



## Report of the Chief Planning Officer

### SOUTH & WEST PLANS PANEL

Date: 19<sup>th</sup> March 2015

Subject: APPLICATION 14/06380/FU – Residential development for block of six flats at Land Adjacent to the Former Swan with Two Necks, Raglan Road, Woodhouse, Leeds, LS6 2PB

#### APPLICANT

Mr Ajmal Hussain

#### DATE VALID

10<sup>th</sup> November 2014

#### TARGET DATE

3<sup>rd</sup> April 2015 (Revised)

#### Electoral Wards Affected:

Hyde Park and Woodhouse

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

**REFUSE** for the following reasons:

- 1) The Local Planning Authority considers that the proposal, due to its poor design and form including the incorporation of inappropriate design features and materials and the excessive size and scale of the building proposed, would result in a development which represents a gross overdevelopment of the site and fails to respect the context of the site, streetscene or wider locality. As such the proposal is contrary to the wider aims of Core Strategy policies P10 and P12, saved Unitary Development Plan (Review 2006) policies GP5, BD6, N25 and LD1 and the guidance contained in the Neighbourhoods for Living SPG and the National Planning Policy Framework.
- 2) The Local Planning Authority considers that the proposal, due to the failure to demonstrate any reasonable prospect of the adjacent section of Marsh Street being used for the development in the future, would result in a development which fails to provide any on-site private amenity space to the detriment of the scheme and creates an unacceptable relationship between the building and the public highway. As such the proposal is considered contrary to the aims of Leeds Core Strategy policy P10, saved Unitary Development Plan (Review 2006)

**policy GP5 and the guidance contained within the Development of Self-Contained Flats SPG, the Neighbourhoods for Living SPG and the National Planning Policy Framework.**

- 3) The Local Planning Authority considers that the proposal, due to the unacceptable loss of vehicular and pedestrian access to neighbouring properties, the failure to provide adequate turning provision for those parts of Marsh Street which would be retained as public highway, the failure to provide any workable on-site car parking provision, and the failure to provide adequate bin storage provision, would result in a development which leads to significant highway safety concerns, an increase in on-street car parking and congestion in the locality, and harm to residential amenity. As such the proposal is considered contrary to the aims of Leeds Core Strategy policies T2 and P10, saved Unitary Development Plan (Review 2006) policies GP5, T24 and the guidance contained within the Street Design Guide SPD, the Development of Self-Contained Flats SPG, the Neighbourhoods for Living SPG and the National Planning Policy Framework.**
  
- 4) The Local Planning Authority considers that the proposal, due to the failure to retain adequate separation distances between buildings and amenity spaces in order to protect the amenity of future occupiers and existing neighbours, and the failure to provide adequate on-site private amenity space for the benefit of future occupiers, would be harmful to residential amenity in respect of privacy and overlooking and provide an under provision of appropriate outdoor space to the detriment of the scheme. As such the proposal would be contrary to the aims of Leeds Core Strategy policy P10, saved Unitary Development Plan (Review 2006) policy GP5 and the guidance contained within the Development of Self-Contained Flats SPG, the Neighbourhoods for Living SPG and the National Planning Policy Framework.**

## **1.0 INTRODUCTION:**

- 1.1 This application is presented to Plans Panel at the request of Ward Councillor Gerry Harper who has noted that the site has been vacant and unused for some time, has attracted anti-social behaviour, and would like to see the site developed.
- 1.2 The application site has been the subject of on-going discussions with the Council since 2013 with the Council recognising the local desire to develop the site. However, as is discussed in greater detail in the below report, whilst the Council has offered extensive advice to the applicant in an attempt to provide a steer towards an acceptable solution, the current proposal, has failed to take this into account to the detriment of the scheme.

## **2.0 PROPOSAL:**

- 2.1 The applicant seeks planning permission to construct a three storey residential block to include six flats. The ground floor will accommodate three studio flats with a further three flats, each included two bedrooms, being accommodated over the first and second floors. The building will measure 13.8m in width, 13.1m in length and 10.7m in height. The building will be constructed of brick and render with a tiled roof and dormer windows to the front and rear.

