



Leeds
CITY COUNCIL

Originator: Mathias Franklin

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Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 9th January 2014

**Subject: Application 13/02844/FU – Demolition of an existing house and erection of part three storey part two storey block of 30 student flats
Application 13/02843/CA - Conservation area application for demolition of existing building and outbuildings
at 78 Lofthouse Place, Woodhouse Street LS2 9EX.**

Applicant: Ltd

Mint Real Estate Investments

Date Valid:

9 August 2013

Target Date:

13 December 2013

Electoral Wards Affected:

Hyde Park & Woodhouse

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Recommendation 13/02844/FU: Defer and delegate approval to the Chief Planning Officer subject to the completion of a Section 106 agreement within 3 months of the date of resolution to cover a Greenspace contribution of £16,384.43 and a local employment scheme and also the conditions specified in the report of the Chief Planning Officer appended to this report dated 5th December 2013.

Recommendation 13/02843/CA: Grant Conservation Area Consent subject to the conditions appended to this report dated 5th December 2013

- 1.0 This application is presented to Panel at the request of Ward Councillor Christine Towler who objects to the application on the grounds that there should be no new students residing within the ward.
- 1.1 Members should note that a report for Panel on the 5th December 2013 was prepared and has been appended to this report. The December report was

withdrawn from the December Panel agenda to allow further consultation with Re'new and Council Policy Planning Officers to assess the development against the requirements of the emerging Core Strategy policy H6 which relates to purpose built student developments. This consultation has taken place and the consultation response from Re'new is appended to this report. This report focuses on the outcome of the additional consultation responses. All other matters relating to the determination of the Planning Application and the application for Conservation Area Consent are contained within the report of the 5th December.

- 1.2 The findings of the consultation responses are that the development generally meets the criteria under policy H6 of the emerging Core Strategy and would contribute to meeting known need for housing students although the consultation response from Renew notes that the supporting statement supplied by the applicants to demonstrate compliance with policy H6 contains more opinion than actual evidence.
- 1.3 Draft Core Strategy policy H6 can be given some weight in the determination of this application, however the amount of weight should be limited due to the Core Strategy still being draft and because significant representations to draft policy H6 were made at the Examination in Public that was held in October this year.
- 1.4 Assessing the development against draft policy H6 Re'new conclude that:

“ The Applicants Statement of Need and Adaptability contains much contention and opinion but little robust evidence of need, demand or adaptability, and contains a misrepresentation of the evidenced research carried out by Unipol /re'new to outline changes in student demand and housing use and the potential for future use of PBSA developments by students. That said:

a. It is likely that there may be a need for new (Purpose Built Student Accommodation) PBSA based on a modest growth in student numbers, and the impacts of the announcement in the recent Autumn Statement of the removal in the cap on student numbers from 2015. However, this would need to be compared against occupancy rates in existing PBSA (for which there is little robust evidence available) and the impact of additional provision already in the development pipeline. Interestingly, the Statement of Need makes no reference to specifically targeting returning students as a source of demand which would firstly, have provided justification for provision and second, of a real contribution to rebalancing the 'LS6 market'

b. The scheme could help replace some university accommodation that may not be fit for purpose. However, it would have been helpful had the application been framed within the context of some discussion and/or agreement with the Universities as to potential of this development to assist replacement for out of date university accommodation.

c. The site of the scheme is near both the city centre and universities and is an excellent location for students. The original building is vacant and in a poor state of repair and is attracting criminal and anti-social activity. The quality of the accommodation appears to be very good and offers accommodation and amenities that appear to be in demand by students.

d. The applicant's evidence that 100% of the developer's existing stock is currently let gives some confidence that approval of the application would not result in a development which could remain empty or underlet. It is likely with appropriate management regimes and marketing that the scheme could be potentially utilised by young working households in the future. Interestingly, the applicant does not refer to the 'Fizzy Living' scheme in London (Thames Valley Housing) that uses a

model with many aspects of the PBSA to provide rented housing for young professionals.

e. Overall, despite the Statement of Need and Adaptability being strong on opinion and light on actual evidence, it does seem that the scheme could positively meet (with a few reservations) the criteria set out in policy H6:

1. It does demonstrate that there is a need for additional student accommodation of the extent proposed.
2. It avoids an excessive concentration of student accommodation which would undermine the balance and wellbeing of communities,
3. It is in a location easily accessible to the Universities
4. It appears to be of an appropriate quality and size
5. It could be occupied by alternative sources of demand to students without any physical adaptation.

