
Report of the Chief Planning Officer -

SOUTH AND WEST PLANS PANEL

Date: 6th August 2015

Subject: Application number 14/07450/FU – Change of use of hall of residence to residential development forming 36 self-contained units at 101 Commercial Road, Kirkstall, Leeds, LS5 3AD.

APPLICANT

Elite Private Residences Ltd

DATE VALID

22nd December 2014

TARGET DATE

7th August 2015

Electoral Wards Affected:

Kirkstall

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATIONS

DEFER and DELEGATE approval to the Chief Planning Officer subject to the conditions specified and the completion of a Legal Agreement to include the following obligations:-

1. An off-site highways contribution of £5,000 to provide, if necessary, Traffic Regulation Orders in the vicinity.
2. Travel Cards £17,127.00.
3. Affordable Housing contribution of £144,000.00.

1. 3 year time limit on full permission.
2. Development in accordance with the approved plans.
3. Submission and approval of external walling materials.
4. Full details of boundary treatments.
5. Full details of bin storage to be submitted.
6. Full details of bike storage to be submitted.
7. Submission and approval of site investigation reports.
8. Provision of remediation statement.
9. Submission and approval of verification reports.
10. Vehicular areas to be laid out, surfaced and drained.
11. Car parking spaces to remain unallocated.

12. Submission and implementation of landscaping scheme.
13. Submission of landscape management plan.
14. Protection of trees, hedges / shrubs during construction.
15. Preservation of retained trees, hedges / shrubs.
16. Requirement to replace any failing trees/ hedges/ shrubs within 5 years of approval.

1.0 INTRODUCTION:

- 1.1 This application is brought to Plans Panel in response to concerns from ward councillors about the scheme with regard to the size of the units.

2.0 PROPOSAL:

- 2.1 The proposal is for the conversion of 101 Commercial Road from student accommodation (a halls of residence) to 36 studio flats with 25 parking spaces, cycle and bin storage. The flats are for the rental market and aim to create affordable accommodation for graduates and young professionals.
- 2.2 An existing single storey element to the rear is to be demolished and this will enable the provision of increased car parking within the site. Bin storage will be within a purpose built building close to the vehicular access and a new bike store for 36 bikes will be provided within the car park.
- 2.3 The building is to be re-clad and an entrance canopy provided to the front to give the building a new image and create a more attractive development.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site contains a large 4 storey 1960's building that was originally constructed as a nursing home but was converted to student accommodation in 2002. This use ceased some years ago and the building is now vacant.
- 3.2 The property is situated in an elevated position above Commercial Road with Gilbert Mount running along the north west and north east boundaries. Due to changes in topography the site is set below the level of Gilbert Mount to the rear.
- 3.3 The building has a long form, extending parallel to Commercial Road, and a narrow depth. It is constructed of brick with timber cladding. It now appears somewhat dated in appearance and in recent months, due to its vacant status, it has been vandalised which further detracts from its appearance.
- 3.4 The existing site is well landscaped with trees and shrubs. A key feature is a large willow tree on the front north west corner, which provides some screening of the site from Commercial Road. There is a pedestrian access into the site off Commercial Road and vehicular access is taken off Gilbert Mount to the north west.
- 3.5 Commercial Road is a key arterial route into/out of the city centre with good transport links by private car, bus and bike. The area is characterised by a mix of uses including residential and industrial / commercial. There is also a school to the south east. The site is within walking distance of Kirkstall District Centre and Kirkstall Leisure Centre.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 24/224/96/FU – change of use of aged persons home to short term housing communal facilities and office accommodation – approved 6 September 1996.
- 4.2 24/360/99/FU - change of use of aged persons home to student accommodation – approved 4 December 2000.
- 4.3 24/44/01/FU – alterations to vacant aged persons home to form accommodation – approved 3 April 2001.
- 4.4 PREAPP/14/00816 – Change of use from student accommodation to residential use. Officers were generally supportive of the principle of the development and welcomed the re-use of the building which is falling into disrepair. However, concerns were expressed about the size of the units proposed and the need to provide affordable housing. Highways officers were generally happy with the proposals but advised that issues relating to cycle parking, bin storage, access gates and parking needed to be addressed. Ward Members were consulted and raised objections to the size of the units (approximately 21sqm each).

