

Student Housing Provision *Supplementary Planning Document – Consultation Draft*

February 2005



Consultation Draft Supplementary Planning Document

Student Housing Provision in Loughborough

Introduction

“In Loughborough the student population is making positive contributions to the Borough’s economy and diversity. Steps to manage and reduce adverse impacts on particular parts of the town, in conjunction with Loughborough University and other partners have been successful in achieving a more balanced residential mix and a consequent improvement in those environments.”

(Leading in Leicestershire – The Corporate Plan)

This is our vision for the future of the Borough; it is what we want to be able to say when we look back in the year 2015 upon the progress that we have made in tackling the major issues of today.

We recognise and understand the increasing local concern over the impact of high concentrations of students in parts of Loughborough. At the same time we recognise that Loughborough University and College help make Loughborough the vibrant and thriving town it is.

In short, the presence of the University brings clear cultural and economic benefits, but also brings additional pressures. We need a clearer strategy to manage student housing provision and its impact on the town.

This document introduces a new policy framework. It outlines a series of options for comment developed following initial discussions with key stake holders including Loughborough University and community interest groups. Before final decisions are made we want to know what you think.

- **What is a reasonable number of student houses in any particular neighbourhood?**
- **Which Option(s) for the control and provision of student housing do you prefer?**
- **Could that Option be improved to better address your concerns?**
- **Are there other things we should be doing?**

It would be helpful if you could make your comments on the forms provided and return them to the Council by **Thursday 24th March 2005**. I look forward to hearing what you have to say.



Councillor Cameron MacLeod
Cabinet Lead Member for Planning
February 2005

Policy Framework

A Supplementary Planning Document (SPD) is intended to expand upon policy or provide further detail to policies in Development Plan Documents. It does not have development plan status, but it will be accorded significant weight as a material planning consideration in the determination of planning applications.

National planning policy, articulated through Planning Policy Guidance Note 3: Housing (PPG 3) confirms the Government's intention that everyone should have the opportunity for a decent home. PPG 3 offers no particular guidance in respect of student housing but it does seek to encourage the creation of mixed and balanced communities.

“The Government believes that it is important to help create mixed and inclusive communities, which offer a choice of housing and lifestyle. It does not accept that different types of housing and tenures make bad neighbours. Local planning authorities should encourage the development of mixed and balanced communities: they should ensure that new housing developments help to secure a better social mix by avoiding the creation of large areas of housing of similar characteristics.”

(PPG 3 paragraph 10).

Regional Planning Guidance for the East Midlands (RPG 8) adopted in January 2002, now accorded the status of the Regional Spatial Strategy for the purposes of the Planning and Compulsory Purchase Act 2004, offers no particular guidance on the provision of student housing, but acknowledges the importance of the region's universities and higher education establishments to the economy.

The Leicestershire, Leicester and Rutland Structure Plan (adopted in February 2005) under Housing Policy 5, concerning density and design, seeks to encourage development which makes provision for, “.....a mix of house types to establish socially mixed communities.”

The Borough of Charnwood Local Plan (adopted in January 2004) recognises specifically the implications of reconciling the accommodation the needs of a major University with a relatively small host community.

Policy H/12 defines a generally permissive context for the development of purpose built student halls of residence:

Planning permission will be granted for new buildings or the re-use of non-residential properties specifically for student accommodation at locations on, or readily accessible by cycle, public transport or on foot to the University and college campuses.

Planning permission will be granted for developments which include reduced parking standards where it can be shown that there would be no adverse impact in the vicinity of the site.

In the determination of applications and appeals related to student halls of residence the Council and the Planning Inspectorate have also had regard to policies EV/1 relating, in part, to the need to safeguard the amenities of adjoining residents, and EV/39 in so far as that policy extends to the control of excessive noise and disturbance.

The adopted Local Plan makes specific reference to the types of unsupervised housing traditionally occupied by students under Policy H/13:

Planning permission for the conversion of properties within primarily residential areas to hostels, self contained flats, cluster flats or to any use within Class C1 (hotels) of the Town and Country Planning (Use Classes) Order 1987 (as amended) will be granted provided the proposal would not:

- i) introduce a potential source of noise and disturbance greater than that normally associated with a dwelling to the detriment of neighbouring residential amenities which could not be mitigated by careful planning of room layout and the use of sound insulation; and/or*
- ii) adversely affect the general character and appearance of the surrounding area; and/or*
- iii) necessitate associated extensions or external alterations inconsistent with the appearance of the property or its setting to the detriment of the street scene or neighbouring residential amenities; and/or*
- iv) lead to a concentration of such uses damaging to the character and amenity of a street or residential area; and/or*
- v) provide an external layout, design, and space standards which do not meet the needs and safety of residents, including people with mobility problems.*

The written justification accompanying the policy makes it clear that this policy cannot be applied to houses occupied by up to six individuals living as a single household, for which planning permission is not required. It notes the degree to which concentrations of student housing have already occasioned some injury to residential amenities within areas of dense terraced housing in close proximity to the University and seeks to direct investors and developers towards conversion opportunities afforded by larger detached and semi-detached houses with generous gardens and off street parking potential. It is recognised that the conversion of a large number of houses in any locality to more intensive residential use is likely to harm unacceptably the residential character of an area and the balance of the community. In those situations the plan commits the Borough Council to the preparation of further detailed policy statements.

In addition to the statutory Development Plan the Borough Council, in pursuing other policy initiatives and in reviewing its planning policy is guided by the Community Strategy. That document identifies as a priority action the need to contribute to an investigation of the impact of student housing in Loughborough and to devise a strategy for its management in the long term.