- 1.5 In summary the proposal for a new student block is outside of the area of housing mix so Policy H15A of the UDP is the most relevant to the determination of the application in relation to occupation by students which although not strictly a policy for development control, is generally encouraging of new student housing provision in locations accessible to the universities where students would want to live. It is considered that this proposal conforms with this policy. The location is close to the universities and is walking distance to the city centre which would make the development attractive to students.

Planning Application for new purpose student accommodation at 78, Lofthouse Place, Woodhouse: Review of Applicants Statement of Need and Adaptability

This report offers a review of the justification for developments given by the applicant in their planning application and Statement of Need and Adaptability. It takes into account

1. The letter from Indigo Planning of 14 November 2013
2. The planning application submitted especially with regard to size and amenities.
3. The opinion offered by Gareth Read of Leeds City Council in his report of 3rd December 2013

1. Need

The Applicants Statement of Need and Adaptability states that *“The most telling indicator of “need” is that investors such as our clients are prepared to develop schemes for purpose built student accommodation in Leeds”*.

The applicant also states that the development is merited, as they *“are of the opinion that a circa 3% increase in applications received for the 2013/14 AY along with other factors such as attractiveness to students from overseas indicates further growth in future years.”*

Response

This is more of a contention than a robust and evidenced justification of need. There could be other financial motives for the build. A willingness to invest may suggest that the developers feel there is need, but doesn't in itself act as evidence of need. The applicant's statement appears to be offering an opinion on potential growth in numbers (and a not particularly high growth) and an expectation that increased demand may materialise from international students.

The referral to the development being attractive to international students assumes a continuing increase in the number of international students. However, there are still doubts about the willingness of the UK Government to accept a growth in numbers of international students given current policies towards immigration

The research carried out by Unipol/re'new in 2012 suggests a small increase in student numbers, and the recent Autumn Statement included the Government's intention to removal of the 'cap' on funding increased student numbers from 2015. While this would indicate an additional need for purpose built student accommodation (PBSA), this need would be modest, and it could be argued that there may be enough capacity in the current stock of PBSA to accommodate a moderate additional need.

While it is likely that this development could help meet any additional need that arises over the coming years, the Council would need to compare this with the fact that other applications will be received all aiming to meet the same increased need.

2. Quality of Existing Accommodation

The applicant offers the opinion that *“much of the university and Unipol accommodation across the city is aged and not ideally located or of a form to meet the current locational and high quality demand requirements that have emerged since the ‘boom’ in this sector in the mid-2000s”*.

Response

This point is more cogent. Much University run (rather than UNIPOL run) accommodation is aging and doesn't have the amenities that new building would provide. It is a shame however, that the application hasn't been made in the context of agreement with the universities (however loose) that the development could assist re-provision of outdated university provision.

The site is well located, being close to the universities and appears however, to offer a good quality offer to students (and potentially to young workers), offering amenities and design that is attractive and appropriate.

It could provide a positive role in replacing outdated university accommodation and it is a shame that no agreement has been discussed with the Universities to this end.

3. Impact of further concentration of students in HMOs

The applicant notes that demand for student housing has moved from residential accommodation in locations remote from the main university campuses, to better quality and more self-contained accommodation and locations closer to the main university campuses. The applicant contends that *“developers such as the applicants have proven much better at doing so than ‘traditional’ providers such as the universities themselves, the smaller scale landlords and Unipol”*.

The applicant criticises the research by Unipol/ re'new as being not robust and inconclusive and that increased purpose built accommodation will help rebalance areas with high levels of HMOs.

The applicant contends that unless new PBSA is provided in appropriate form and in locations to meet current demand there may be a reversal of the recent trend away from housing students in residential areas

Response

This is based on contention rather than evidence. The Statement of Need misrepresents the research undertaken by re'new in 2013 to provide an evidence base for determining applications for new PBSA and fails to refer to recent more in-depth research by Unipol/re'new in 2012 on changes in student housing demand and locational preference. These two pieces of research together, provide a basis for judging need and use of housing for students.

Both pieces of research used all means possible to validate the numbers of empty bedspaces in HMO and PBSA and were clear that the majority of surplus capacity was indeed in HMO housing, but that this was affected by the difficulty in obtaining robust data from providers of PBSA in Leeds on occupancy rates. The level of surplus identified in the report therefore is likely to be an underestimate, rather than an overestimate.