- 2.2 The proposal will incorporate a modest amenity area to the rear with four parking spaces and bin and cycle storage situated to the south side of the new building. Two of the parking spaces will be accessed from Raglan Road with the remaining two being accessed from Marsh Street, a public highway to the rear, part of which is proposed to be closed off.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site includes the existing vacant plot between the Former Swan with Two Necks public house to the south and the property at 201 Woodhouse Street to the north and incorporates a large stretch of Marsh Street to the east side. The site has been vacant for a considerable period of time and is now overgrown with vegetation. Historical maps show that in the early part of the twentieth century the northernmost part of the site accommodated terraced housing and the southernmost part of the site was associated with the public house. The site includes a gentle slope from north west to south east.
- 3.2 Planning permission was granted for the conversion of the Former Swan with Two Necks public house building, an imposing three storey red brick building, to create nine two bedroom flats in July 2011 and is now occupied as such. 201 Woodhouse Street, on the corner of Woodhouse Street and Raglan Road, is a two storey building which accommodates a restaurant at ground floor level and a residential flat above. Marsh Street is a public highway open to vehicular traffic and as such is in the ownership of the Local Authority.
- 3.3 The application site is situated within a predominantly residential area with Woodhouse Street also supporting a number of commercial uses. The wider locality includes a mix of student housing and market housing. To the west of the application site are a number of residential properties including a detached two storey property at 4 Marsh Street which accommodates flats in close proximity to the new building proposed.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 Application Site:  
14/01156/FU - Residential development for block of 8 No. flats (Withdrawn 2014)
- 4.2 Former Swan with Two Necks Site:  
09/00763/FU - Change of use from a public house to form 9 two bedroom flats including new second floor, three storey and two storey extensions and external alterations (Approved 2009)  
11/02113/FU - Retrospective application for alterations to roof form and windows for 9 two bedroom flats to previously approved permission 09/00763/FU (Approved 2011)

### **5.0 HISTORY OF NEGOTIATIONS:**

- Late 2013
- 5.1 Pre-application discussions were held with the applicant in 2013 during which time concerns were raised by the Council in regard to the size and design of the storey building proposed.
- February 2014
- 5.2 Following the aforementioned pre-application discussions a detailed scheme was submitted to the Council in February 2014 (Planning Application Reference

14/01156/FU). However, this detailed scheme was not materially different to that discussed at the pre-application stage and the applicant was subsequently advised that the application warranted a planning refusal on the following grounds:

- The building proposed was of a size, massing and siting which represented a gross overdevelopment of the site and which was inappropriate within the wider streetscene;
- The design, style, features and layout of the proposed building and site paid little regard to the wider character or context of the area;
- The development would have provided a poor level of amenity for future occupants and, due to the unacceptable relationship to neighbouring residential properties, would harm the amenity of neighbours;
- The proposal had failed to address the topography of the site which had implications for parking and highway safety concerns.

5.3 In conclusion the applicant was advised, as was previously the case in 2013, that if the Council were to support a residential development proposal at the site that this would need to be significantly reduced in size and scale in order to respond appropriately to the context of the site. In order to avoid a planning refusal the applicant withdrew the application in May 2014.

5.4 To offer the applicant greater clarity on what scale of development was likely to be acceptable at the site in order to address the relevant planning concerns the Council, through its internal design review process looked to offer some guiding principles to guide any future proposals for the scheme. The Council advised the applicant that a new building of a size and scale akin to a two storey pair of semi-detached traditional red brick houses would be appropriate at the site. Whilst the Council noted that it would have no objection to an internal layout, which for example accommodated four flats given the local market conditions which are more favourable to flats rather than houses, the Council offered the view that this quantum of development would be likely to sit much more comfortably within the context of the site and provide for an appropriate level of amenity and car parking.