“Leading in Leicestershire” – the Council’s Corporate Plan, acknowledges that commitment and states as a priority that the Council will work with the educational institutions to develop a multi-agency approach to managing the social and environmental impact of the student population. Overall, the Council’s vision statement aims to secure a Borough where everyone enjoys the highest achievable quality of life in respect of housing, work, health and the environment.

It is these policies and commitments, then, which provide the foundation for the development of this Supplementary Planning Document.

Background

Loughborough University and Loughborough Collage are important contributors to the local economy, both in terms of the number of people whom they employ and the investment that they attract into the town. Their reputation for excellence in research and education ensures for Loughborough particular recognition in the national and international arena. However, that success has supported the growth of the institutions which has in turn imposed additional demands and pressures upon the “host” community.

Over recent years those demands and pressures have been manifest in the degree to which increasing numbers of students have fuelled the buy for rent housing market, primarily in locations conveniently located in relation to the two main institutions. Local communities increasingly have become frustrated by the impact of those trends upon the quality of life enjoyed by the residual resident population. Frequently cited concerns include:

- The erosion of the sense of community and social interaction normally engendered in a stable, balanced community.
- Exclusion of first time and young family buyers to the detriment of the social balance and community facilities, especially schools.
- Congestion and disturbance during term time, sharply contrasted with an air of abandonment during vacations.
- Higher incidence of anti-social behaviour, particularly at unsociable hours.
- Increased levels of crime and the fear of crime.
- Poorer standards of property maintenance and repair.
- Accumulations of waste and rubbish, particularly towards the end of the academic year.
- Littering and fly-posting.
- The proliferation of letting signs, adding to the impression of transience and detracting from the character of the street scene. (This last point has been addressed within the Ashby Road Conservation Area following a successful application to the Office of the Deputy Prime Minister (ODPM) to bring such signs within the control of the planning system).

While acknowledging that there are a great many responsible and considerate students and landlords within the community, the problems impinging upon the “host community” are indicative of the social stress and imbalance occasioned by the concentration of a substantial number of essentially transient residents within relatively small neighbourhoods.

Student Numbers

Evidence from the 2001 Census affords an indication of the number and distribution of the term time student population at that time by the type of accommodation occupied. (See Table 1)

The data can give a general indication only; the ward is a fairly crude unit of measurement and neighbourhoods within them will demonstrate higher proportions of student occupation than indicated, while others will show lower levels of concentration. Additionally, statistics provided by Loughborough University (Table 2) indicate that the number of full time Loughborough based undergraduate and post graduate students registered in 2003/04 was 20% greater than the figure for 2000/01.

While some of those students will have found accommodation in purpose built managed halls of residence the evidence suggests that the provision of additional managed bed-spaces has not matched the growth in student numbers. It follows that more students will have been compelled to seek accommodation in the private rented sector.

Evidence from the Electoral Register for 2003/04 supports that assessment. Polling District W, the southern half of Storer Ward, contained an estimated 36% of households comprising unrelated people. The Burleigh Road area (District T) contained an estimated 25% while the Park Road area contained about 15%. All other districts in Loughborough returned estimated proportions of 7% or less.

Overall, assuming that 95% of full time under graduate and post graduate students choose to make their home in Loughborough (including Hathern), it is calculated that that group represented about 18% of the population of the town in 2004, estimated at 59,400. (Care should be exercised in comparing this figure with that presented in Table 1 as that is based upon *all* resident students aged 18-24 at the time of the Census).

Table 1 – Distribution of Students in Loughborough by Ward and Accommodation Type: 2001

18-24 Students present by Ward	At Home	% of pop	In Hall	% of pop	In House	% of pop	All	% of pop.	Total Pop
Ashby (inc Campus)	26	0.4%	3,255	47.1%	281	4.1%	3,562	52%	6,913
Storer	26	0.5%	334	6.0%	1,221	21.9%	1,581	28%	5,570
Nanpantan (inc Campus)	48	0.9%	1,294	23.9%	127	2.3%	1,469	27%	5,410
Lboro Southfields	34	0.6%	273	5.2%	698	13.2%	1,005	19%	5,275
Outwoods	81	1.5%	149	2.7%	52	0.9%	282	5%	5,561
Lemyngton	64	1.2%	0	0.0%	203	3.8%	267	5%	5,351
Hastings	77	1.4%	0	0.0%	99	1.8%	176	3%	5,464
Garendon	90	1.5%	0	0.0%	66	1.1%	156	3%	6,073
Shelthorpe	48	0.8%	0	0.0%	68	1.1%	116	2%	6,322
Dishley and Hathern	85	1.5%	0	0.0%	8	0.1%	93	2%	5,742
Loughborough	579	1.0%	5,305	9.2%	2,823	4.9%	8,707	15%	57,681

(Census 2001)

Table 2 – Loughborough Based Student Numbers 2000/01 and 2003/04

Loughborough based students	2000/01	2003/04
Under Graduate f/t	8,011	9,147
Post Graduate f/t	1,289	2,011
Total f/t	9,300	11,158
Under Graduate p/t	164	343
Post Graduate p/t	1,502	1,796
Total p/t	1,666	2,139
Total	10,966	13,297

(Loughborough University 2004)

Research indicates that when considering the impact of student needs upon the demand for private sector housing in Loughborough, it is the total number of full time students that needs to be taken into account. Part time students may attend only once or twice a week and tend to live in family homes across a much wider area, while Further Education students are largely local teenagers living with their parents.

However, when considering issues of neighbourliness, such as late night behaviour and homes being left empty, it is the number of full time undergraduate students which is the more relevant factor.

The University advises that it intends to increase its intake of full time higher education students over the period up to 2006/07. Allowing for adjustments to take into account students who will attend satellite institutions, the estimated number of those students resident in Loughborough will be as follows:

2003/04	11,158
2004/05	11,592
2005/06	11,901
2006/07	12,168

The University further advises that it will retain under graduate intake at 2003/04 levels for the foreseeable future and that almost all of the identified growth will be in post graduates from both home and overseas. While these additional students will need to be housed, their patterns of behaviour are unlikely to lead to the same levels of disruption to the life of the town that might be occasioned by an equivalent number of under graduates.

