



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 15 OCTOBER 2015

Subject: PLANNING APPLICATION REF. 14/03735/FU STUDENT RESIDENTIAL ACCOMMODATION BUILDING COMPRISING 110 STUDIO FLATS, INCLUDING ANCILLARY COMMUNAL FACILITIES AND RETAIL UNIT, ASSOCIATED LANDSCAPING AND CAR PARKING AT 46 BURLEY STREET, LEEDS LS3 1LB

APPLICANT

Burley Place Limited

DATE VALID

25.06.2014

TARGET DATE

19.02.2015 (extended)

Electoral Wards Affected:

**City and Hunslet
Hyde Park and Woodhouse**

Yes

Ward Members were consulted at application stage

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

For information only - Summary of recent planning appeal decision

1.0 INTRODUCTION

1.1 The application was refused planning permission on 16th February 2015, following a resolution at City Plans Panel on 12th February 2015, on the following grounds:

“1. The proposed development due to its design, nature and limited accommodation type would provide inadequate amenities for the future residents of the site and would fail to meet sustainable long term housing needs, contrary to Policies CC1, H4, P10, and H6B of the Leeds Core Strategy, Saved Policies GP5 and BD5 of the Leeds Unitary Development Plan Review 2006, Supplementary Planning Guidance Neighbourhoods for Living, and the National Planning Policy Framework.”

2. The application proposal would result in an overintensive development, out of character with the urban grain of the immediate surrounding area by reason of the dominating effects of its excessive height and bulk. The application is therefore contrary to Leeds Core Strategy Policy SP1(iii) and P10, Leeds UDPR Saved

- 1.2 The appeal was considered by the Planning Inspectorate on 22nd July 2015, through the Informal Hearing procedure, and the decision was issued on 10th September 2015. The hearing was attended by officers, the applicant’s Planning Consultant, and two residents of Kendal Walk.

2.0 KEY ISSUES

- 2.1 The Inspector identified the following key issues in the determination of the case:

- 1.The effect of the proposed development on the character and appearance of the locality;
- 2.The living conditions of the future occupiers of the proposed studio flats, with particular regard to internal living space, outlook, and external amenity space.

3.0 SUMMARY OF COMMENTS

The effect of the proposed development on the character and appearance of the locality

- 3.1.1 With regard to the first issue, the Planning Inspector considers that the taller element of the proposed development, referred to as ‘the blade’, would be taller and wider than the adjacent Sorting Office. She considers that the characteristics of the blade would create a building that would appear taller, wider, and with a greater mass than the Sorting Office building. The Inspector states that when viewed from the east along Park Lane in the context of Oak House, a five storey office building on the northern side of Park Lane, or along Belle Vue Road in the context of significantly smaller scale two storey residential properties, the blade would largely obscure the Sorting Office, and appear overdominant, out of character, and create the impression that development would be stepping up rather than down the hillside. In views to the west along Park Lane, the Inspector concludes that the proposal would restrict the views of hillside and sky in the distance beyond, due the topography, distance and perspective leading to a diminished apparent scale of the larger student housing blocks and hotels beyond at Park Lane Triangle, the Holiday Inn and Opal One and Two. The Inspector is also of the view that at the corner of Rutland Mount and Burley Street, the scale and height of the blade close to the back edge of the pavement, would be both dominating and dramatic in close views, much more so than the nearby Sorting Office or the Sentinel Towers flats opposite.
- 3.1.2 On this issue the Inspector concludes that the height, width and mass of the blade element would appear unrelated to the scale, character and appearance of the buildings with which it would mainly be seen. The blade would not appear to respect the general perception of development stepping down the hillside, and would therefore be harmful to the townscape in the immediate locality of the site. The Inspector therefore dismissed the appeal on this issue.

The living conditions of the future occupiers of the proposed studio flats, with particular regard to internal living space, outlook, and external amenity space.

- 3.2.1 The Inspector states that the overlapping of furniture and functions within the smallest studios (20sqm) would feel cramped and oppressive. She cites a bed-

head directly abutting a breakfast bar or kitchen area, or a sink drainer extending into a table for eating, or the design of an 'L' shaped studio just wider than the length of the bed, as particular examples. The Inspector comments that the spaces shown would not be sufficient to allow the occupiers to comfortably carry out all the functions of living, no matter how the illustrative internal layout of furniture were reconfigured.