#### July 2014

5.4 Following the withdrawal of the aforementioned planning application the applicant submitted a pre-application enquiry (Reference PREAPP/14/00601) in July 2014. This outlined a scheme which was of a similar size and scale to the two previous proposals put forward, albeit with amended external detailing and a revised layout. The result was that the fundamental concerns outlined by the Council to this point had not been adequately addressed and the Council therefore advised that none of the reasons for refusal listed above had been overcome. The Council also outlined that the design advice noted above had not been taken into account.

#### August 2014

5.4 Council officers met with the applicant and his representatives at the site at the request of Councillor Gerry Harper in August 2014 to discuss the parameters for a scheme that could be supported at the site. At this time the applicant noted his intention to attempt to purchase part of Marsh Street to allow for the creation of an amenity area. Council officers noted that even with the inclusion of part of Marsh Street were to be acceptable, the proposal would still need to be significantly reduced in size and scale to respond appropriately to the context of the site and that a new building akin to a two storey pair of semi-detached traditional red brick houses would still be appropriate at the site.

#### The Current Application – November 2014 to date

5.5 By way of comparison the current application, whilst now including part of Marsh Street, details a scheme which is larger in both footprint and height to the three proposals previously put forward.

## **6.0 COMMUNITY CONSULTATION**

6.1 None.

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application has been publicised by means of site notices and letters to immediate neighbours. Ward Councillor Gerry Harper has requested that the application be determined at Plans Panel due to concerns regarding the untidy appearance of the site and antisocial activities which have taken place. Councillor Harper has noted that the neighbouring conversion of the former Swan with Two Necks public house has enhanced the quality of the local area.

7.2 One local resident from Hyde Park has written in support of the scheme.

## **8.0 CONSULTATION RESPONSES:**

8.1 Highways – OBJECTION: The proposal to incorporate part of Marsh Street in the development site, which will include the blocking off of part of the public highway, has not been agreed by the Council's Highways department. Further to this the Highways Team would not consider it appropriate to stop up Marsh Street as it serves as a vehicular and pedestrian access to other properties. The proposal would leave two ends of the road without appropriate turning facilities. The proposal has also failed to provide off-street car parking spaces which meet the relevant guidance.

8.2 Contaminated Land – No objections subject to appropriate conditions.

8.3 Drainage and Flood Risk – No objections subject to appropriate conditions.

## **9.0 PLANNING POLICIES:**

9.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan currently comprises the adopted Local Development Framework Core Strategy (2014), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Local Plan.

The Local Development Framework **Core Strategy** was adopted by the Council on 12<sup>th</sup> November 2014. The following policies contained within the Core Strategy are considered to be of relevance to this development proposal:

**Spatial Policy 1** – Location of Development

**Policy H2** – Housing on Unallocated Sites

**Policy H3** – Density of Residential Development

**Policy H4** – Housing Mix

**Policy P10** – Design

**Policy P10** - Landscape

**Policy T2** – Accessibility and New Development

**Policy EN5** – Managing Flood Risk

9.2 The most relevant saved policies from the **Leeds Unitary Development Plan** are outlined below.

**GP5** - Development control considerations including impact on amenity

**BD5** - Design of new buildings

**N25** - Site boundaries

**LD1** - Landscape design

**T24** - Parking

9.4 Relevant **supplementary planning documents and policies** are outlined below:

- Development of Self Contained Flats SPG (May 1999)
- Neighbourhoods for Living SPG (December 2003)
- Street Design Guide SPD (August 2009)
- Natural Resources and Waste Development Plan Document (January 2013)

9.6 The **National Planning Policy Framework** (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. The following paragraphs from the NPPF are considered to be of particular relevance:

Paragraph 14 – Presumption in favour of sustainable development

Paragraph 17 – Core planning principles

Paragraph 50 – Delivering a wide choice of high quality homes

Paragraphs 56 and 57 – Design

Paragraph 61 – High Quality and Inclusive Design

Paragraph 64 – Poor Design should not be accepted

## **10.0 MAIN ISSUES:**

10.1 The following main issues have been identified:

- (1) Principle of the proposed use;
- (2) Design, character and townscape;
- (3) Highway safety, parking and bin storage;
- (4) Residential amenity;
- (5) Conclusions.

