



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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Committee Members

Witnesses:

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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

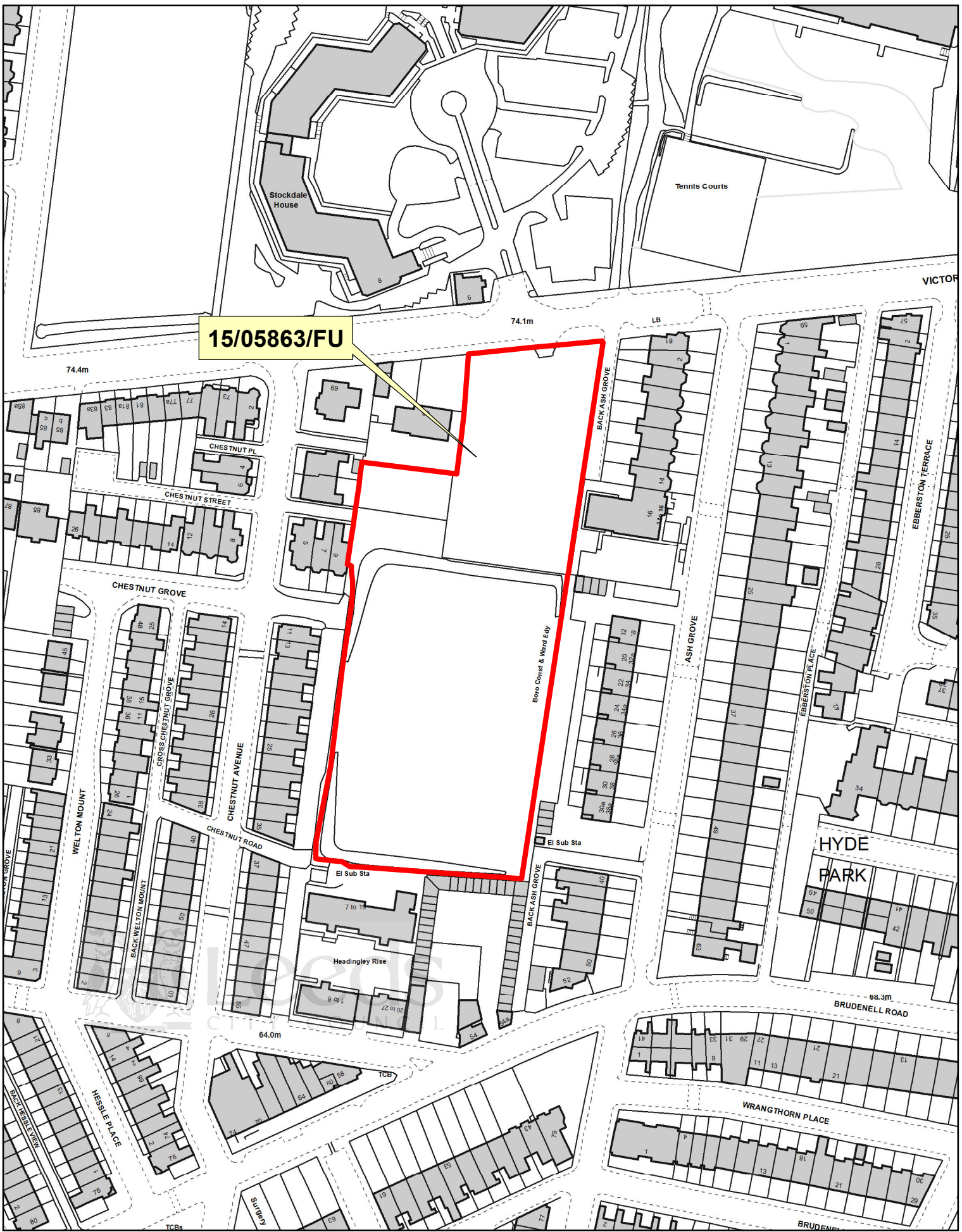
HPNF5 - Examples of 'Welcome' and 'Goodbye' letters issued to students in shared housing accommodation

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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