
Report of the Director of City Development

Report to: Development Plan Panel

Date: 7th August 2012

**LDF Core Strategy – Publication Draft, Analysis of Consultation Responses:
Policy H6 - Houses in Multiple Occupation (HMOs), Student Accommodation and
Flat Conversions**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. An analysis of the consultation responses of Core Strategy Policy H6 was originally submitted to Development Plans Panel on 2nd July. At this meeting further comments were submitted by Councillor Walshaw and Officers have now reviewed these in full. This has led to additional amendments of the Policy and it is presented to Development Plans Panel for consideration.

Recommendations

Development Plan Panel is requested to:

- i) Consider the changes to Policy H6 proposed by Councillor Walshaw, with further explanatory supporting text proposed by Officers, and endorse the changes for presentation to Executive Board for approval.

1.0 Purpose of this Report

- 1.1 To set out further changes to Policy H6 suggested by Councillor Walshaw for consideration by Development Plans Panel.

2.0 Background Information

- 2.1 The report to Development Plans Panel on 2nd July, 2012 considered a range of comments and agreed a number of changes to Policy H6 and its supporting text. At this meeting further amended changes were introduced for consideration by Cllr Walshaw on behalf of the Inner North West Area Committee. These have now been considered by Officers and changes to the Policy and supporting text have been incorporated into the Policy and are presented here to Development Plans Panel. The additional changes have been highlighted in **bold** and can be viewed in Appendix 1.

3.0 Main Issues

- 3.1 The changes affect parts A and B of the Policy. These changes add sections to the Policy and in doing so require further explanation within the main text of H6 for which Officers have made suggestions. The amendments add clarity to the policy and have been included within H6 for the reasons outlined below.
- 3.2 Part A iv) seeks to ensure that proposals for new HMOs address relevant amenity and parking concerns. Impacts on amenity are outlined in paragraph 5.2.21 and include excessive noise, untidy streetscapes from litter and bins, and anti-social behaviour. The policy mentions parking concerns as HMOs are usually populated by adults, rather than two adults and children in most family homes. Whilst this doesn't always equate to more cars per dwelling, as HMOs tend to be situated in the Inner areas with more dense housing, parking is an issue for many residents.
- 3.3 Part A v) is a more general policy that aims to retain suitable family housing in areas of high HMO concentrations. Not all housing is suitable for families and this distinction will be made by Officers based on a number of factors. These include the size of the property, its position in relation to busy roads, schools etc, or the amount of private amenity space available. The policy is necessary as it is more site specific than a blanket city wide approach to HMOs and allows Officers to take into account local factors.
- 3.4 Part B iv) remains but an additional part on residential amenity has been added for clarity. The policy is designed to guide the location of future purpose built accommodation. It is necessary to say why developers should avoid areas which are not easily accessible to the universities as this could impact on nearby residents and harm their amenity.
- 3.5 Before resubmission to Development Plans Panel legal advice has been taken on the validity of the policy. The amendments were considered acceptable however, Officers were advised to remove the section 'Additional policy may be needed in the future to deliver the strategic aims of Policy H6'. Referencing additional unwritten policy was considered to undermine H6 and may leave the Council open to

challenge. Its intention was also deemed superfluous as all Core Strategy policies will be subject to monitoring and review.

4.0 Corporate Considerations

As noted above, the Core Strategy, forms part of the Local Development Framework and once adopted will form part of the Development Plan for Leeds.

4.1 Consultation and Engagement

- 4.1.1 As outlined in this report, the Core Strategy Publication draft has been subject to a further 6 week period of consultation. This has been undertaken in accordance with the LDF Regulations and the City Council's adopted Statement of Community Involvement (SCI).

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An Equality Impact Assessment Screening was undertaken on the Core Strategy Publication draft, prior to consultation (see Core Strategy Executive Board Report, 10th February 2012). This concluded that equality, diversity, cohesion and integration issues had been embedded as part of the plan's preparation. For information and comment, the Screening assessment has also been made available as part of the supporting material for the Publication draft consultation. Within this overall context, it will be necessary to continue to have regard to equality and diversity issues, as part of the ongoing process of preparing the Core Strategy, including considering representations and next steps.