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Since the submission of the application the applicant has revised the drawings to increase the size of the units. As originally submitted the application proposed 58 studio apartments. These varied in size from 20sqm to 29sqm, with most (39 units) having a floor area of 21sqm.
- 5.2 Due to concerns about the size of the units the proposal was then revised to provide 36 apartments – 16 one bedroom apartments and 20 studio apartments. The one bedroom apartments ranged in size from 41sqm (one unit) to 44sqm (4 units), with most at 42sqm (11 units). The studio apartments ranged in size from 35sqm (4 units) to 37sqm (4 units), with most 34sqm (12 units).
- 5.3 Members remained concerned about the size of the units detailed in paragraph 5.2 and the applicant has therefore revised the scheme again. It is now proposed that all units will be studio apartments. In doing this they have worked on the floor plans and the average size of the units now proposed is 37.8 sqm which exceeds the National Space Standards for Studio's. The applicant has advised that all of these studio apartments will be single occupancy.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by site notices posted on 17 January 2015 and in the Yorkshire Evening Post on 9 January 2015. To date (24 June 2015) no representations have been received from the public.
- 6.2 With regard to the original submission, Councillor Illingworth had a number of concerns and objected to the application. The issues raised are summarised as follows. It should be noted that these comments relate to the superseded plans.
- The proposal is for approximately 21sqm apartments, which provide sleeping, cooking, eating, living, storage, washing and toilet facilities for 2 people. They are very cramped e.g. double beds are in physical contact with the walls on three sides.
 - Most of the “drawings” are potentially misleading computer-generated perspective views. It is important to study the floor plans.

- It is an exceptionally poor design, which undermines our Leeds design standards.
- The application was discussed at the Inner North West Area Planning Group and participants were amazed and horrified by the lack of space, which seems to me to raise significant Public Health issues.
- Having visited the site, I conclude that it is even worse than I thought at first sight.
- When asked to justify the cramped design, it was explained that the applicant has paid a lot of money for the building and that if the units are any bigger the scheme doesn't work financially. This is not a material planning consideration.
- The building is described as a "hall of residence" though to my knowledge was never actually used as such.
- These proposals knock two bedrooms together and reduce the width of the corridors to form the 21 square metre housing units. These are roughly half the size of the 2006 housing standard adopted by the Greater London Authority. I do not consider that the narrowed corridors are acceptable.
- The application falls below minimum standards and should be refused. If it is not refused it seems to me inevitable that it will eventually be occupied by people with children. This is not an acceptable environment for bringing up children.

6.3 Councillor Venner advised, with regard to the original submission, that she remained concerned about the size of the units and whether there is a market for them. She supports Councillor Illingworth's request for Panel if approval is to be recommended.

6.4 The ward Councillors were then re-consulted on the revised plans to create 36 units with a mix of studios and one bedroom apartments. Only Councillor Illingworth commented on these revisions, advising that he remains concerned that the floor areas are below emerging space standards and that he does not want to undermine these. He considers a restriction on single occupancy to be unenforceable and that the proposal will result in a race to the bottom on living space. If all units were to be 47sqm this would be sufficient.

6.5 All ward Councillors have been consulted on the latest revisions to provide all studio apartments and comments are awaited.

7.0 CONSULTATION RESPONSES:

Statutory Consultations

7.1 None due to the nature of the application.

Non Statutory Consultations

7.2 **HIGHWAYS:** The level of car parking is acceptable given the sustainable location of the site but overspill parking could still occur. A Traffic Regulation Order contribution should therefore be sought in order that resident parking on the surrounding streets can be maintained if a parking problem becomes apparent following occupation. A condition to ensure all off street car parking remains unallocated is also recommended.