## **11.0 APPRAISAL:**

### 1. Principle of the Proposed Use

11.1 The application site is currently vacant. Whilst a lack of information exists as to the last lawful use of the site it is clear from historical records that the site has previously accommodated terraced housing and a parcel of land associated with the public house, probably used as an amenity area or for access in the past. The wider area is predominantly residential in nature and includes a mixture of open market housing, social housing and student accommodation. The proposed use as residential housing in the C3 planning use class is considered to be appropriate within this wider residential context.

11.2 The site is situated in close proximity to the Hyde Park Corner Local Centre, local shops and amenities on Woodhouse Lane and University and educational campuses. In addition to this, the close proximity of the site to the city centre and

strong public transport links mean that the site is also of a highly sustainable nature in these respects, noting in particular that the development would meet all the relevant accessibility indicators in the Leeds Core Strategy. As such the site is situated in a location which is appropriate for a residential use.

## 2. Design, Character and Townscape

- 11.3 The importance of providing good design is outlined in the Council's Core Strategy and relevant supplementary planning guidance as well as the National Planning Policy Framework which notes at paragraph 64 that poor design should not be accepted. In appraising the development put forward the character and context of the application site, streetscene and wider locality must be taken into consideration.
- 11.4 As is noted in the Sites and Surroundings section of this report the application site sits on Raglan Road and consists of a vacant plot sitting between the former Swan with Two Necks Public House building to the south and the neighbouring property at 201 Woodhouse Street to the north. The former is an imposing three storey red brick building which very much dominates the streetscene of Raglan Road. The latter is a red brick and render building of predominantly two storey proportions and is more characteristic of the red brick Victorian housing which dominates the area.
- 11.5 It is considered that the development proposed has failed to respond appropriately to this context and represents a design solution which raises a number of significant concerns. It is noted that whilst the Council has offered extensive advice to the applicant in an attempt to provide a steer towards an acceptable solution, the current proposal, as was the case with its predecessors, has failed to take this into account. This is considered to be to the detriment of the resulting proposal. Indeed, as is noted in the History of Negotiations section of this report, rather than reduce the size of the building as suggested by Council Officers throughout discussions since 2013 the applicant has instead chosen to increase the size of the building contrary to this advice. The result is a proposed building which pays little regard to its context and would appear alien in its setting.
- 11.6 Whilst the applicant has noted the neighbouring development of the former public house building as an example of a large building which dominates its own plot and noted that this was only recently granting planning permission for its conversion to residential accommodation, it is not considered that this development serves as a comparable example. This is because the development of the former public house involved the conversion of an existing building of considerable architectural merit and the retention of this building was a significant factor in the wider planning balance. In contrast the application site, although also previously developed land, is a vacant site without such constraints. As such it cannot be considered that the neighbouring development sets a precedent for the scheme now proposed.
- 11.7 The size and scale of the development proposed at the application site is considered excessive and represents an overdevelopment of the site which relates poorly to neighbouring properties and the wider streetscene. The building footprint takes up a significant proportion of the site and leaves only 0.6 metres to the neighbouring property at 201 Woodhouse Street. Whilst the spaces between buildings in the area vary widely, traditional relationships which exist between neighbouring properties on the adjacent stretch of Woodhouse Street allow for gaps of between 5 and 6 metres between blocks of buildings and this is characteristic of the immediate locality. The failure to provide adequate space between buildings, alongside the excessive height and dominating nature of the proposed building, would lead to a poor relationship with the neighbouring building to the detriment of the wider streetscene. The excessive size and height of the building also results in a

scheme which fails to remain subservient to the visually imposing former public house building. The result of these two factors is that the proposed building fails to provide a successful transition between the two neighbouring buildings which is harmful to the character and appearance of the Raglan Road streetscene.