4.3 Council Policies and City Priorities

- 4.3.1 The Core Strategy, plays a key strategic role in taking forward the spatial and land use elements of the Vision for Leeds and the aspiration to the 'the best city in the UK'. Related to this overarching approach and in meeting a host of social, environmental and economic objectives, where relevant the Core Strategy also seeks to support and advance the implementation of a range of other key City Council and wider partnership documents. These include the Leeds Growth Strategy, the City Priority Plan, the Council Business Plan and the desire to be a 'child friendly city'.

4.4 Resources and value for money

- 4.4.1 The DPD is being prepared within the context of the LDF Regulations, statutory requirements and within existing resources.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The DPD is being prepared within the context of the LDF Regulations and statutory requirements. The DPD is a Budgetary and Policy Framework document and as such this report is exempt from call-in by Scrutiny.

4.6 Risk Management

- 4.6.1 The Core Strategy is being prepared within the context of the LDF Regulations and the need to reflect national planning guidance. The preparation of the plan within the context of ongoing national reform to the planning system and in responding to local issues and priorities, is a challenging process. Consequently, at the appropriate time advice is sought from a number of sources, including legal advice and advice from the Planning Advisory Service and the Planning Inspectorate, as a basis to help manage risk and to keep the process moving forward.

5. Conclusions

- 5.1 This report sets out further proposed changes to Policy H6 suggested by Councillor Walshaw and Officers for consideration by Development Plans Panel.

6. Recommendations

- 6.1 Development Plan Panel is requested to:

i) Consider the changes to Policy H6 proposed by Councillor Walshaw, with further changes, proposed by officers to Core Strategy text (as detailed in Appendix 1 to the report) to supporting Core Strategy, and endorse the changes for presentation to Executive Board for approval.

7. Background documents¹

- 7.1 A substantial number of documents are available representing various stages in preparation of the DPD and the background evidence base and Equalities Impact Assessment Screening. These are all available on the City Council's web site (LDF Core Strategy Pages) web pages or by contacting David Feeney on 247 4539.

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

Appendix 1:

Houses in Multiple Occupation, Student Accommodation, and Flat Conversions

5.2.18a Houses in Multiple Occupation (HMOs) are an increasingly popular part of the housing market within Leeds. As rooms can be rented individually they provide affordable accommodation used primarily by students, young people and those on lower incomes. Whilst the need for this type of accommodation is not in dispute, HMOs tend to be grouped together in certain inner city areas, becoming the dominant type of housing which can lead to social and environmental problems for local communities.

5.2.18b ~~As a city with two universities and a number of specialist colleges,~~ According to figures published by Unipol, Leeds had 43,500 students in 2010/11 of which approximately 30,500 sought accommodation through the private rented sector. *The City's Universities and specialist colleges are an important part of the Leeds economy, but* significant growth in student numbers in the past has led to high concentrations of student housing in areas of Headingley, Hyde Park and Woodhouse. This generated concerns about loss of amenity to long term residents *as well as wider concerns about the loss of housing suitable for families.*

5.2.19 Leeds' SHMA 2010 suggests a levelling off in growth in student numbers in the early years of the Plan which raises question marks over the future of approximately 4000 surplus student bed-spaces. However, demand is expected to continue for many students wanting to live in shared private residential houses which are now classed as HMOs.

5.2.20 The SHMA 2010 anticipates growth in the need for HMOs in the early years of the Plan to accommodate young people reliant on housing benefit and because of strong demand for private rented accommodation from working people unable to buy. This could affect all areas of Leeds, but is likely to be focussed on the inner areas popular for rented property.

5.2.21 Changes in occupation of houses from dwelling-house (class C3 of the use class order) to *small* shared houses (class C4) will require planning permission in the area affected by the HMO Article 4 Direction. This includes all of inner Leeds and the adjoining suburbs. *Changes of occupation to large shared houses (sui generis) already require planning permission in every part of the city. The government has recognised that high concentrations of HMOs in an area can lead to the following impacts:*

- *Increased anti-social behaviour, noise and nuisance*
- *Imbalanced and unsustainable communities*
- *Negative Impacts on the physical environment and streetscape*
- *Pressures upon parking provision*
- *Increased crime*
- *Growth in the private sector at the expense of owner-occupation*
- *Pressure on local community facilities*

- *Restructuring of retail, commercial services and recreational facilities to suit the lifestyles of the predominant population.*