Bed-space Projections

At present, around 43% of under graduate students are accommodated in managed housing, with the remainder living in traditional dwellings out in the community. The term "managed housing" refers to purpose built, warden controlled accommodation and covers both University run and privately run halls of residence and self catering flats.

In October 2004 there were outstanding planning permissions for a total of 316 student bed-spaces in managed housing:

Curzon Cinema site, Mill Lane	166 spaces
102 Derby Road	8 spaces
"Rosina" Radmoor Road	54 spaces
Schofield Centre, Geenclose lane	88 spaces
Total	316 spaces

It has been assumed that these will be ready for occupation by 2005/06. It has also been assumed that the first phase of the proposed University development, which will provide 760 bed-spaces, will be ready for occupation by 2006/07 with the remaining 2,040 bed-spaces coming on line in phases up to 2010.

The University guarantees a place in managed housing to all first year full time students, of whom there were 3,288 in 2003/04. The remaining places are taken up by second and third year under

graduates and post graduates. With the numbers of new under graduates each year predicted to remain the same over the next few years, any additional bed-spaces in managed housing will be available for post graduates and second/third year under graduates presently living in unmanaged housing. It therefore follows that over time the numbers of under graduates living in private rented houses will fall over time.

Tables 3 to 6 below show the numbers of full time Loughborough based higher education students in managed and unmanaged housing for the 2003/04 academic year and the three years thereafter.

The projections also assume that:

- The numbers of full time under graduates will remain constant
- All first year under graduates will continue to live in managed accommodation
- The percentage of post graduates in managed accommodation will remain at its present rate of 21.5%
- The remainder of places will be taken by second and third year under graduates

Table 3: Student numbers and bed-spaces in Loughborough 2003-04

	Under graduates			Post graduates	Total
	First years	Second / third years	Total		
Managed	3288	1044	4332	433	4765
Unmanaged	0	4815	4815	1578	6393
Total	3288	5859	9147	2011	11158

Table 4: Student numbers and bed-spaces in Loughborough 2004-05

	Under graduates			Post graduates	Total
	First years	Second / third years	Total		
Managed	3288	1172	4460	518	4978
Unmanaged	0	4721	4721	1893	6614
Total	3288	5893	9181	2411	11592

Table 5: Student numbers and bed-spaces in Loughborough 2005-06

	Under graduates			Post graduates	Total
	First years	Second / third years	Total		
Managed	3288	1357	4645	587	5232
Unmanaged	0	4527	4527	2142	6669
Total	3288	5884	9172	2729	11901

Table 6: Student numbers and bed-spaces in Loughborough 2006-07

	Under graduates			Post graduates	Total
	First years	Second / third years	Total		
Managed	3288	2058	5346	646	5992
Unmanaged	0	3816	3816	2360	6176
Total	3288	5874	9162	3006	12168

(All Tables: Atkins / Loughborough University 2004)

In Search of a Balanced Community

Newcomers to an established neighbourhood often bring with them a different set of values to those of the host community. Human nature is such that, where they remain a small minority, these newcomers generally will try to conform to the values of existing residents. However, where the newcomers form a large minority or majority, they will tend to behave to their own values rather than those of the host community. At some point a threshold must be reached at which this changeover occurs. This observation accords with comments made by residents concerned to encourage a more "balanced" community, where students live among permanent residents in smaller numbers, respecting their values.

Precisely where that threshold lies has never been determined, but observations by local residents suggest that a street with around 20% student households feels balanced whereas one with a third student households does not. On this analysis it reasonably might be assumed that the critical threshold lies in the region of 25% of households, in which case it follows that there will be many streets in Loughborough the desirable balance has been upset already.

The evidence from Table I confirms that which is widely appreciated by those who live in the town: the most popular localities for student housing in the private rented sector are to be found in parts of Storer and Southfields wards. The evidence also supports, in modest measure,

anecdotal evidence to the effect that student households may be on the increase in areas of Ashby and Nanpantan wards located in close proximity to the University campus.

Unlike larger cities with significant student populations, the large swathes of Victorian terraced housing that students have tended to favour are rather more limited in those areas of Loughborough close to the University. Many Loughborough students, therefore, have sought out accommodation some distance from the University, or in house types that they would not normally prefer, such as those found to the north of the New Ashby Road, and between the campus and Forrest Road.

Providing a greater number of managed bed-spaces than there are new students has the potential to draw students out of the private rented sector, but this will only happen if living in managed housing is perceived to be preferable to living in private housing. In Britain, it has long been the case that students tend to view managed housing as a must for the first year and something to be avoided thereafter. This has to change if the proposed new bed-spaces are to be filled. One of the key issues is cost. It might be assumed that managed housing would be considerably dearer than unmanaged housing, but this is not the case in Loughborough; the two are actually very similar.

Managed housing is also more likely to be able to provide such benefits as broadband internet and cable television. According to the University, students value these services very highly. This gives managed housing an advantage over many traditional houses.

If there is a net movement back into managed housing, it is likely that students will choose to leave the more peripheral and less studenty areas first. This would take the pressure off housing in Ashby and Nanpantan wards but may well have little impact on Storer and Southfields wards, where there is a plentiful supply of older terraced housing close to the University. Simply providing more housing may not, therefore, lead to the return of balanced communities in the most popular student areas.

It should be borne in mind that not all problems associated with students are due to numbers alone. Many are behavioural issues which may well be carried out only by a minority, for example late night noise, untidiness and threatening behaviour. However, it does follow that the more students there are in an area, the greater the chance of this sort of behaviour occurring.