- 3.2.2 The Inspector notes that the needs of students may be different to others, but acknowledges that many students such as postgraduates or overseas student would occupy their accommodation all year round and could spend a significant amount of time in their studio flats.
- 3.2.3 The Inspector states that most studios on the east elevation would have a single aspect with a poor outlook onto the Sorting Office building approximately 8m away. Despite being a little larger than some of the other studios, and having large windows, she notes that many would not receive direct sunlight and some would have restricted and limited views of sky. She also notes that the noise attenuation measures and need to keep windows closed to achieve quiet conditions in a night-time environment could add to feelings of oppression within these small studios.
- 3.2.4 The Inspector is of the view that in this case, where the internal layout of the studios would be so cramped, the small size of the proposed external courtyard would add to the harm to the living conditions of the occupiers.
- 3.2.5 The Inspector notes that the provision of two communal lounges, concierge services, a laundry and a cycle store would afford additional amenities for occupants, however these benefits would not mitigate the adverse impacts of the small size and poor internal environments of the studios.
- 3.2.6 The Inspector concludes on this issue that for the purpose and function of fully self-contained independent occupation, where a student could sleep, cook, eat, study and relax, approximately 50% of the studios would fail to provide a satisfactory sense of spaciousness and would feel uncomfortably small, cramped, and oppressive – and that overall the development would fail to provide a satisfactory standard of comfortable living conditions for the future occupiers. The Inspector agrees with the Council that the proposal would fail to meet the specific requirement of Core Strategy Policy H6B(v), that student accommodation provides satisfactory internal living accommodation in terms of daylight, outlook and juxtaposition of living rooms and bedrooms. The Inspector states that the scheme would also fail to meet the requirements of Core Strategy Policies P10, CC1(b) and Saved UDPR Policies BD5 and GP5 to resolve detailed planning considerations, contribute positively towards quality of life and provide a reasonable level of amenity and usable space. The Inspector also states that the proposal would be contrary to advice at paragraph 17 of the NPPF, that planning should also seek a high quality of design and a good standard of amenity for existing and future occupants of land. The Inspector therefore dismissed the appeal on this issue as well.

Application for Costs by the Appellant

- 3.3.1 The appellant applied for costs against the Local Planning Authority on the grounds of unreasonable behaviour resulting in unnecessary or wasted expense.
- 3.3.2 On the first issue, the Inspector notes that the Panel members had visited the site prior to determining the application, and that this gave no cause to suggest that the

Council was unreasonable in concluding that a further reason for refusal should be added in respect of the impact of the design of the proposal upon the character of the area.

- 3.3.3 On the second issue, The Inspector notes that Core Strategy Policy H6B(v) clearly states that student housing should provide satisfactory internal living accommodation in terms of daylight, outlook, and juxtaposition of living rooms and bedrooms, and that Core Strategy Policies CC1(b) and P10, and Saved UDPR Policies BD5 and GP5 also provide more general requirements that development should contribute positively towards quality of life and provide a reasonable level of amenity and useable space. These matters are subjective and it is a normal part of the assessment of a planning proposal to make subjective judgments of such matters. The Inspector confirms that where a Council does not have a space standard in a Local Plan it can still make a qualitative assessment of the size, space, layout, and other amenities of proposed dwellings, or against other policies.
- 3.3.4 The Inspector also refused the application for costs by the appellant.