The research also found a movement of students out of shared housing in areas farthest from the universities. But also found that this movement was to shared housing in areas closest to the universities, as well as to PBSA. Contrary to the opinion expressed in the Statement, small landlords and UNIPOL have both been highly successful in housing new and returning students, in 'off-street' and in the case of Unipol, purpose built accommodation.

The research found that PBSA primarily caters for the housing needs of new students, rather than for returning students, but also found evidence that PBSA was slowly becoming more popular with returning students.

In short, the statement offers no robust evidence that any lack of new and additional PBSA would result in demand from additional new students being unmet, or that it would hinder attempts to create a more balanced housing market in inner NW Leeds.

Interestingly, the Statement of Need makes no reference to specifically targeting returning students as a source of demand which would firstly, have provided justification for provision and second, of a real contribution to rebalancing the 'LS6 market'. It also offers no evidence as to how properties vacated by students leaving HMO housing to live in new PBSA would be taken up by residential households, or what concrete sources of replacement demand there could be, rather than remaining empty.

4. Adaptability for other sources of demand

The applicants state that because the company does not develop to then sell the properties on it is integral to the business that there is a high degree of certainty that the units that are going to be built will be let and that this translates into a commitment to seeking alternative sources of demand should demand from students not be forthcoming.

The applicant also claims that the proposal could, if needs be in the future, be readily occupied by *"other demographic sectors in need of housing (such as key workers and young professionals) demonstrating future adaptability without the requirement for significant, if any, internal reconfiguration"*.

Response

The applicants again, rely on contention rather than evidence to justify future sustainability. The Statement of Need does not cover any details of how the studios would be marketed to alternative sources of demand, what evidence there is for potential demand in such housing from key workers or young professionals, or as to how mixtures of students and young workers would be managed.

That said it is likely with appropriate management regimes and marketing that the scheme could be utilised by young working households. Interestingly, the applicant does not refer to the 'Fizzy Living' scheme in London (Thames Valley Housing) that uses a PBSA model to provide for young professionals.

5. Conclusions

The Applicants Statement of Need and Adaptability contains much contention and opinion but little robust evidence of need, demand or adaptability, and contains a misrepresentation of the evidenced research carried out by Unipol /re'new to outline changes in student demand and housing use and the potential for future use of PBSA developments by students. That said:

- a. It is likely that there may be a need for new PBSA based on a modest growth in student numbers, and the impacts of the announcement in the recent Autumn Statement of the removal in the cap on student numbers from 2015. However, this would need to be compared against occupancy rates in existing PBSA (for which there is little robust evidence available) and the impact of additional provision already in the development pipeline. Interestingly, the Statement of Need makes no reference to specifically targeting returning students as a source of demand which would firstly, have provided justification for provision and second, of a real contribution to rebalancing the 'LS6 market'
- b. The scheme could help replace some university accommodation that may not be fit for purpose. However, it would have been helpful had the application have been framed within the context of some discussion and/or agreement with the Universities as to potential of this development to assist replacement for out of date university accommodation.
- c. The site of the scheme is near both the city centre and universities and is an excellent location for students. The original building is vacant and in a poor state of repair and is attracting criminal and anti-social activity. The quality of the accommodation appears to be very good and offers accommodation and amenities that appear to be in demand by students.
- d. The applicant's evidence that 100% of the developer's existing stock is currently let gives some confidence that approval of the application would not result in a development which could remain empty or underlet. It is likely with appropriate management regimes and marketing that the scheme could be potentially utilised by young working households in the future. Interestingly, the applicant does not refer to the 'Fizzy Living' scheme in London (Thames Valley Housing) that uses a model with many aspects of the PBSA to provide rented housing for young professionals.
- e. Overall, despite the Statement of Need and Adaptability being strong on opinion and light on actual evidence, it does seem that the scheme could positively meet (with a few reservations) the criteria set out in policy H6:
 1. It does demonstrate that there is a need for additional student accommodation of the extent proposed.
 2. It avoids an excessive concentration of student accommodation which would undermine the balance and wellbeing of communities,
 3. It is in a location easily accessible to the Universities
 4. It appears to be of an appropriate quality and size
 5. It could be occupied by alternative sources of demand to students without any physical adaptation.