Powers under the Planning Acts

Options to control the occupation of family dwellings by groups of up to six people living together as a single household are limited by the fact that, under planning law, such “conversions” do not constitute development. As such they do not require planning permission.

It follows that the local planning authority may intervene only when a house is to be occupied by more than six people living together, other than as a family group. Such “dwellings” do not fall within any of the designated use classes recognised by the planning system but stand alone. (*sui generis*). In the interests of clarity in setting out below options for the control of student housing, such “dwellings” are designated, “Large Unmanaged Residences for Students” (LURS). But it should be appreciated that relatively few planning applications in Loughborough are likely to fall into this category.

Tempting though it may be to seek to introduce policies based on occupancy, the role of planning is to regulate land use, not human activity. Indeed, it has been shown in a recent case in Nottingham that conditions which seek to control occupation leave themselves open to challenge. In that appeal, the Inspector ruled that it was unreasonable for the Council to attempt to impose a condition preventing the occupation of a dwelling by people living together other than as a family group. Accordingly, a more successful approach is likely to be based upon limiting extensions, with the stated aim of avoiding over-densification and the loss of amenity space.

However, many extensions to dwellings, while constituting development, benefit from deemed consent under the Town and Country Planning (General Permitted Development) Order 1995. Subject to certain limitations planning permission is not required for extensions to dwellings measuring 50 cubic metres in respect of terraced properties and 70 cubic metres in other cases.

Control can be won back through the approval of an Article Four Direction, which removes permitted development rights. However, these Directions were never intended to be used widely and setting them up is a lengthy and cumbersome process involving an application to the Office of the Deputy Prime Minister.

Circular 9/95 advises that permitted development rights should only be withdrawn in exceptional circumstances and that, in the case of dwelling houses, this should only happen where the house is of outstanding quality. In addition, any person with an interest in the land who has a planning application refused or conditioned due to an Article Four Direction may claim compensation provided they submit an application within twelve months of the Direction being made. Section 107 of the 1990 Act states that this can include compensation for lost land value. Therefore, anybody whose proposals may be frustrated by an Article Four Direction could claim from the Council the value that their proposed extension would have added to the house. Accordingly such Directions should be used sparingly, if at all.

The most positive contribution the planning system could make would be to identify sites through the Local Development Framework for managed student housing in locations which would ease the pressure on private housing stock. Typically, these would be former commercial and industrial sites on the fringes of residential areas. In terms of controlling areas of private dwellings, it may be possible to implement policies aimed at restricting extensions on the grounds of loss of amenity space and over-densification. For the reasons given above, the use of conditions to control occupancy is not recommended.

Powers under the Housing Acts.

In November 2004, a new Housing Act passed into law. This Act has changed the ways in which Houses in Multiple Occupation (HMOs) are defined and regulated and has significant implications for private sector student housing. For the avoidance of confusion it is worth noting at this point that HMOs are not recognised as a specific use for the purposes of the Planning Acts.

Under the previous Housing Acts, HMOs were defined in such a way that most student houses fell outside the definition. This was because an HMO was defined as a property within which the occupants were living as separate households, such as a house divided into bedsits. By contrast, students tended to live as single households with one tenancy agreement covering the whole

property. There was no requirement for local authorities to license HMOs and any licensing undertaken was at their discretion. In addition, HMOs were defined purely on the basis of their occupancy; size was not important. The local authority's enforcement powers did not extend to control over whether a house could or could not become an HMO but they did allow it to insist that properties were properly maintained and that frontages and pavements were kept clean.

When part two of the Housing Act 2004 is implemented, the definition of what constituted a HMO will change. In terms of private student lets, the new definition will cover any dwelling occupied by 3 or more students (non of which are living as a couple) that are undertaking a full time course or higher education. This is likely to capture the vast majority of student households.

Under the new Housing Act 2004, local authorities have a duty to licence any HMO's that are three storeys or over and are occupied by five or more persons. This is known as mandatory licensing. Local authorities will also have the option of applying to the Secretary of State to extend licensing (additional licensing) to other types of HMO or to specific areas, under certain conditions. However, no designation for additional licensing will be approved unless the authority can demonstrate that it has considered any other courses of action available to them that might provide an effective means of dealing with the problem that has been identified. Other such actions might include a landlord accreditation scheme or street/community wardens to deal with anti-social behaviour. It must also be demonstrated that the designation will significantly assist the authority in dealing with the problem, whether or not they take additional measures as well.

Introducing additional licensing is by no means easy. Any local authority wishing to take this path must justify why it wishes to do so and is required to consult with all parties that are likely to be affected. It is also worth noting that although the majority of student lets will not be required to apply for mandatory licences, they will be covered by the HMO Management Regulations. This will significantly increase the enforcement powers available to environmental health officers irrespective of whether the property is licenced or not.

Whereas the planning system is the best tool for influencing the future location of student housing in the town, the changes stemming from the new Housing Act also have the potential to exert control over the management of existing student housing. For neighbourhoods within Storer and Southfields wards, where many private houses are already rented to students, the Act offers a good opportunity to improve and control the condition of properties and their curtilages.

It is therefore intended that planning and environmental health measures should be implemented side by side. Additional licensing areas may also be considered in neighbourhoods where there is a recognised imbalance between students and non students, if it can be demonstrated that such licensing will have a significant impact beyond that afforded by the other controls or options available.

Towards an Effective Policy

In the development of options for consultation the Council's approach has been informed by consultants, Atkins. The final version of this Supplementary Planning Document must define at this point a preferred option. That may be any one of those offered or, indeed, a combination of the attributes of several of the options summarised in the matrix below and detailed in the pages which follow.