7.3 **WY METRO:** request that bus stop number 11566 should have a shelter (to include seating, lighting and bus information) installed at a cost to the developer of around £10,000 and 'live' bus information should be installed at bus stop number 11560, also at a cost of approximately £10,000 to the developer. In order to encourage the use of the public transport services available, the developer should also be required

to enter into Metro's Residential MetroCard (RMC). Based on the current scheme this would cost approximately £17,593.50.

8.0 PLANNING POLICIES:

National Policy

8.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and contains policies on a range of issues including housing, sustainable development, green belt, conservation, the local economy and design.

8.2 In respect of design it states that "good design is indivisible from good planning" and Local Authorities are encouraged to refuse "development of poor design", and that which "fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted".

Local Policy

8.3 Planning proposals must be made in accordance with the development plan unless material considerations indicate otherwise.

8.4 The Development Plan comprises of the Core Strategy, saved policies of the UDP (2006) and the Natural Resources and Waste Local Plan.

8.5 The Core Strategy (CS) was adopted by the Council on 12 October 2014. Relevant CS Policies:

- P10 relates to design and requires new development for buildings and spaces, and alterations to existing, to be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function.
- T2 requires new development to be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility.
- H2 allows for new housing on unallocated sites where there is no adverse impact on the capacity of existing transport, education and health infrastructure.
- H4 requires developments to include an appropriate mix of dwelling types. Housing mix
- H5 sets out the Council's approach to affordable housing.
- G4 relates to the provision of green space.

8.6 Relevant Saved Leeds Unitary Development Plan (Review) 2006 Policies:

- GP5 seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
- BD6 requires all alterations and extensions to respect the scale, form, detailing and materials of the original building.

8.7 Supplementary Planning Guidance/ Documents

- Street Design Guide
- Neighbourhoods for Living
- Affordable Housing SPG

9.0 MAIN ISSUES

- Principal of development
- Visual amenity

- Residential amenity
- Highway considerations
- Developer contributions

10.0 APPRAISAL

Principle of development

10.1 The site is not allocated within the emerging Site Allocations Plan. As such the proposal for residential use on the site should be assessed against policy H2 which relates to housing development on non-allocated sites. This contains 3 criteria:

1. the number of dwellings should not exceed the capacity of local infrastructure,
2. the location should accord with accessibility standards, and
3. Green Belt policy is satisfied.

The site is not within the Green Belt and the location does accord with accessibility standards detailing distances to local amenities, transport links, schools and employment. The scale and form of the development is such that it is not considered to put any undue pressure on local infrastructure including the highway network, schools and health services.

10.2 The proposal is therefore considered to comply with policy H2 and is acceptable in principle subject to other material planning considerations.

Visual amenity

10.3 Currently this site is vacant and the building therefore requires a positive re-use. Re-using this building will enhance the character of the area and this regeneration consideration should be given weight in assessment of the application.

10.4 The main element of the proposal that will have a visual impact is the recladding of the building, especially to the front elevation. The existing building has long strip windows with timber cladding between floors. It also includes some vertical brick panels. The front façade is staggered and can be divided into 3 elements. It is proposed to clad each of these 3 elements with grey panels, each element a different shade of grey. This cladding pattern will be repeated on the rear elevation. Areas of existing render at ground floor level will be re-rendered and painted white. This will greatly improve the appearance of the building, which, due to been vacant for some time, has fallen into a poor state of repair. Adding the cladding panels will create deeper window reveals and it is proposed that these reveals be a single brighter colour (yellow) to complement the grey and add a subtle contemporary appearance. This will also unify the 3 areas of grey.

10.5 It is also proposed to remove an existing single storey rear extension to enable the provision of additional car parking, add an entrance canopy to the front elevation and provide detached buildings for bin storage and cycle parking. All of these, together with the proposed cladding, are considered to be in keeping with the existing site and existing development in the locality by virtue of their being no overriding cohesiveness in the locality. This accords with the aims of Core Strategy Policy P10.