Report of the Chief Planning Officer

PLANS PANEL SOUTH & WEST

Date: 5th December 2013

Subject: APPLICATION 13/02844/FU Demolition of existing house and erection of a part three storey part two storey block of 30 student flats. 13/02843/CA Conservation area application for demolition of existing building and outbuildings

APPLICANT	DATE VALID	TARGET DATE
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Electoral Wards Affected:

Headingley & Hyde Park and Woodhouse

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Defer and delegate approval of the application to the Chief Planning Officer subject to the conditions specified and also to the completion of a Legal Agreement within 3 months of the date of resolution of Panel to cover –

1. Off site Greenspace contribution
2. Local employment scheme.

Conditions:

1. 3 Year commencement of development
2. Plans to be approved
3. Surface water drainage details to be approved.
4. Contaminated land conditions
5. Samples of walls, roofing, doors, windows, surfacing material to be approved.
6. Landscape scheme and implantation
7. Tree protection conditions
8. Tree replacement conditions
9. Car parking to be complete prior to first use
10. Off site highway works to be completed prior to first use.
11. Car park management plan and delivery plan to be approved
12. Refuse, cycle and motorcycle storage details to be approved and laid out.

13. Apartments only to be occupied by students

Conditions for Conservation Area Consent:

- 1. 3 years for demolition**
- 2. Demolition not to commence until planning permission is granted and contract for redevelopment let.**

1.0 INTRODUCTION

- 1.1 This application is brought to Panel at the request of Ward Councillor Christine Towler who object to the application on the grounds that there should be no new student flats within the ward.

2.0 PROPOSAL:

- 2.1 The application is submitted for the demolition of the existing detached dwelling and the erection of a new building comprising 30 student studio apartments within a part 3 storey party two storey building.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site currently has a detached two storey red brick dwelling house set within its own grounds. The site is within the Beliehem Conservation Area. To the rear of the site is located All Saints Church which is grade II listed. There is a primary school which abounds the site. The primary school is outside of the Conservation Area.
- 3.2 The site is located close to the City Centre and is in an accessible and sustainable location.

4.0 HISTORY OF NEGOTIATIONS:

- 5.1 The applicant had received formal pre-application advice from officers. The design and siting of the scheme had been altered through the pre-application process. The applicant did not undertake any formal community consultation prior to the submission of the application.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been publicised by means of site notices and press advert. There have been no representations received to the publicity of the FULL application. There has been one letter of representation received to the publicity of the Conservation Area Consent application.

- 6.2 The following issues have been raised:

- The proposed building is very ugly and is replacing an attractive old building
- There is concerns over the impact of 30 students coming into the neighbourhood
- There is a need for family accommodation in the area

- The school request a high security fence is erected between the school and the building
- Concerns over impacts upon on street car parking and highway safety.

7.0 CONSULTATION RESPONSES:

- 7.1 Highways – No objections in principle to the development
- 7.2 Mains Drainage – In principle no objections. Conditions to cover surface water drainage would be required
- 7.3 The Victorian Society – No objection to the demolition or to its replacement with the proposed building. However they have a strong concern at the proposed use of the new building for student accommodation. Nuisance is very likely to be caused to the school and its play areas. The area needs family housing, not short-term student occupancy.

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 consists of the Leeds Unitary Development Plan Review (2006).
- 8.2 The most relevant Policies in the adopted Leeds Unitary Development Plan are outlined below.

Policy GP5 refers to detailed planning considerations and states that development proposals should seek to avoid loss of amenity.

Policy GP7: Guides the use of planning obligations.

Policy BD5 refers to new building design

Policy N2 refers to the provision of greenspace

Policies N12 and N13 refer to the good urban design considerations and placing making

Policies T2 and T24 seek to maintain adequate vehicle access and levels of vehicle parking provision with no undue detriment to other highway users.

Policy H1: Provision for completion of the annual average housing requirement identified in the Regional Spatial Strategy.

Policy H3: Delivery of housing land release.

Policy H4: Residential development on non-allocated sites.

Policy LD1: Criteria for landscape design.

Policies N14 to N22: Listed buildings and conservation areas.

Policy N19, Conservation Area assessment for new build and extensions

SPG4: Greenspace Relating to New Housing Development;

SPG13: Neighbourhoods for Living;

Street design guide SPD,

Headingley and Hyde Park NDS

- 8.3 National Planning Policy Guidance:

The National Planning Policy Framework came into effect on 27th March 2012. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development:

“At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.” (para 14). Development which fails to give adequate regard to heritage assets and good design is not however considered to be sustainable development.