The options represent the product of the detailed national and local considerations set out in preceding sections supplemented by an examination of existing and emerging student housing policy initiatives being developed in Leeds and Nottingham. The consultant's Options Report (December 2004) and Addendum & Errata (January 2005) represent key background papers to this draft SPD.

In presenting their findings to the Borough Council the consultants recommended:

The best solution may well be a combination of options two to five. We consider the following attributes to be important:

- *it should have clear boundaries*
- *it should distinguish between areas where the number of students has already affected the balance of the community and areas which are at risk of this*
- *it should identify sites for managed student housing in areas where this would not worsen existing issues of noise and disturbance*
- *it should include a discretionary HMO licensing area only in the most studenty areas*
- *it should include policies to control extensions and the loss of amenity space*
- *it should not include policies which seek to control occupancy*
- *it should be updated year on year*

Bearing in mind these points, Option Four would appear to be the best solution as it uses a zonal approach. We would recommend that the yearly overhaul of the figures proposed in Option five is added to this so that the inner and outer zones can respond to changes in the town's student population as they happen.

Perhaps the biggest challenge will be to come up with an answer as to what constitutes a balanced neighbourhood. This question will be crucial to the justification of any restraint areas shown in the SPD. The public consultation exercise should ask this question directly.

(Atkins, December 2004)

In considering the consultants report the Council is persuaded that the general public should be afforded the opportunity to comment upon all of the options presented.

However, in common with the consultants, the Council sees no advantage in Option 1. Maintaining the existing policy approach would be unlikely to have any impact upon the real issues and concerns experienced by local residents.

Neither has the Council been persuaded of the merits of Option 5: The Threshold Approach. That option, as presented originally by the consultants, relied upon the application of housing restraint on a **street by street** basis coupled to an annual review of the distribution of student housing. That approach failed to find favour for the following reasons:

- **Matching data street by street:** Finding out where students live, generally, is not a problem. Council Tax returns can be used to identify student households, along with those households where all but one resident are students. This information may be supplemented and verified by data provided by the University. The difficulty resides in

the definition of the street as the base unit for assessment. To implement this approach it would be necessary to create and maintain a new data base enumerating the number of dwellings in each street in order regularly to calculate the proportion of student households.

- **The relevance of the street as a unit for assessment:** A recent appeal decision in Nottingham has held that student occupancy levels measured against the number of dwellings in two Census “output areas” (each output area contains about 125 dwellings) was statistically unreliable, arguing that the local authority should have had regard to a more statistically relevant area in assessing the potential impact of additional student housing.
- **Certainty and the plan-led system:** Planning Policy Guidance 1: General Policy and principles, defines the objectives of the plan-led system, inter alia, as to achieve greater certainty, facilitate quicker decisions and reduce the number of misconceived planning applications and appeals. It is necessary to review planning policy documents; The companion guide to PPS12: Creating Local Development Frameworks advises that SPD should be reviewed on a regular basis alongside reviews of Development Plan Document Policies to which they apply. Such reviews are anticipated on a five year cycle, although an authority may define its own programme.

It is considered that provision for an annual review of the policy would not afford the degree of certainty expected of the plan-led system and that the resultant uncertainty would make difficult the provision of consistent advice to communities and prospective investors. Between receipt of pre-application advice and submission applicants might find their proposals captured by a shift in policy courting delays and potential appeals.

The consultants have been invited to comment upon the robustness of Option 5 in the light of the Nottingham appeal and have responded in the following terms:

"Ideally, areas to be subject to the policy would be determined on a street by street basis using census output areas. However, this approach has been called into question in a recent appeal in Nottingham (ref. APP/3060/A/03/1135116) where the Inspector deemed that output areas were too small to be considered representative of the locality. By the same token, wards are perhaps too large to be able to represent a single neighbourhood. The basis for choosing which areas would be subject to the policy may, therefore, lie somewhere between the two, perhaps using a cluster of four or five output areas? Once an area had been designated, a threshold would be set above which the policies would come into force."

Notwithstanding the Council's concerns in respect of the annual review of the policy, having regard to the consultant's specific conclusions and recommendations an additional option, Option 4A, is offered for consultation. That option is identical to Option 4 in all respects, save for the fact that it would be subject to an annual review.

In consideration of these matters the Council is persuaded that a solution within the scope of Options 2, 3 4 and 4A is most likely to best satisfy the need to redress the imbalance in the community in order to improve upon the quality of life enjoyed by residents, and in particular, those who live in locations close to the University and college.

Options Matrix

Policy Approach	Option 1- Existing Approach	Option 2- Leeds Type ASHORE	Option 3- Modified ASHORE	Option 4- Targeted Approach	Option 4A- Annual Target	Option 5- Threshold Approach
						*
Additional managed student accommodation provided on Campus	✓	✓	✓	✓	✓	✓
Speculative applications for student housing proposals assessed on their own merits	✓					
Student Housing Restraint Area defined		✓	✓	✓	✓	
Restraint Policy applied on evidence of local concentrations of student households in excess of a defined threshold.						✓
Annual review of the areas to be subject to restraint policies					✓	✓
Presumption against purpose built student housing and extensions to existing student halls and flats within the restraint area.		✓		Inner Zone Only	Inner Zone Only	✓
Presumption against extensions to existing student halls and flats where this would give rise to excessive noise or disturbance to neighbouring dwellings.			✓			✓
Presumption against the conversion of larger dwellings to Large Unmanaged Residences for Students (LURS)		✓	✓	✓	✓	✓
Presumption against extensions of private houses that would enable them to become LURS in future		✓	✓	Inner Zone Only	Inner Zone Only	✓
Conditions on planning permissions for new dwellings that would prevent their being occupied by students		✓				
Control over extensions that would lead to over-densification and the loss of amenity space (based on permitted development limits)		✓	✓	✓	✓	✓
Use Article 4 Directions in selected streets to remove permitted development rights		✓	✓	Inner Zone Only	Inner Zone Only	✓
Establish a discretionary HMO licensing area that would enable the Council to license all houses where occupiers are unrelated to control untidiness and poor upkeep issues.		✓	✓	Inner Zone Only	Inner Zone Only	✓
Sites identified for new managed student housing development typically on brownfield sites		✓	✓	Town Centre and Outer Zone only		✓

* The Threshold approach allows for differing levels of policy protection depending upon the threshold category appropriate to the area concerned.

