
Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 15th August, 2013

Subject: APPEAL DECISION: APPLICATION 12/02712/FU– Part three storey part four storey block of 18 cluster flats (112 rooms), retail store at ground floor, associated parking and landscaping at land at Woodhouse Street, Woodhouse.

APPLICANT

Mr Kissun Parmar

DATE VALID

03.07.2012

TARGET DATE

02.10.2012

Electoral Wards Affected:

Hyde Park and Woodhouse

☐ No

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION:

Members are asked to note the contents of this report.

1.0 This planning application for a mixed use – retail and student housing scheme at Woodhouse Street was refused by Members of the South & West Plans Panel on 8th November 2012, having resolved at the previous meeting in October not to accept the officers recommendation to approve the application. The grounds for refusal were that the proposal would constitute an over-development of the site and that by reason of its scale and massing it would be out of character with the local area to the detriment of the street scene and visual amenity. The application was also refused on the lack of a Section 106 agreement to provide a contribution towards off site green space in accordance with policy N2 of the adopted UDP.

1.1 The appeal was dealt with by written representation and the Inspectors decision is attached. The appeal was allowed subject to conditions and a signed Section 106 agreement.

- 1.2** The City Council had indicated in its Appeal submission that the proposal would by reason of its design, scale and massing result in harm to the street scene and the character of the area and was over development of the site.
- 1.3** The Inspector identified the main issue in the appeal as the effect of the proposal on the character and appearance of the area around Woodhouse Street and Holborn Approach.
- 1.4** The Inspector considered, in terms of the design and site layout of the appeal scheme, that the proposal is sympathetic to the surrounding area and takes a number of features from neighbouring buildings. It also uses the topography of the site to inform the overall design concept.
- 1.5** The Inspector disagreed with the Council and considered that from Woodhouse Street, the retail unit with rooms above would reflect the scale of the street scene in the vicinity and would not appear prominent. Along Holborn Approach, the view of the development from the west would be largely hidden by the imposing façade of Holborn Church, which fronts the road, whilst from the east, it would be largely hidden behind mature trees. There are no other significant views of the site from any greater distance away. The surrounding residential areas are of a relatively high-density nature, and the Inspector considered that the scale of the development would not be out of character.
- 1.6** The Inspector accepted the appellants signed Section 106 agreement submitted with the appeal (to cover the contributions towards greenspace) dealt adequately with the second reason for refusal.
- 1.7** There was no application for costs against the Council.
- 1.8** Members will recall that a subsequent application on this site (13/00550/FU) for the retail store with car parking was approved at Panel on 28th March 2013.
- 1.9** This appeal outcome hinges on the assessment of the bulk and scale of the building on the character of the area and the Inspector has reached a different judgement to the Plans Panel but it should be recognised that this is a subjective view.



Appeal Decision

Site visit made on 18 June 2013

by J D Westbrook BSc Econ(Hons) MSc MRTPI

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

Decision date: 4 July 2013

Appeal Ref: APP/N4720/A/13/2192201

Land at Woodhouse Street, Woodhouse, Leeds, LS6 2NY

- 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 Mr Kissun Parmar against the decision of Leeds City Council.
 - The application Ref 12/02712/FU, dated 3 July 2012, was refused by notice dated 14 November 2012.
 - The development proposed is a part three-storey, part four-storey block of 18 cluster flats (112 rooms), a retail store at ground floor, and associated parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for a part three-storey, part four-storey block of 18 cluster flats (112 rooms), a retail store at ground floor, and associated parking and landscaping, on land at Woodhouse Street, Woodhouse, Leeds, LS6 2NY, in accordance with the terms of the application, Ref 12/02712/FU, and the plans submitted with it, subject to the conditions contained in the Schedule below.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the area around Woodhouse Street and Holborn Approach.

