving physical and mental health, and potentially reduce car use;

- Ensuring the land remains in public ownership will assist in protecting its wildlife;
- Local businesses and volunteer groups will benefit from improved access, which is currently difficult due to the overgrown state of parts of the site;
- Access will be improved to recent developments such as the Kirkstall Bridge Shopping Park;
- The area is currently neglected and used for fly-tipping, which the proposal would reduce;
- More public access would reduce anti-social behavior and the use of the area for nefarious purposes;
- The proposal would see the realisation of a long-standing Council policy (Leeds Waterfront Strategy) and demonstrate the importance of the river to the identity of Kirkstall.

7.4 *Objections:*

- The route of the path will bypass a security gate erected by the Council as landlord, in response to anti-social behaviour within the site;
- Encouraging public access, particularly after-hours, is incompatible with the site's current role as a small business centre;
- The poor condition of some of the site buildings poses a risk to pedestrians and a potential liability issue for the Council;
- A lack of pedestrian facilities over the bridge risks bringing walkers into conflict with cars and vans associated with the small businesses on site;
- There is no official public right of way through the site;
- Existing paths through the woods are underutilized and attract drug use, fly tipping, arson and prostitution;
- Allowing public access to the mill site after business hours could result in increased insurance premiums especially given a large fire which destroyed part of the site in 2012;
- The money allocated for the project could be more effectively spent elsewhere.

7.5 It should be noted that all commentators have been notified of the change to the footpath route however due to time constraints any further responses received will be verbally reported to Panel.

7.6 To date a letter of comment has been received from one of the businesses based at St Anns Mill who comments that the revision seems to address major concerns, however security remains an ongoing concern. They request that fencing around the estate should be of the palisade type as a minimum. Comments are also made regarding the ownership of the strip of land to the southern edge adjacent to the river which is leased out to one of the occupiers of the estate, and that all owners of the site are entitled to access the river. The letter goes on to state that no contact has been made by the applicant since September 2016 to discuss such issues.

7.7 A further letter of support has been received from a previous supporter of the scheme who states that the footpath is an important asset to the community.

8.0 PLANNING POLICIES:

8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan currently comprises the adopted Local Development Framework Core Strategy (2014), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Local Plan. Relevant supplementary planning guidance and documents and any guidance contained in the emerging Local Development Framework (LDF) represent material considerations.

Core Strategy Policies

P10 – Design

P11 – Conservation

P12 - Landscape

T2 – Accessibility

G1 – Green Infrastructure

G8 – Protected Species and Habitats

Relevant Saved UDP Policies

GP5 – General planning considerations

BD5 – General amenity issues

N1 - Greenspace

N8 – Urban Green Corridors

N9 Development in Urban Green Corridors

SPD

Leeds Waterfront Strategy – highlights the riverbank corridor between the City Centre and Kirkstall Abbey as offering opportunities to improve access and provide alternative routes to the main highway for pedestrians and cyclists.

Natural Resources and Waste DPD – contains guidance on flood risk.

National Planning Policy Framework

The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

9.0 MAIN ISSUES:

- Principle of development.
- Impact on Amenity.
- Highways and Access
- Landscape, Archaeology and Nature Conservation
- Contamination and Flood Risk
- Representations

10.0 APPRAISAL:

Principle of development

- 10.1 The site lies within the Kirkstall Valley Urban Green Corridor (UDP policy N8) which states that development proposals should ‘ensure that any existing corridor function of the land is retained, enhanced or replaced’. Policy N9 highlights the importance of Urban Green Corridors for informal recreation and nature conservation, and states that development proposals should respect and enhance the value of corridor land in terms of ‘access, recreation, nature conservation and visual amenity’.