Option I – Maintain the Existing Policy Approach

In this scenario, no action would be taken to control the number of student households in Loughborough.

In terms of sites for managed student housing, only those sites already in the pipeline or put forward by the University within the bounds of the campus would be developed; no further sites would be identified through the Local Development Framework. Speculative proposals from developers would be determined on their own merits, as is presently the case.

No discretionary HMO licensing area would be declared; only the mandatory House in Multiple Occupation (HMO) thresholds prescribed by the Housing Act 2004 would apply. This would mean that few student houses would need licensing and that there would therefore be little regulation of the residential environment.

Planning applications for the conversion of houses to Large Unmanaged Residences for Students (LURS) and for extensions to dwellings would be determined on their own merits, with no account taken of the fact that they were in studenty areas.

Advantages

- Resources would not have to be made available for enforcement action
- The likelihood of students moving much beyond their present bounds would be low, so communities on the northern and southern fringes of the town would probably continue to be unaffected by the issue.

Disadvantages

- Student numbers in areas such as Storer and Southfields would probably continue to grow
- The upkeep and tidiness of student houses would be no better than it is now
- Nothing would be done to tackle issues of late night noise and antisocial behaviour
- House prices in the most popular student areas would remain high, making it harder for owner occupiers to move in
- Absolute numbers of students living in private, unmanaged housing would only begin to fall after a few years of further growth and this would be entirely dependant on the University's redevelopment programme
- Student numbers would be able to rise unchecked in communities close to the University, such as that to the north of the Ashby Road

Option 2 - Leeds type Area of Student Housing Restraint (ASHORE) policy

This option draws upon the experience of Leeds City Council which has been one of the leading authorities in attempting to manage the provision of student housing through a multi agency approach to problem solving. Central to the approach is the definition of an Area of Student Housing Restraint defined on a map base within which the following policies apply:

- A presumption against purpose built student housing and extensions to existing students halls and flats.
- A presumption against the conversion of larger dwellings to Large Unmanaged Residences for Students (LURS)
- A presumption against extensions of private houses that would enable them to become LURS in future
- The imposition of conditions on planning permissions for new dwellings that would prevent their being occupied by students. (Occupancy conditions are included in this option purely on the grounds that they form an integral part of the approach taken in Leeds).

Outside the defined area of restraint specific sites would be identified through the LDF for the provision of managed student housing.

To this list could be added:

- Control over extensions that would lead to over-densification and the loss of amenity space (perhaps by limiting the size of extensions to the dimensions set out in the Town and Country Planning (General Permitted Development) Order 1995)
- In selected streets, the use of Article Four Directions to remove permitted development rights

Within this area, the Council would establish a discretionary HMO licensing area that would enable it to license all houses where the occupiers were unrelated. Most student houses fall into this category and would therefore need to be licensed. This would be the most effective way of controlling issues such as untidiness and poor upkeep.

The area of restraint would be drawn using Council tax records. Households occupied wholly by students are exempt from paying Council Tax under Class N exemptions. By looking at the distribution of Class N exempt properties across the town, it is possible to get a good impression of where most students live. There are shortcomings to this approach, notably that, if there are non students present in the household, it will not be exempt. However, it is the most accurate means of locating students available at this point in time.

The issue of what constitutes an acceptable balance between students and non students must be addressed if this option is to work. Evidence from Leeds and other authorities where restraint areas have been defined indicates that they have drawn up on the basis of officer opinion and public feeling rather than on quantitative analysis. No attempt has been made to ascertain what percentage of student households might be deemed to be acceptable. There is therefore no precedent for the objective definition of an area of restraint for Loughborough. In Leeds and Nottingham the areas of restraint were drawn widely. Likewise, this option uses a widely drawn area of restraint but, due to the situation in Loughborough (large University, small town), there are disadvantages in doing this.

Advantages

- Clear boundaries would help with enforcement.
- The Restraint Area would help to spread future student growth away from the worst affected areas.

Disadvantages

- Neighbourhoods beyond the Restraint Area would become more vulnerable to studification and would have little protection against change.
- Refusing managed housing in the Restraint Area would increase pressure on private sector housing.
- The LPA may have difficulty justifying the size of the Restraint Area in relation to the town
- Such a large discretionary HMO licensing area would be hard to justify and to enforce
- Loughborough does not have the capacity of cities such as Leeds to soak up large numbers of students in hitherto unstudenty areas. Restricting the growth of student numbers in the Restraint Area would simply lead to the loss of balanced communities elsewhere.
- Refusing managed housing within the Restraint Area would lead to new halls and flats being built further from the campus. This would increase the number of roads affected by late night student noise and antisocial behaviour.
- An increase in demand for private rented housing in the Restraint Area may cause house prices to rise still higher. This would make it yet more difficult for prospective owner occupiers to get into the area.
- Seeking to control who can and cannot live in a dwelling through the use of conditions would leave the Council open to challenge as it has been held to be unreasonable by the Planning Inspectorate.

Plan I illustrates the potential extent of an area of restraint for the purposes of this Option based upon the assumption that it should capture those areas where the proportion of student households has reached 10% or more.

Option 3 - Modified ASHORE policy

This would operate in much the same way as Option 2 but with the important difference that sites would be found for managed student housing within the Restraint Area.