10.6 There are a number of trees and shrubs within the site which help provide an attractive setting for the building. The proposal retains the majority of these - one Category C tree to the rear is proposed for removal. There are no objections to this removal given the condition of the tree and the extent of remaining planting. Despite there being a good amount of existing planting it is considered appropriate to condition the submission of a landscaping scheme to enhance that already existing, as indicated on the submitted site layout plan.

Residential amenity

- 10.7 The proposal is for the conversion of the building to 36 self-contained studio flats and represents a considerable reduction in the number of units compared to the original submission (58 units). By reducing the number of units within the building and providing a development of all studio flats, the floor area of the units has significantly increased from the original submission.
- 10.8 The building has a relatively narrow depth with large linear windows to serve the rooms and it is therefore considered that all of the proposed flats will have good levels of light and amenity for future residents in this respect.
- 10.9 The size of the flats has been looked at in relation to the “Technical Housing Guidance - nationally described space standard.” This is a technical note to National Planning Guidance and is therefore a material planning consideration, although it was only published in March 2015, during negotiations with the developer and after the application was submitted. While both the emerging Leeds Space Standard and the National Space Standards are material planning considerations they are advisory and should only be used as a tool for informing residential layout proposals when looking at space standards. In particular, the Leeds Space Standard has been developed by the Council to inform floor sizes for its own development and is used to encourage developers in open market schemes and has not undergone a full consultation process under the LDF and therefore carries only limited weight.
- 10.10 While the proposal does fall short of the suggested floor areas with regard to 6 of the proposed studios, these should be considered in light of the specific scheme and not simply assessed against a nationally imposed standard. The 6 units in question all have good levels of natural light and outlook. It should also be noted that 22 of the 36 studio's are in excess of the 37sqm floor areas. In particular it is noted that the current scheme is for conversion of an existing building, and not a new build, with the limitations that such development brings particularly in relation to matters of Building Regulations when considering travel distances from habitable rooms to fire escape routes which make it difficult to configure the internal layout of the building differently to that proposed. The scheme represents an appropriate use for this vacant building and will help to ensure that it does not fall further in to disrepair. This is a factor which should be weighed against concern against flat sizes.
- 10.11 The table below sets out the proposed apartment sizes compared to local and national guidance.

Accommodation Type	Revised Floor Plans	Leeds Standard	National Standard
Studio apartment	2 x 34 sqm 4 x 36 sqm 7 x 37 sqm 8 x 38 sqm 11 x 39 sqm 4 x 40 sqm	38 sqm	37 sqm

Highway considerations

- 10.12 The scheme proposes 36 studio units and the site plan indicates 25 parking spaces, a rate of 70%. Given that there is an existing use in the building and its sustainable

location close to good transport links into and out of the City, this is considered acceptable. Although the site is in a sustainable location overspill parking could still occur. A Traffic Regulation Order (TRO) contribution of £5000 is therefore requested in order that resident parking on the surrounding streets can be maintained if a parking problem becomes apparent following occupation. This would be returned if unspent within 3 years of the first occupation. The Developer has confirmed that they are willing to provide this.

- 10.13 Conditions are also recommended to prevent individual parking spaces being sold to individual flats so that all off street car parking remains unallocated to enable maximum use to be made of the available bays.
- 10.14 Cycle parking is to be provided in a covered secure block to the rear of the site, within the car park. This will provide space for 36 bikes. Bin storage will be provided in a building adjacent to the access off Gilbert Mount.

Developer contributions

- 10.15 The proposal generates a requirement for a number of developer contributions including CIL, green space and travel cards. The Developer has confirmed their CIL payment (£80,000) and the full Affordable Housing contribution (£144,000) but is unwilling to contribute towards off site green space.