- 10.2 The Leeds Waterfront Strategy, which was published in 2002 and partially reviewed in 2006, deals mainly with land along the River Aire between the City Centre, Armley Mills and Thwaite Mills in the context of ensuring that development along the river and canal corridor maximises potential benefits to the city. However it also makes mention of the area to the west of the study area, and recommends improving pedestrian linkages through this part of the valley in order to directly connect key destinations in the corridor as well as providing a more complex network of 'interesting walks' for leisure use.
- 10.3 The application in land use terms is therefore considered to be acceptable and complies with local and national policy regarding the recreational use of open land and green space.

Impact on Amenity

- 10.4 Part of the philosophy behind the proposal is one of a 'light touch' which works with the local environment. Hence materials will be appropriate to the semi-wild, wooded character of the riverbank, with timber used for knee rail fencing and the footbridge, natural stone for the surface and bridge parapet repairs, and the use of seeded soil for landscaping as opposed to more formal planting. The proposal involves the relocation of some sections of palisade fencing in order to create the central portion of the path from the existing builder's yard, but the impact of this will be neutral.
- 10.5 The proposed footbridge will add an attractive and appropriate timber feature to the wooded context, whilst the works to stabilise and repair the existing arched bridge will represent a marked improvement, subject to a condition to ensure the use of matching stonework. It is proposed that the margins of the compacted stone footpath will be built up with soil and seeded with appropriate wildflowers in order to create a naturalistic appearance to the demarcation line between the footpath and adjacent land, and this is considered preferable to a hard or engineered margin both in terms of appearance and the impact on the land and tree root protection zones.
- 10.6 For the reasons set out above, it is considered that the proposal strikes the correct balance between improving access to the area and making it more welcoming and attractive to visitors, without over-sanitising the natural character that forms much of its appeal.

Highways and Access

- 10.7 The Highways Officer is satisfied that the proposals will not introduce or exacerbate issues of additional traffic movements or demand for parking. There is ample informal provision for visitors' vehicles on the access road, and any minimal increase in vehicle movements that may result from the scheme can be

easily accommodated without increasing parking pressure on surrounding streets.

- 10.8 Whilst the existing access drive lacks segregated pedestrian provision, it is considered that due to the nature of the area, vehicle speeds are generally very low and visibility good, particularly within the mill site itself. The access drive is currently also used as a pedestrian access to the existing Goitside path, and hence there is a precedent for shared pedestrian use of this access. The site is well connected to bus routes on Commercial Road and at Kirkstall town centre, and is a short walk from Headingley rail station to the north-west.
- 10.9 The majority of the objections to the proposal have been submitted by small business tenants of the St. Ann's Mills site and related largely to security issues caused by the previous spur that diverted up and through the industrial estate. This has now been removed, such that pedestrians would at all times be kept away from the site and its access road. This ensures that the site can retain its security gates which are locked outside of working hours to prevent access into the site. It is recognised that there are longer term plans to redevelop the mill site, and to improve public access into and through the site, however this would now be dealt with via a separate application once negotiations have taken place.

Landscape, Archaeology and Nature Conservation

- 10.10 The Landscape officer is satisfied that the 'no-dig' method of construction, which involves applying a permeable membrane to the ground before the creation of a level footpath on top of this, offers ample protection to the tree roots which cover the entire site and will not cause harm to the natural environment. As the only risks to trees are therefore through compaction by contractors' machinery and damage from being struck by equipment, the Landscape Officer has recommended that a full Arboricultural Method Statement should be submitted and approved prior to commencement, to augment the information supplied in support of the application with details of a tree protection plan, working methodology to include delivery and storage of plant and materials, schedule of plant, use of sandstone in favour of limestone (which can damage roots) and sourcing of soils. A condition to this effect is proposed.
- 10.11 The locality has been used for textile production for over two hundred years and this is evident in the physical structures and artefacts which remain in situ. The main 1820s multi-storey mill building is unaffected by the scheme; the footpath passes to the rear of it but the building itself, which is vacant but secure, is outside the scope of works at this time. However, the wooded section of the proposed footpath passes through the remains of the 18th century mill to the northern part of the site, over two bridges and a mill goit channel which remain from that period, and past a large, stone structure which once accommodated

an early steam pumping engine, possibly an atmospheric beam design by Newcomen, Watt or similar. The machinery of the original mill would have been driven by a water wheel, which would have relied on water being diverted through a series of channels and gates (some of which remain in evidence). The steam pump would have been used to maintain flow to the waterwheel at times when water levels were low. As such the remains of the engine house, mill and bridges are considered an important relic of early technological development of the Industrial Revolution in the Yorkshire textile industry, and constitute a non-designated heritage asset.