As in the first option, a line would be drawn on a map within which the policies of the SPD would apply. These policies could include:

- A presumption against extensions to existing student halls and flats where these could give rise to excessive noise or disturbance to neighbouring dwellings.
- A presumption against the conversion of larger to Large Unmanaged Residences for Students (LURS).
- A presumption against extensions of private houses that would enable them to become LURS in future.
- Control over extensions that would lead to over-densification and the loss of amenity space (perhaps limiting the size of extensions to the dimensions set out in the Town and Country Planning (General Permitted Development) Order 1995).
- In selected streets, the use of Article Four Directions to remove permitted development rights

Sites would be selected, both within and without the restraint area, for new managed housing developments. Such sites would typically be former commercial and industrial sites or redevelopments of existing student halls. It is not considered feasible to create a second student village in Loughborough as there is not enough land available in one place to do this. It is, however, likely that most sites would be located in and around the town centre.

Provisions for the discretionary licensing of Houses in Multiple Occupation, the identification of the area of restraint by reference to Council tax data and the definition of an acceptable balance between students and non-students are identical to the measures and issues set out under Option 2.

Advantages

- Clear boundaries would help with enforcement.
- Providing managed housing in areas of high demand would lessen the demand for private rented housing in those same areas. This may help to prevent house prices going up any further.
- Neighbourhoods beyond the Restraint Area would not become so vulnerable to studification.
- Much of the town's new managed housing would be close to either the campus or the town centre, reducing the spread of late night student noise and antisocial behaviour into areas hitherto unaffected.

Disadvantages

- Areas outside the Restraint Area would have little protection against change.
- The LPA may have difficulty justifying the size of the Restraint Area in relation to the town
- Such a large discretionary HMO licensing area would be hard to justify and to enforce

- Absolute numbers of students in the Restraint Area would probably continue to rise, albeit in a more controlled manner, which would further affect the amenity of existing residents, especially those on the main walking routes.

Plan I illustrates the potential extent of an area of restraint for the purposes of this Option based upon the assumption that it should capture those areas where the proportion of student households has reached 10% or more.

Option 4 - Targeted Approach

This approach would see two zones with differing policy controls established around the University.

Inner zone

An inner zone would encompass only those streets where the proportion of students was above or very close to the threshold at which a balanced community was no longer felt to exist. It will be drawn tightly so as to avoid any land which might be considered a buffer zone.

Again, introduces the problem of defining an appropriate threshold. Based upon opinions expressed in meetings with resident groups, the threshold has been taken to be 25% of the houses on a street in student occupation. [The suitability of this threshold will be examined closely through the consultation process].

Within the inner zone, the emphasis would be on curbing further growth and better managing the existing population. Policies could include:

- A presumption against purpose built student housing and extensions to existing students halls and flats
- A presumption against the conversion of larger dwellings to Large Unmanaged Residences for Students (LURS)
- A presumption against extensions of private houses that would enable them to become LURS in future.
- Control over extensions that would lead to over-densification and the loss of amenity space (perhaps by limiting the size of extensions to the dimensions set out in the Town and Country Planning (General Permitted Development) Order 1995)
- In selected streets, the use of Article Four Directions to remove permitted development rights
- A discretionary licensing area for Houses in Multiple Occupation (HMOs). This would enable greater control over the upkeep and cleanliness of properties and their frontages.

Outer zone

Around the inner zone would be a much larger outer zone, within which the emphasis would be on managing growth and directing development to the best sites. The outer zone could include streets where between 10% and 25% of households were occupied by students and would act as a buffer between the most studenty areas and the rest of the town.

Fewer restrictive policies would apply here and there would be no discretionary HMO licensing area. This zone, along with the town centre, would be the preferred area for new managed housing and sites would be identified for this purpose. Outside the outer zone and the town centre, there would be a presumption against managed student housing developments.

Policies in the outer zone could include:

- A presumption against the conversion of larger dwellings to Large Unmanaged Residences for Students (LURS)
- Control over extensions that would lead to over-densification and the loss of amenity space (perhaps by limiting the size of extensions to the dimensions set out in the Town and Country Planning (General Permitted Development) Order 1995)

Advantages

- Clear boundaries would help with enforcement
- Concentrating the tightest controls on a smaller area would make it easier to police and would enable a broader range of policies to be set in place
- The lower level of restraint in the outer zone would be easier to justify at inquiry than having strict controls over the whole area
- Private rented housing in the inner zone would be better managed
- Managed student housing would be provided reasonably close to the University but not in areas worst affected by noise and disturbance
- Providing managed housing in areas which still retain a balanced community would lessen the demand for private rented housing in those same areas. This may help to prevent the loss of that balance.
- Neighbourhoods beyond the Restraint Area would not become so vulnerable to studification.

Disadvantages

- Areas outside the Restraint Area would have little protection against change
- Student numbers would probably continue to rise in the outer zone
- Most private student households in the outer zone would not be subject to inspection
- By not providing managed housing in the inner zone, demand for traditional housing may remain high

Plan 2 illustrates the potential extent of a two tiered area of restraint for the purposes of this Option based upon the assumption that the Inner Zone should capture only those areas where the proportion of student households has reached already 25% or more, while the Outer Zone is defined by those areas where the proportion is 10% or greater, but less than 25%.

Option 4A – Annual Targeted Approach

This approach also would see two zones with differing policy controls but the definition of those zones would be subject to an annual review and adjustment as necessary.

It derives directly from the consultant's conclusions to the effect that Option 4 would appear to offer the best solution subject to the annual overhaul of the figures so that the inner and outer zones can respond to changes in the town's student population as they happen.

Accordingly the primary attributes of the approach would be identical to those set out under Option 4.