Affordable housing

- 10.16 The site lies within Affordable Housing Market Zone 2 which, under Core Strategy Policy H5, has a 15% affordable housing requirement, unless there is a viability argument. This should be provided at a mix of 60% social and 40% intermediate. On a development of 36 units this would equate to 5.4 units. This provision can be on the basis of a commuted sum rather than on site provision. It has been confirmed that a commuted sum of £144,000 is required in this respect and the Developer has agreed to enter into a S106 agreement to secure this.

Green space

- 10.17 Following the adoption of the Core Strategy in November 2014, planning applications for residential use should be assessed against Policy G4 which states that:-

“On site provision of greenspace of 80 square metres per residential unit, will be sought for development sites of 10 or more dwellings that are outside the City Centre and in excess of 720 metres from a community park, and for those which are located in areas deficient of greenspace. In areas of adequate supply, contributions of an equivalent value towards the safeguarding and improvement of existing greenspace will take priority over the creation of new areas. In this circumstance, qualitative improvements would be needed to address the pressures placed upon existing greenspace in the form of increased usage and increased demand arising from new residential development.”

- 10.18 The application site lies within the Kirkstall ward, an area with an identified shortfall of green space provision, therefore applying the provisions of Policy G4 preference will be the provision of on-site green space to the amount of 0.29ha. However given the nature of the site and the proposed conversion of an existing building it would be difficult to achieve provision of publicly accessible green space on-site together with private amenity space for the residents of the development. The existing grounds of the site will be made available to the future occupiers as a communal private garden. A commuted sum is therefore required to the amount of £109,807.01 for off-site green space provision.

- 10.19 The Developer does not consider that such a contribution is necessary as the proposal relates to the change of use and refurbishment of a lawful residential use with a reduction in the number of bed spaces, which thereby, they believe, reduces the demand for existing infrastructure. It has also been suggested, by the Developer, that there is a viability issue in providing this.
- 10.20 Although Officers disagree with the Developer as to whether or not such a contribution is applicable, in this case it is considered that a balanced view needs to be taken and weight needs to be given to the fact that the proposal is bringing back into use a derelict building, that (most of) the flats meet or exceed the size set out in the National Standard and there is good sized communal gardens for the future residents to use and that other contributions are to be paid towards affordable housing, travel cards and TRO's. Given these circumstances it is considered on balance appropriate to accept the Developer's offer as it stands.