- 10.12 The West Yorkshire Archaeological Advisory Service have been consulted and are broadly in support of the proposals, on the basis that improved access will lead to more interest and improved understanding of the site, which is currently in a poor condition and suffering from woodland encroachment. Conditions have therefore been recommended to cover an archaeological watching brief for the area around the original mill, and to ensure the pumping engine house is adequately protected from accidental damage throughout the construction phase by an appropriate fence, both to be agreed and implemented prior to commencement.
- 10.13 The Nature Conservation Officer notes that the protected species surveys which were submitted in support of the application have failed to completely rule out the presence of a kingfisher nesting site, or the use of the riverbank by otters, and thus recommends that an Otter Mitigation Plan be submitted and that no removal of trees or shrubs that could be used by nesting birds be carried out within the summer months unless written confirmation has first been provided that the vegetation has been thoroughly checked for evidence of active nests. These provisions can be secured by condition.

Contamination and Flood Risk

- 10.14 As previously mentioned, the entire site has a long history of potentially contaminative industrial processes, including textile manufacture, vehicle dismantling /repairs, and various small industrial processes. It has also been subject to fly-tipping, and repeatedly flooded. As such, the contractor has opted to take a minimally intrusive approach, using no-dig construction techniques of laying the footpath directly onto the ground in order to avoid disturbing it and potential contaminants within. The Contaminated Land Officer is satisfied with this approach, and given the low sensitivity of the site (which will not be used for domestic gardens or food production) has recommended that conditions be limited to the reporting of any unexpected contamination and the testing of any soils imported to site, for example to build up ground at the sides of the proposed footpath.
- 10.15 The Flood Risk Assessment (FRA) identifies the site as being located within flood zone 3, at significant risk of flooding from the adjacent river which is

divided into three separate channels as the result of historic engineering works. It is considered that the permeable construction of the footpath will ensure that runoff volume is unaffected, and that the additional paths and bridge would help facilitate escape in the event of rapid inundations. The present system of channels and conduits will remain unchanged, and the footbridge is proposed to run at a higher level above the water than existing structures and thus would not have the effect of constricting the water flow. No connection to public sewerage systems is proposed. The Flood Risk Officer is satisfied with the contents of the FRA, and does not consider any additional drainage-related planning conditions to be necessary.

Representations

- 10.16 It would appear that the revision to the scheme has in the main addressed local businesses concerns regarding the security of the estate, and it enables the footpath to remain separate from the estate at all times. There are still concerns regarding security with regard to potential access into the site from the footpath, but this can be mitigated against by appropriate boundary treatment and a condition is suggested to assist with this. Other matters raised are largely issues of land ownership, rights of access, and site management which all lie outside the remit of planning and would be addressed by the site owners, Asset Management and the applicant.