Reasons

3. The appeal site is a vacant parcel of land situated between Woodhouse Street and Holborn Approach. The surrounding area is largely residential, although there are a number of other uses in the vicinity. These uses include small shops and takeaways, two churches (one of which was unused at the time of my visit), a community centre, and a school. Due to the surrounding topography, the site generally slopes down gently from west to east.
 4. The proposed development would involve the construction of a number of grouped student rooms in a T-shaped block towards the southern end of the site, and a retail unit, with student rooms above, to the northern end. The site is within easy reach of the City's Universities and may, therefore, be considered to be in a sustainable location from this perspective.
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5. To the north of the site, the streets have a north-south grain and comprise high-density terraced dwellings. The streets rise steeply up from south to north and the terraces present a tall, gable elevation to Woodhouse Street. They are effectively three-storey houses with rooms in the roof space, and many have dormer extensions. Views up these streets culminate at the tall imposing buildings of Quarry Mount School. To the south of the site, there are long rows of two-storey terraced houses aligned east to west along the southern side of the Holborn Approach, and stepped down the slope. The design of the proposed development would reflect the orientation of the surrounding roads utilising a T-shaped set of buildings, which would create an effective transition from a north-south orientation to the north to an east-west orientation to the south.
6. To the west of the site, on Woodhouse Street, is a small church building with a hall behind. This appears to be currently unused. There is also a two/three storey community centre a little further along the road. On Holborn Approach, a tall two/three storey church building lies to the west of the site.
7. To the east of the site is a small terrace of mixed commercial and residential properties, and a more modern housing estate that is largely shielded from the site by a number of mature trees.
8. The proposed development would be a mix of three and four storeys, although the lower ground storey would be largely sunk into the slope of the ground to the centre and southern parts of the site. The buildings would be stepped down slightly from north to south within the site and also from west to east at the southern end of the site along Holborn Approach. The southern arm of the building would also be set back some four metres from the boundary with Holborn Approach. This setting back of the buildings, coupled with the way that the buildings are sunk into the slope, would significantly reduce the visual impact of the development at its southern end.
9. The frontage to Woodhouse Street would be relatively narrow, and the part-gable end of the shop unit and rooms above would reflect the gable ends and the scale of the terraced houses opposite. There would be a relatively open part of the site adjacent to the shop, comprising a car park and servicing area, and this would largely ensure maintenance of views across the site to the wooded hillside around St Marks Church to the south, and of the church tower which projects above it. This is the only significant and long-distance view across or from the site.
10. In terms of the design and site layout, the proposal is sympathetic to the surrounding area and takes a number of features from neighbouring buildings. It also uses the topography of the site to inform the overall design concept.
11. The Council contends that the proposal would represent an overdevelopment of the site and that it would be overly prominent in the street scene. I disagree. From Woodhouse Street, the retail unit with rooms above would reflect the scale of the street scene in the vicinity and would not appear prominent. Along Holborn Approach, the view of the development from the west would be largely hidden by the imposing façade of Holborn Church, which fronts the road, whilst from the east, it would be largely hidden behind mature trees. There are no other significant views of the site from any greater distance away.

12. The surrounding residential areas are of a relatively high-density nature, and the scale of the development would not be out of character. There is only a small amount of landscaped open space within the development site itself, but the Council has indicated that an off-site contribution to enhance public open space in the locality would compensate for this. Although an offer of such a contribution was not made at the time of the determination of the application, I have before me a signed Section 106 Unilateral Obligation that deals with this issue, and also with a related issue to upgrade a nearby bus stop. I consider that the Obligation is necessary, relevant and proportional, and I therefore find that there are no further significant concerns regarding these issues.
13. For the above reasons, I conclude that the proposal would not be harmful to the character or appearance of the area around Woodhouse Street and Holborn Approach. Furthermore, it would not conflict with policies GP5, BD5, N12 or N13 of the Council's Unitary Development Plan (Review) 2006 (UDP), which relate to issues of good design and protection of residential amenities. Insofar as the appellants have provided a signed Section 106 Obligation relating to off-site contributions for public open space and an upgraded bus stop, the proposal would not conflict with policies N2 or GP5 of the UDP, which relate to provision of greenspace and resolution of access and highway issues.