The **advantages** too would be common to those listed under Option 4, but reasonably might be supplemented by the addition of a further advantage, broadly adapted from that under Option 5 which derives from the provision for an annual review:

- The system would be highly responsive to changes in student settlement patterns within and around the identified zones of control.

In a similar vein this approach would attract the same **disadvantages** as those listed under Option 4, subject to the addition of one further matter deriving from the consultant's assessment of the effect of an annual review under Option 5:

- In order to work properly, Option 4A would need to be updated on a yearly basis with new information from Council tax records. This would require a commitment from Council staff in both the revenue and planning departments.

Plan 2 illustrates the potential extent of a two tiered area of restraint for the purposes of this Option based upon the assumption that the Inner Zone should capture only those areas where the proportion of student households has reached already 25% or more, while the Outer Zone is defined by those areas where the proportion 10% or greater, but less than 25%.

Option 5 - Threshold Approach

Rather than working solely within a specific restraint area, the policies of the SPD would apply to any area where student numbers were considered too high or at risk of getting too high for a balanced neighbourhood to exist. Areas subject to the policy would be determined on a street by street basis¹. A threshold would need to be set above which the policies would come into force.

The matter of what constitutes a balanced neighbourhood has never been researched but discussions with local resident groups suggest that the balance may begin to break down when over 25% of the houses on a street are occupied by students. [It is intended that the consultation process should identify some consensus on this definition].

This approach would be a departure from the preceding options but may work better in Loughborough, where most of the town lies within one mile of the University or College and could therefore be considered "at risk" of studification.

The methodology for identifying the proportion of student households would mirror that set out under Options 2. Council tax data has the advantage that it is already updated year on year.

Because this Option would not be tied to one area, it could be used anywhere in the town (or indeed the Borough) where studification had been reported and where this was borne out by Council tax returns. This would protect streets containing the types of houses preferred by student landlords without needlessly burdening neighbouring streets where the houses types may be completely different.

In order to work properly, the areas covered by the policy would need to be updated each year in line with the latest Council tax returns (or whatever was to be used in their place). This would ensure that the SPD is kept abreast of developments on the ground and did not become outdated.

Sites suitable for managed student housing would need to be identified precisely as this Option does not lend itself to area based statements on the provision of managed housing.

As in Option Four, differing levels of protection could be afforded to different areas. For example, in areas with between 10% and 20% student households, there could be mild policies aimed at managing the growth of student numbers. By contrast, in areas with more than 20% student households, the measures could be more restrictive and could include policies aimed at the management of existing student households.

¹ In the light of a recent appeal case in Nottingham the Council's consultants now recommend that ideally the areas to be subject to this policy would be determined on a street by street basis using Census output areas. However the Inspector deemed that output areas were too small to be considered representative of the locality. By the same token, wards are perhaps too large to be able to represent a single neighbourhood. The basis for choosing which areas would be subject to the policy may, therefore, lie somewhere between the two, perhaps using a cluster of four or five output areas? Once an area had been designated, a threshold would be set above which the policies would come into force.

Policies could include:

- A presumption against new managed housing and extensions to existing students halls and flats where these could give rise to excessive noise or disturbance to neighbouring dwellings.
- A presumption against the conversion of larger dwellings to Large Unmanaged Residences for Students (LURS)
- A presumption against extensions of private houses that would enable them to become LURS in future
- Control over extensions that would lead to over-densification and the loss of amenity space (perhaps by limiting the size of extensions to the dimensions set out in the Town and Country Planning (General Permitted Development) Order 1995)
- One or more discretionary HMO licensing areas in those streets and neighbourhoods with the highest number of traditional dwellings in student occupation
- In selected streets, the use of Article Four Directions to remove permitted development rights

Advantages

- The policies would not be tied to any particular area. They would apply to any part of the town where the monitoring process showed a high percentage of students in a traditional residential neighbourhood.
- Protection would therefore be afforded to any part of the town that needed it and would avoid the problem of landlords building just outside the boundary.
- The system would be highly responsive to changes in student settlement patterns so would never need to be overhauled, as would be the case with a restraint area.
- There could be more than one level of policy protection in areas where not all streets experienced problems to the same degree

Disadvantages

- In order to work properly, Option Five would need to be updated on a yearly basis with new information from Council tax records. This would require a commitment from Council staff in both the revenue and planning departments.
- Without a clear boundary, the area to which the policies applied would be hard to determine for those without access to the latest information.
- It would not be possible to link policies on the location of managed student housing to the SPD as there would be no identified restraint areas.

Glossary

Article Four Direction	A power available to local authorities under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 to seek the approval of the Secretary of State to remove “permitted development” allowances in order to bring such development within the control of the local authority.
Dwelling	The Town and Country Planning (Use Classes) Order 1987 defines a dwelling as a property where: i) Occupation is by a single person or by people living together as a family, or ii) Occupation is by not more than six residents living together as a single household (including a household where care is provided for residents).
House in Multiple Occupation (HMO)	In terms of private student lets, the new definition as set out in the Housing Act 2004 will cover any dwelling occupied by 3 or more students (non of whom are living as a couple) that are undertaking a full time course or higher education.
Large Unmanaged Residences for Students (LURS)	Houses occupied by more than six unrelated people without provision of on site management.
Over-densification and loss of amenity space	The process whereby extensions to a property and or increased levels of activity flowing from the scale of occupation impose a materially harmful impact upon the amenities of neighbouring residents and diminish the future viability of the property as a family dwelling by reason of the loss open space within the curtilage (garden).
Permitted development	Minor development, including extensions to dwellings, which do not require planning permission under the provisions of the Town and Country Planning (General Permitted Development) Order 1995
Studenty	An area within which students form the most visible group of residents and where shops and services are geared up to care for their needs.
Studentification	The process whereby a traditional neighbourhood becomes a student neighbourhood.