- 11.8 In addition to the above, the design and detailing of the building creates a roof form which relates poorly to neighbouring buildings, includes poor solid to void ratios and an uncomfortable fenestration with poor proportions and window detailing, and introduces alien features such as dormer windows. The building cannot therefore be considered to represent a good design solution of architectural merit in its own right or be an appropriate design response to the immediate or wider context of the site. The use of render is also considered to represent a poor choice of materials which fails to respond appropriately to the predominant red brick character of the area and the failure to create defensible space to the street frontage along Raglan Road leads to further concerns including the failure to incorporate 'secure by design' principles.
- 11.9 In conclusion it is considered that the proposal represents a gross overdevelopment of the site which has failed to provide a good design solution and has failed to respect the context of the application site, streetscene and wider locality. This is to the detriment of the scheme and contrary to the detailed advice offered by the Council to date. As such the proposal will lead to significant harm in design and character terms and has therefore failed to comply with the relevant local and national planning policy and guidance.

### 3. Highway Safety, Parking and Bin Storage

- 11.10 The proposal will involve the blocking up of Marsh Street and incorporation of a stretch of the public highway to be used as amenity space to serve the development. There is no agreement in place with the Council's Highways department to purchase or use the public highway in this way. Whilst it is understood the applicant has made queries to the Highways Department to this end, no supporting information has been submitted which would indicate that discussions have progressed to a stage where there is any realistic prospect of this coming forward as part of the development. Further to this the City Development Highways Team has offered the view that it would not be appropriate to stop up Marsh Street in highway safety terms. They have noted that Marsh Street serves as a vehicular and pedestrian access to other properties which would be lost and not replaced and that the proposal would leave the two ends of the road which would be retained without appropriate turning provision to the detriment of highway safety. It is considered that these objections would represent fundamental concerns with the scheme which would represent reasons to refuse the application in their own right.
- 11.11 Notwithstanding the above, even if the sale or use of Marsh Street for the inclusion in the development site could be agreed, the proposal would lead to a number of significant highway concerns. Whilst a case could be made in principle for a parking ratio of four off-street car parking spaces to six flats, due to the sustainable location of the site, there are considerable practical concerns relating to the four spaces proposed. The two spaces to the rear of the site at a depth of only 4.5 metres (6 metres would be required to meet the relevant guidance) are not sufficient to accommodate parked cars and the arrangement proposed would not allow for sufficient space for turning manoeuvres to be made. The two spaces to the front of the site are also substandard in depth at only 5.4 metres and would also require cars to reverse over the public footpath and car users would have poor visibility when doing so due to the presence of buildings to both sides. The lack of appropriate line of sight would mean that such a manoeuvre would be particularly



dangerous. As such the proposal has failed to achieve any acceptable parking provision as part of the development put forward. The failure to do so would inevitably lead to an increase in on-street car parking in the locality, an area which suffers from considerable parking pressures at present, including on Raglan Road, to the detriment of highway safety and the amenity of local residents contrary to the relevant local and national planning policies.

- 11.12 Lastly the proposed location of the bin store to the south side of the building would be on part of the site raised above street level and would only be accessible by steps through a passageway which would not be wide enough to accommodate the larger bin size that would be required to serve the development. It is thus considered that the bin storage arrangements proposed are not workable and therefore that the development has failed to provide for appropriate bin storage provision contrary to the relevant local and national planning policies.