Metro contributions

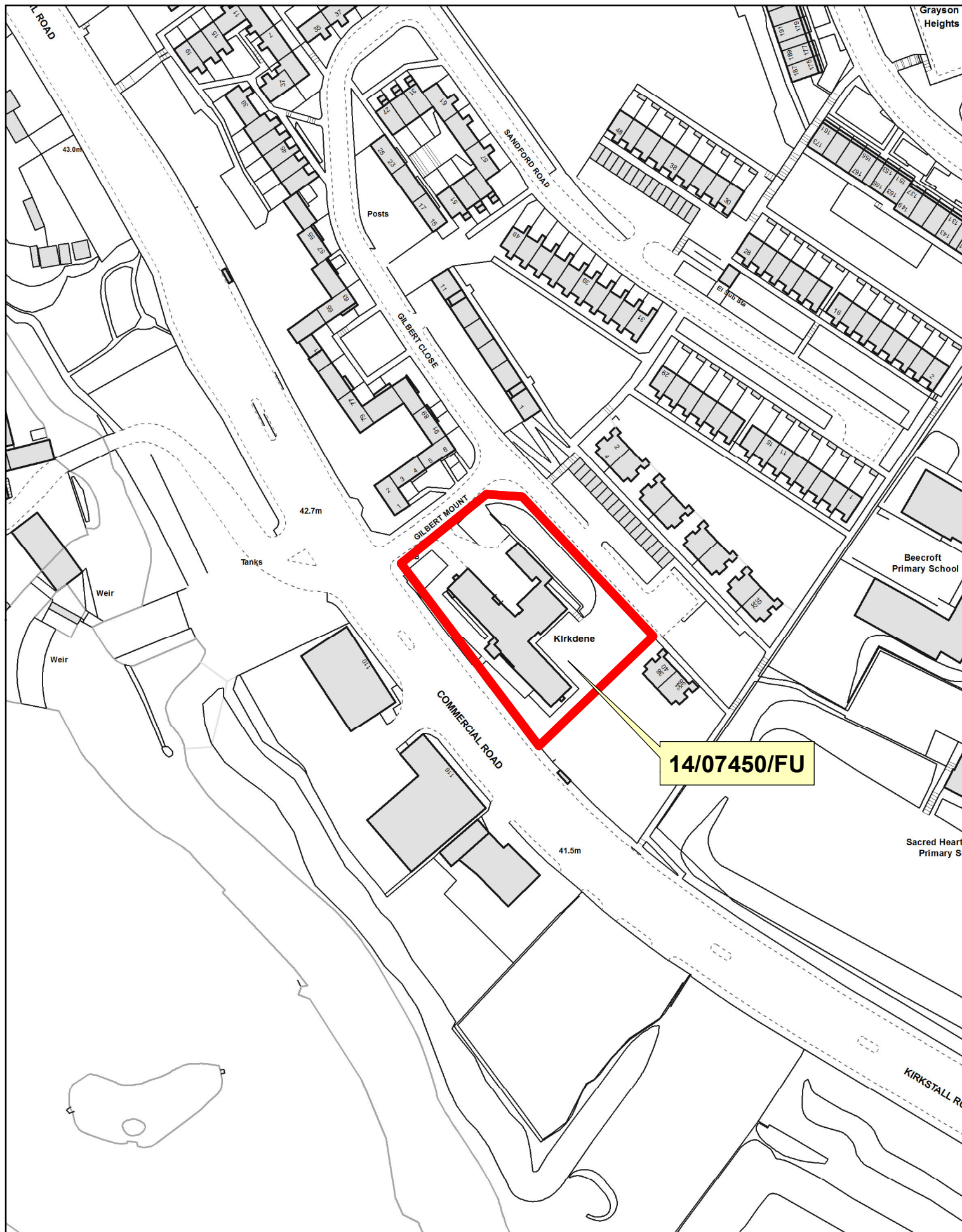
- 10.21 The request by Metro for bus stop improvements is not considered, by the developer to be reasonable for the same reasons as discussed under green space above. Given the proximity of the site to high quality bus options, officers agree that this is unnecessary. However, the Developers offer of Travel Cards is welcomed as it will help to reduce private car travel. A S106 agreement will need to be entered into to secure this.

11 CONCLUSION

- 11.1 Officers have negotiated an increase in the size of the units thereby reducing the overall number of units from 58 to 36. Whilst recommending approval, it is accepted that the recommendation to approve the application is balanced.
- 11.2 In the application's favour is the re-use and refurbishment of a vacant building located in a prominent position on a major route into the City which is in urgent need of repair and re-use to prevent further vandalism to it.
- 11.3 It is also considered that the proposal will contribute favourably to housing provision in Leeds. Student housing is not proposed and the applicant has made efforts to increase the floor areas of the flats by reducing the number proposed, in an effort to move towards National Space Standards.
- 11.4 The Developer is willing to pay a contribution of £144,000 to affordable housing and provide travel cards and a £5000 contribution towards a TRO. The scheme also generates a CIL contribution of £80,000.
- 11.5 Against the scheme, are the concerns that a small number (6 out of 36) of the units remain below the National Standard and that the Developer is not offering any contribution towards off site green space.
- 11.6 In conclusion, officers consider that the benefits of bringing the building back in to an appropriate use and the improvements to its appearance combined with the applicants constructive attempts to enlarge the size of the units and willingness to provide a contribution to affordable housing, should be given greater weight than the concern about the size of a small number of units and the requirement for a green space contribution. The recommendation is therefore to approve the current scheme subject to conditions.

Background Papers

Application files: 14/07450/FU



SOUTH AND WEST PLANS PANEL

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