8.4 The Government’s pursuit of sustainable development involves seeking a wide variety of positive improvements including:

1. making it easier for jobs to be created in cities, towns and villages
2. replacing poor design with better design
3. improving the conditions in which people live, work, travel and take leisure

8.5 Paragraph 24 of the NPPF states:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale”.

8.6 Paragraph 50 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);*
- *identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and*
- *where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.”*

Paragraph 51 states:-

“Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers.”

8.7 Paragraph 204 of the NPPF refers to the CIL tests which all Planning Obligations should be assessed against. Paragraph 56 refers to the impact of good design as being a key aspect of sustainable development. Paragraph 58 bullet point 3 refers to the desire to optimise the potential of the site to accommodate development. Paragraph 131 refers to the requirement of Local Planning Authorities to take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Emerging Core Strategy

The Emerging Core Strategy will be examined by an Inspector from October 2013. It is considered that some weight can be attached to the policies contained within the Emerging Core Strategy.

8.15 Draft Policy P11 refers to the need to preserve the historic environment.

8.16 Draft Policy H6 refers to student developments and seeks to avoid high concentrations of students to protect existing communities.

9.0 MAIN ISSUES:

9.1 The following main issues have been identified:

- Impact on the character and appearance of the Headingley Conservation Area and adjacent listed building
- Introduction of students into the locality
- Highway considerations
- Landscaping/trees
- Residential amenity
- Section 106 contributions

10.0 APPRAISAL:

Impact on the character and appearance of the Headingley Conservation Area and adjacent listed building

10.1 Officers have looked at this scheme and have no objection to the demolition of the existing building which has been vacant for some time and suffered from vandalism and antisocial behaviour. The scale, massing and siting of the replacement building is considered to work well in the street scene and is not out of keeping with the local area. The replacement scheme has been carefully designed to work within local context to ensure it preserves the character and appearance of this part of the conservation area and also does not adversely effect the setting of the listed building.

Introduction of students into the locality

10.2 The proposal for 30 student studio is considered acceptable in relation to the introduction of students into the locality. Although the proposal will result in an

intensification of the use of the site there are no serious concerns regarding the impacts of student on the local community in relation to matters of noise and disturbance and comings and goings. It is noted the site is not within the Area of Housing Mix.

Highways

- 10.3 The existing dwelling does not have any off street parking or a driveway. The current proposal would create 2 off street spaces on a driveway. The UDP starting point for car parking is 1 space per 4 beds but these are maximums. In highly sustainable locations these ratios can be expanded. These spaces would require a reserving manoeuvre to exit on to the highway which although not normally acceptable in this instance can be accepted. This is because the pavement is quite narrow between the driveway and the highway meaning little time will be spent by cars crossing onto the highway. Also Lofthouse Place is a dead end except for access to the school meaning traffic on the road outside of school starting and closing hours should be light. It is also a wide carriage way allowing plenty of visibility and manoeuvre space. There are existing parking restrictions on lofthouse Place. The site is located close to the City Centre and Universities.
- 10.4 A benefit of having no driveway or rear on site car park area is that the proposed building would sit better in a landscaped garden setting. This landscaping would also provide future occupiers with good levels of usable communal outdoor amenity space.

Landscaping

- 10.5 Officers have looked carefully at the impact of the development on the existing trees on the site. 3 trees are proposed to be felled to enable the development but they are poor specimens which are not worthy of a TPO or need to be retained. The main trees on the site are retained and should not be affected by the development.

Residential amenity

- 10.6 The site is set away from neighbouring properties so there are no serious concerns over noise and disturbance for future occupiers or from the comings and goings of future occupiers. There are sufficient distances to protect privacy and over looking. There are no concerns over overshadowing or loss of light to the neighbours.