#### 4. Residential Amenity

- 11.13 The proposal will provide residential accommodation in the form of six flats for the open market. Local and national planning policies require new residential development to provide a good level of amenity for both future occupiers of the development proposed and existing residential neighbours. This includes providing living accommodation for future occupants which is of an appropriate size, offers appropriate outlook, gives good daylight and sunlight penetration and protects privacy. This also includes providing good quality outdoor amenity areas for the enjoyment of future occupiers. Neighbouring amenity should also be protected by preventing new development which unreasonably impacts on privacy, leads to harmful overshadowing impacts or a loss of light, or which leads to a loss of outlook.
- 11.14 The proposal will provide new units of a size which meet the draft local and national guidelines in respect of dwelling sizes and provide a good outlook and levels of sunlight and daylight penetration for future occupiers from main living areas. Whilst these positive factors of the development are noted it is considered that the proposal would lead to significant amenity concerns in a number of other respects. These are outlined in detail below.
- 11.15 The proposal raises significant concerns in respect of privacy and overlooking. The distance retained from new windows serving main living areas to those in the residential property to the rear at 4 Marsh Street is around 15 metres. This is well below the guideline distance for new development of 21 metres in the Council's Neighbourhoods for Living SPG and subsequently leads to an unacceptable relationship which would harm the privacy of future occupants of all of the six flats proposed and the neighbouring residents at 4 Marsh Street. The rear amenity space will also be situated unreasonable close to neighbouring windows serving main living areas at 4 Marsh Street leading to conflict in terms of overlooking. Whilst a boundary treatment of an appropriate height could be conditioned to prevent such an impact this would be likely to lead to a detrimental impact on the outlook from the rear of the proposed ground floor flats. The development is therefore considered to be providing a poor level of amenity in respect of privacy for future occupants and existing residential neighbours and is contrary to the relevant local and national planning policies.
- 11.16 The aforementioned outdoor rear amenity space would also provide a poor level of amenity for future occupants in terms of opportunities for private recreation. The amenity space would have a ground area which equates to below 8% of the total gross floor space of the development which is well below the recommended 25% recommended in the Neighbourhoods for Living SPG for new development. Whilst it

is noted that conversions of existing buildings for residential use in the locality have justified a lesser amenity provision in some instances, such as at the adjacent public house building, these proposals have brought forward wider benefits associated with the re-use of existing buildings. The application proposal is a new build scheme on a vacant site and so should be looking to provide amenity space as appropriate. It is further noted that alongside the inadequate size of the amenity space proposed, the space is also likely to be unappealing because of the aforementioned relationship with the ground floor flats proposed and lack of privacy that would be afforded. The result of the above is that the outdoor amenity space proposed is not fit for purpose and is likely to discourage its use by future occupants of the development to the detriment of the scheme contrary to the relevant local and national planning policies.