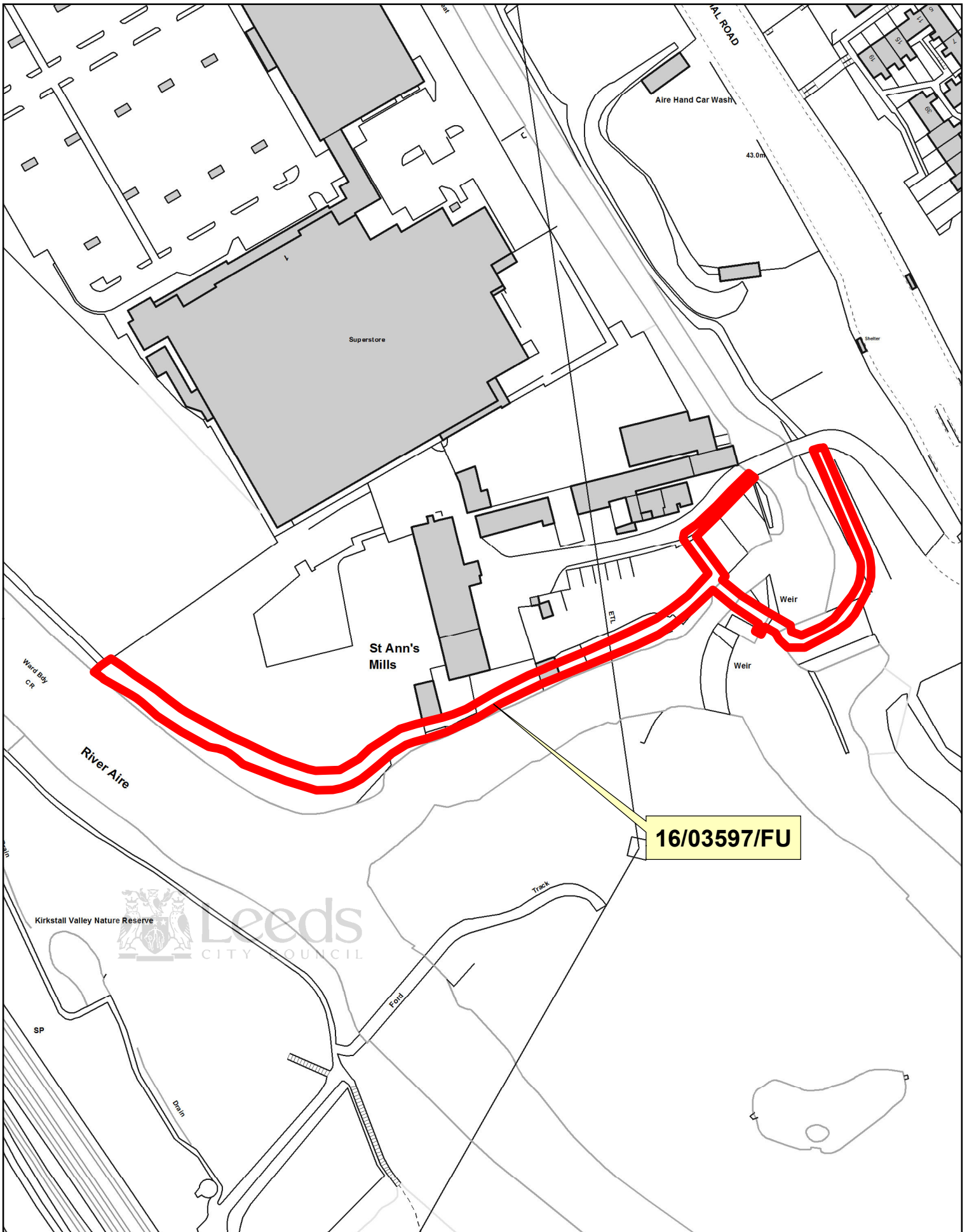
11.0 CONCLUSION

- 11.1 It is not considered the proposed footpath and environmental improvements would have an adverse impact on highway safety, visual amenity, flood risk or biodiversity, whilst providing enhanced access to a currently under-used and inaccessible area of open space in order to improve the natural environment and maximise its recreational value. Security concerns from some of the occupiers of the site have been addressed through revisions to the scheme. The proposal is therefore considered acceptable in principle, and complies fully with all relevant national policy, Development Plan and supplementary planning guidance and policies, subject to the conditions set out at the head of this report.

Background Papers:

Application file 16/03597/FU

Certificate of ownership – Leeds City Council / Northern Power Grid



SOUTH AND WEST PLANS PANEL