Conditions

14. The Council has suggested a number of conditions. Where necessary I have adapted the proposed conditions to more closely accord with the wording of model conditions from Circular 11/95. From the information before me, suggested conditions relating to on-street parking, accesses, cycle and refuse storage, contaminated land investigation, and noise restrictions, are either unnecessary, covered by other conditions, or matters better dealt with under separate legislation.
15. I have attached a condition relating to plans because it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I have attached further conditions relating to the following:
- With regard to materials, hard and soft landscaping and tree protection, in the interests of the visual amenities of the area,
 - With regard to sight lines, car park and servicing management, in the interests of highway safety,
 - With regard to the submitted travel plan, for purposes of clarification and in the interests of promotion of sustainable transport,
 - With regard to opening and servicing hours related to the retail unit and also to crime reduction measures, in the interests of residential amenity,
 - With regard to construction management and hours of construction work, also in the interests of protecting residential amenities in the area,
 - With regard to the occupancy condition, to ensure that the development conforms to appropriate car parking and affordable housing policies,

- With regard to BREEAM certification, for clarification and in the interests of sustainable development,
- With regard to surface water drainage and sewerage, in the interests of public and environmental health.

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 5216-P01C, 5216-P02B, 5216-P03B, 5216-P04F, 5216-P05A, 5216-P06B, 5216-P07, and 5216-10A`.
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority, and these works shall be carried out as approved. These details shall include hard surfacing materials; tree retention and planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants; and implementation programme. Any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
5. All the trees to be retained within the site, or whose canopies overhang the site, shall be protected by strong fencing. The erection of the fencing for the protection of any retained tree shall be undertaken in accordance with the approved landscape plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.
6. Notwithstanding details shown the approved plans, no development shall take place until a plan showing sightlines of 2.4 metres x 70 metres at the junction of the site with Woodhouse Street and 2.4 metres x 43 metres at the junction of the site with Holborn Approach has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plan.
7. No structure or erection exceeding 1metre in height shall be placed within the sightlines referred to in Condition 6.
8. No development shall take place until a car park and servicing management plan has been submitted to and approved in writing by the local planning

authority. This plan shall include timescales, vehicle size restricted to 10.5 metre fixed axle, vehicle and reversing alarm noise suppression measures. Development shall be implemented and maintained in accordance with the approved plan.