Section 106

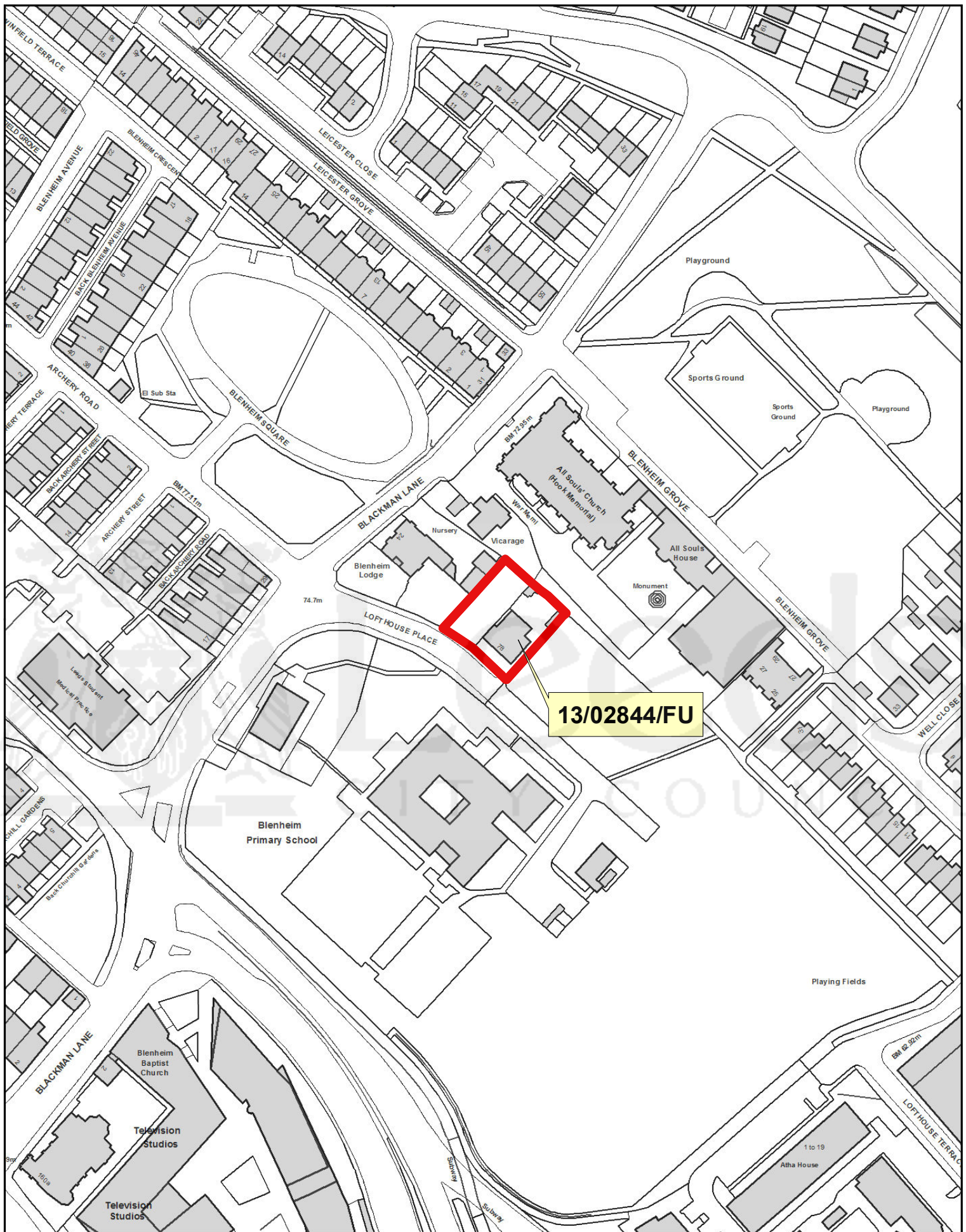
- 10.7 The proposal triggers requirements for greenspace contributions. The developer has offered to provide these in their Heads of Terms submission and the exact figures are shown in the recommendation box on the front page of this report. These contributions have been tested against the CIL Regulations are considered to meet the tests laid out of being necessary to make the development acceptable in planning terms, directly related to the development and fair and reasonably related in scale and kind to the development. It is envisaged a Section 106 Agreement can be drawn up to cover the detail of these heads of terms.

11.0 CONCLUSION:

- 11.1 Overall the scheme is considered to preserve the character of the conservation area and the setting of the neighbouring listed building. The scheme will intensify the use of the site but given its sustainable location factors and the space around the site there are no serious concerns over the intensification or the development building occupied by students.

Background Papers:

Application file and previous withdrawn application;
Certificate of Ownership.



SOUTH AND WEST PLANS PANEL

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SCALE : 1/1500