5.2.22a Core Strategy policy needs to balance the need for growth in HMOs with the need to avoid ~~over~~ **high** concentrations which cause loss of amenity and undermine the health and stability of communities. ~~Ease of access to work and universities without needing a car also needs to be considered.~~ *New HMOs should be located in sustainable locations which allow ease of access to work and education by means of sustainable transport, whilst reducing the need to use the private car. **Proposals for new HMOs should look to address detailed local amenity issues as discussed in paragraph 5.2.21, including local parking pressures and impacts on neighbours.***

5.2.22b **Leeds has a diverse housing stock ranging from large Victorian terraces to modern city centre flats. Some houses tend to be more suitable for families and when these are in areas with high concentrations of HMOs they should remain available for occupation by families. Factors to consider include the size of the dwelling, the amount of garden and private amenity space available, location of the property and any prolonged period of vacancy.**

5.2.22c The decade 2001 – 2010 witnessed considerable development of new purpose built student accommodation particularly in and around the north west sector of the City Centre. Growth in this accommodation is to be welcomed in order to meet need and to deflect pressure away from private rented houses in areas of over-concentration. Nevertheless, care is needed to ensure that purpose built accommodation continues to be located with good access to the universities and does not itself become over-concentrated.

5.2.23 Conversion of houses into flats will be one of the means of meeting need for smaller households. However, this has to be reconciled with the importance of protecting local amenity and creating good standard dwellings with sufficient parking space and security. 'Deconversion' of previously converted flats back into dwelling houses is sometimes sought in order to cater for large families. This will usually be considered acceptable and, if involving only two units to one, does not normally need planning permission.

POLICY H6: HOUSES IN MULTIPLE OCCUPATION (HMOs), STUDENT ACCOMMODATION, AND FLAT CONVERSIONS

- A) Within the area of Leeds covered by the Article 4 Direction for Houses in Multiple Occupation (HMOs), development proposals for new HMOs will be determined:
- i) To ensure that a sufficient supply of HMOs is maintained in Leeds,
 - ii) To ensure that HMOs are distributed in areas well connected to employment and educational destinations associated with HMO occupants,
 - iii) To avoid detrimental impacts through high concentrations of HMOs, which would undermine the balance and health of communities.
 - iv) To ensure that proposals for new HMOs address relevant amenity and parking concerns.**
 - v) To avoid the loss of existing housing suitable for family occupation in areas of existing high concentrations of HMOs.**

~~Additional policy may be needed in the future to deliver the strategic aims of Policy H6. Based on these criteria, supplementary planning advice will set ceilings for the proportion of HMOs desirable in different geographies of Leeds.~~

- B) Development proposals for purpose built student accommodation will be controlled:
- i) To help extend the supply of student accommodation taking pressure off the need for private housing to be used,
 - ii) To avoid the loss of existing housing suitable for family occupation,
 - iii) To avoid excessive concentrations of student accommodation (in a single development or in combination with existing accommodation) which would undermine the balance and wellbeing of communities,
 - iv) To avoid locations which are not easily accessible to the Universities by foot or public transport or which would generate excessive footfall through quiet residential areas **which may lead to detrimental impacts on residential amenity.**
- C) Development proposals for conversion of existing houses into flats will be accepted where all the following criteria apply:
- i) The property is not a back-to-back dwelling;
 - ii) The property is of sufficient size (min. 100m sq gross) and the internal layout is shown to be suitable for the number of units proposed;
 - iii) The impact on neighbouring dwellings is not likely to be detrimental to the amenity of their occupants by virtue of the conversion alone or cumulatively with a concentration of converted dwellings, HMOs, or residential institutions;
 - iv) Where there is a demand for family sized accommodation and the property has (or has the potential for provision of) good access to suitable space for private recreation, provision is normally made for at least one family sized unit in the proposed mix of flats;
 - v) Sufficient easily accessible and appropriately located off and on street car and cycle parking is incorporated;
 - vi) The proposed dwellings provide satisfactory internal living accommodation in terms of daylight, outlook and juxtaposition of living rooms and bedrooms;
 - vii) Each dwelling has safe and secure (and where possible, level) access from the street and any parking areas and suitable accessible enclosures are provided for refuse storage.

Sufficiency of supply' is to be measured with reference to the SHMA, Unipol Data, University Admission Forecasts and the effects of Housing Benefit rule changes