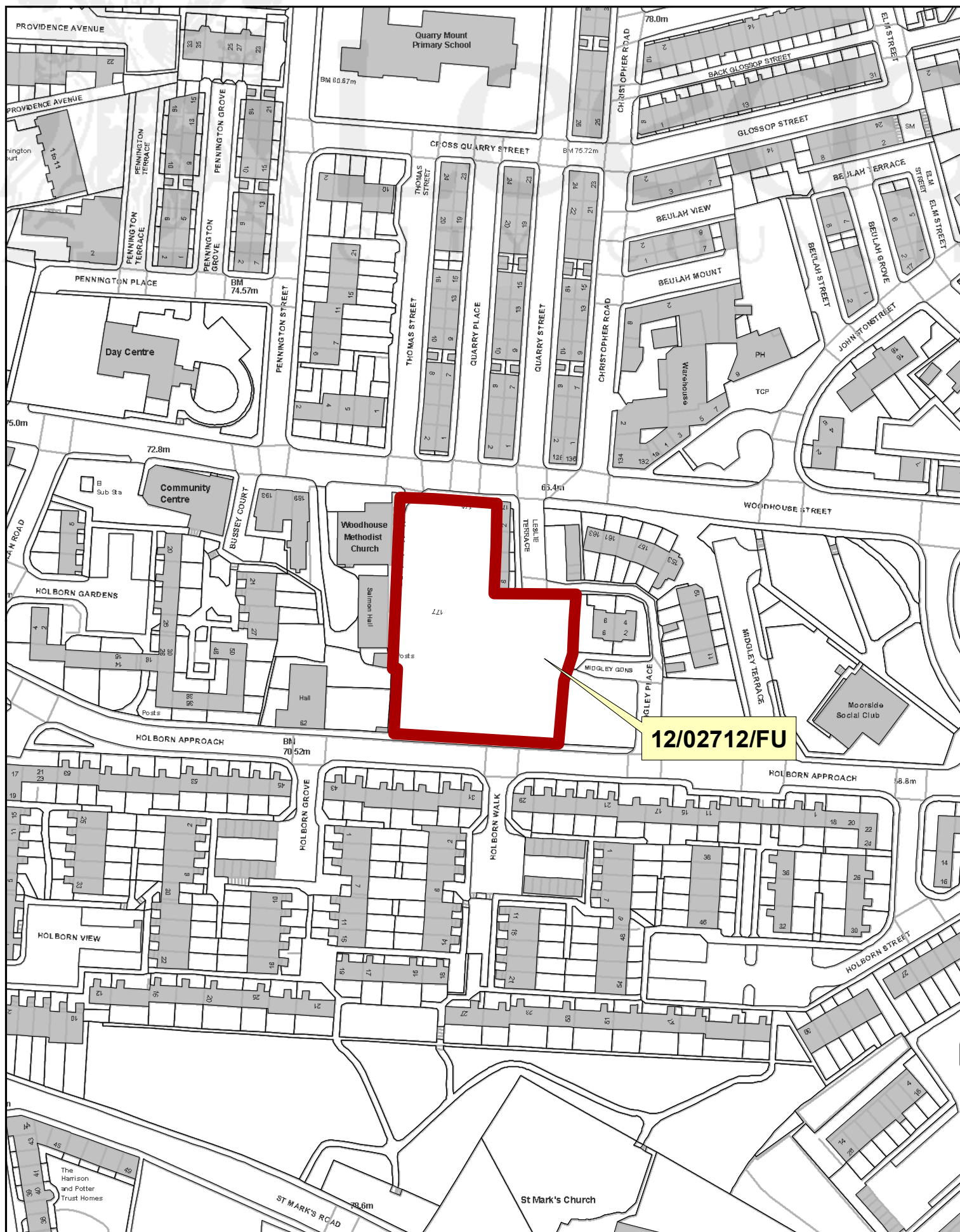
9. The use hereby permitted shall take place in accordance with the details of the Travel Plan (or those parts of the Travel Plan capable of being implemented, subject to other conditions herewith attached) dated 15 June 2012. Those parts of the Travel Plan capable of implementation shall continue to be implemented as long as any part of the premises is occupied for the uses hereby permitted.
10. The retail unit shall not be open for customers outside the hours of 0700 to 2300.
11. Deliveries to and collections from the retail unit shall take place only between the hours of 0800 and 1900 on Monday – Saturday and no deliveries or collections shall take place on Sundays or Bank Holidays.
12. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials, storage of plant and materials used in constructing the development, wheel washing facilities, measures to control the emission of dust and dirt during construction, and a scheme for recycling/disposing of waste resulting from demolition and construction works.
13. Construction works shall not take place outside 0730 to 1900 on Monday – Friday, and 0800 to 1300 on Saturdays, nor at any time on Sundays or Bank Holidays.
14. The residential units hereby permitted shall not be occupied at any time other than by students in full-time education.
15. No development shall take place until evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve the final BREEAM level “Excellent”. A final Certificate, certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating “Excellent” has been achieved for this development, shall be provided to the Local Planning Authority within 6 months of the completion of the development.
16. No development shall commence on site until a scheme for the discharge of surface water from the site, incorporating sustainable drainage details where appropriate, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.
17. No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. No part of the development hereby permitted shall

be first occupied until the sewerage works have been fully implemented in accordance with the approved details.

18. Before development commences, a scheme showing the details of crime reduction measures to be included within the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

J D Westbrook

INSPECTOR



SOUTH AND WEST PLANS PANEL