## **12.0 CONCLUSIONS**

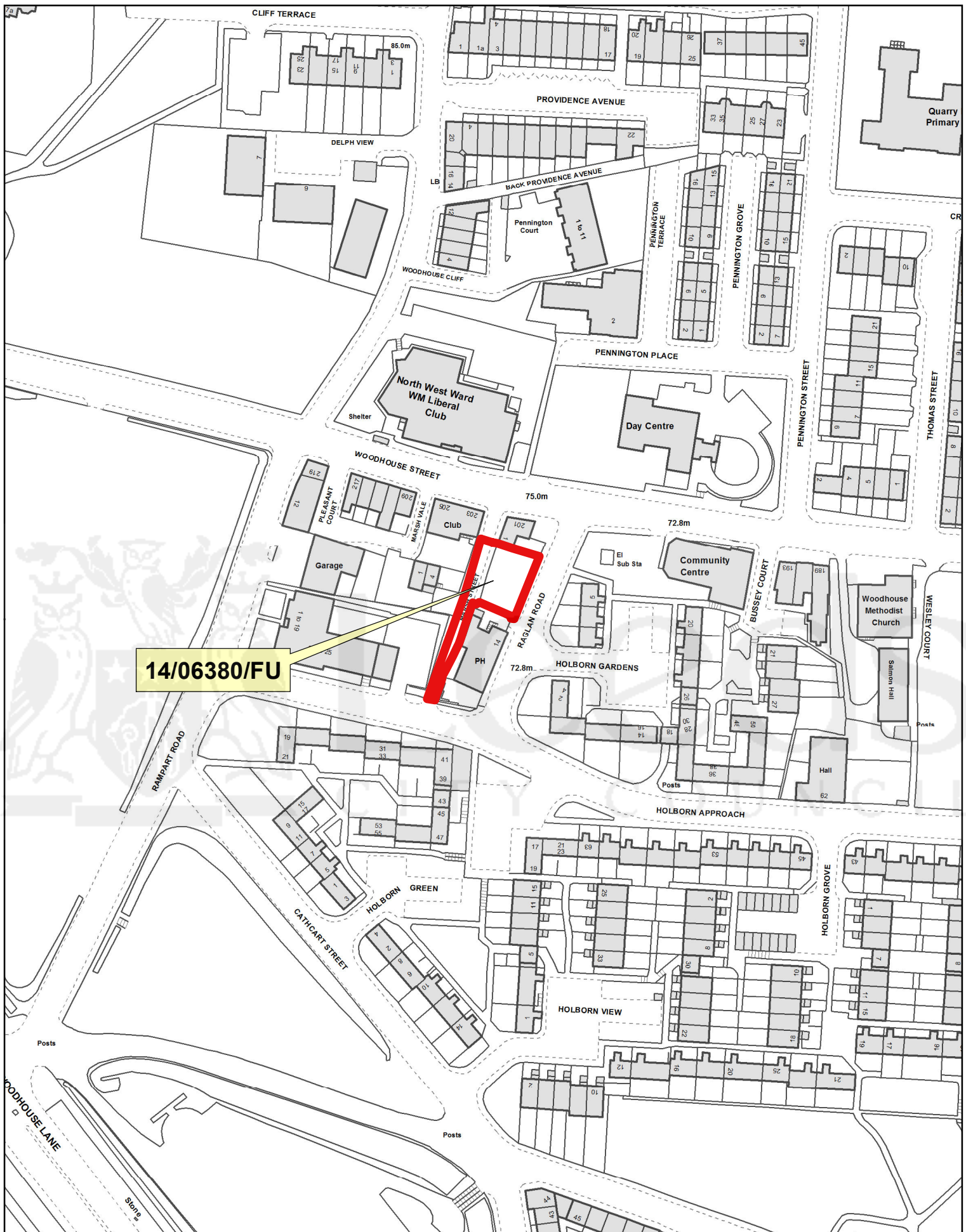
- 12.1 The proposed use of the site for open market residential flats is considered to be appropriate for the site and is compatible with neighbouring uses in the wider locality. The development will bring forward a vacant site which has been neglected for some time and attracted anti-social behaviour in the past. The application site is also considered to be situated in a highly sustainable location that supports a residential use. The above represent benefits of the scheme.
- 12.2 However the proposal leads to a number of significant concerns in respect of (1) design and character, (2) highways and parking and (3) residential amenity. It is noted that the applicant has failed to take on board the detailed advice offered by the Council to date and it is considered that this is to the detriment of the scheme.
- 12.3 The proposal provides a poor design solution of little architectural merit which fails to respect the context of the site, streetscene and wider locality. The size and scale of the building proposed is considered excessive and leads to a gross overdevelopment of the site. In addition to this the proposal is considered to be of an inappropriate design and form which includes unsympathetic design features and the use of unsuitable external materials.
- 12.4 There is no agreement in place to stop up Marsh Street in the manner proposed and there is little realistic prospect of this being agreed with the Local Authority. The changes proposed to stop up Marsh Street would also result in an unacceptable loss of vehicular and pedestrian access to neighbouring properties and fail to provide proper turning provision to those sections of the street to be retained as public highway. Notwithstanding this, even if the sale or use of Marsh Street could be agreed, the proposal would fail to provide any workable car parking provision and as such would inevitably lead to an increase in on-street car parking in an area which experiences considerable pressure in this respect. The proposal has also failed to provide for adequate bin storage provision.
- 12.5 The proposal provides for a poor level of privacy for future occupiers and neighbours due to the inadequate separation distances retained to the property at 4 Marsh Street. The rear amenity space will also lead to further conflict in this respect due to its relationship to the ground floor flats proposed and neighbouring sites. Further to this the rear amenity space represents a considerable under provision in terms of size when considered against the Council's guidance and the quality of the space is poor due to its positioning in relation to ground floor flats.
- 12.6 The comments from Councillor Gerry Harper and the local resident who have written in favour of the proposal have been taken into consideration. However, taking the above into account it is considered that the proposal is contrary to the aims of the

relevant planning policies in the Development Plan, with no material planning considerations existing which would outweigh the harm created. As such it is considered that the application should be recommended for a planning refusal.

**Background Papers:**

Application file;

Certificate of Ownership.



**14/06380/FU**

# SOUTH AND WEST PLANS PANEL

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SCALE : 1/1500