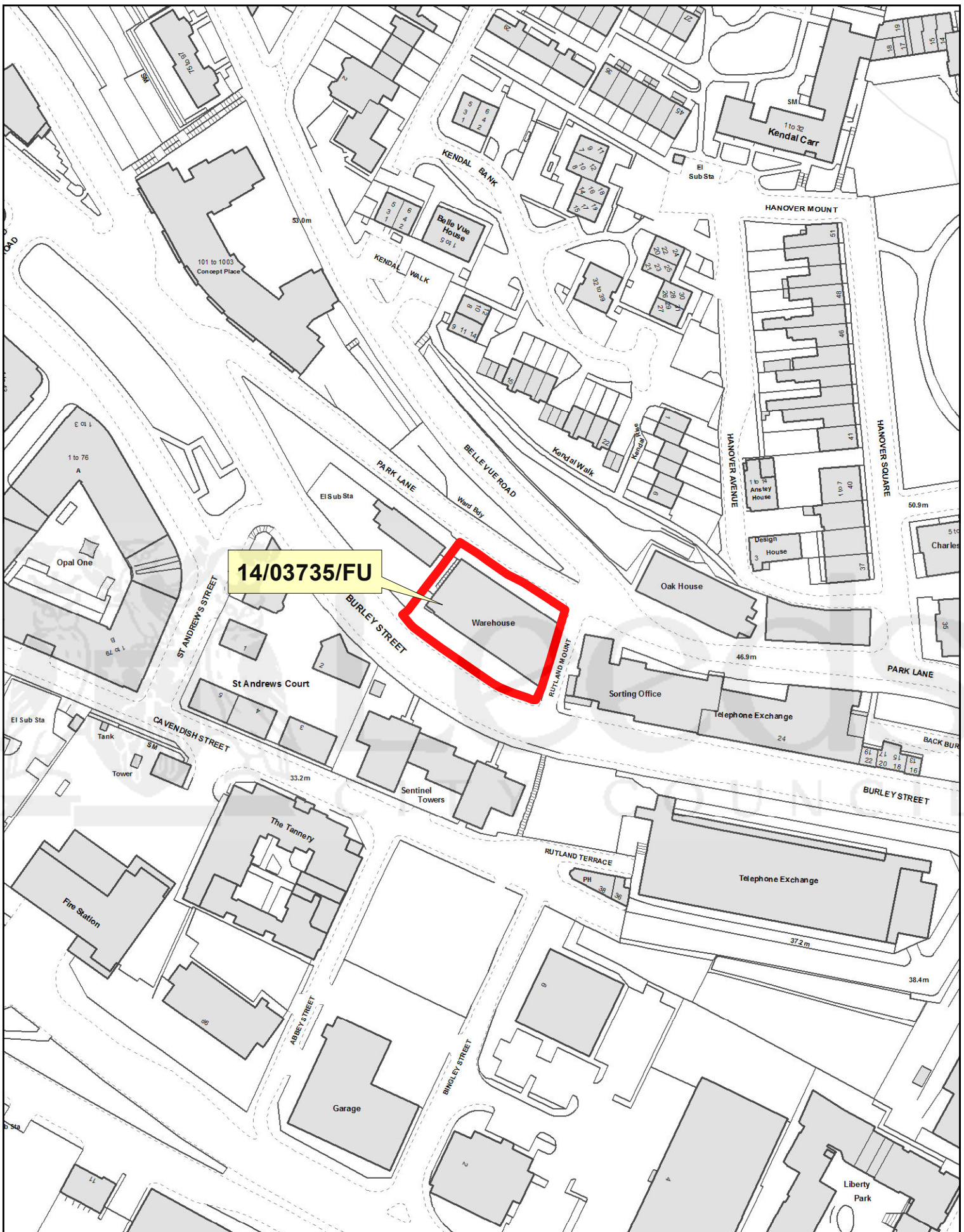
3.0 IMPLICATIONS

- 3.1 With regard to the assessment of the development on the character and appearance of the locality, the Inspector gave weight to Leeds Core Strategy Policies SP1(iii) and P10, Saved UDPR Policies GP5 and BD2, the Little Woodhouse Neighbourhood Design Statement 2011 (LWNDS), in particular that the LWNDS states that new development should be of a similar size and scale to its immediate neighbours. The Inspector acknowledges the varied topography of Park Lane and Belle Vue Road on the hillside, and the varied townscape of the immediate surroundings. The Inspector notes that the proposal did feature positive elements, including the provision of housing on a brownfield site with associated jobs and positive economic regeneration, and the general design of the podium element and fenestration details, but that these do not outweigh the harm that would be caused to the character of the area by the scale of the blade element of the proposal.
- 3.2 In arriving at her decision on this particular case, the Inspector gave no planning weight to the Leeds Standard, the HCA standard, or the Nationally Described Housing Standard in the consideration of this appeal. She also stated that there is no specific reference to student housing in these standards, however it is Officers' view that there is nothing to suggest that they would not apply to any self-contained dwelling scheme. The Inspector notes that in order to require a minimum internal housing standard, Local Planning Authorities should only do so by reference in their Local Plan to the Nationally Described Space Standard. Officers are currently preparing the necessary evidence for need, viability and timing, as set out by national guidance, in order to progress work on the Nationally Described Housing Standard in Leeds.
- 3.3 However, with regard to the living conditions of the future residents of the proposed studio flats, the Inspector reaffirms that the subjective and qualitative consideration of internal living spaces, arrangement and separation of living functions, usable shape, outlook, and external amenity space, are all reasonable material planning considerations for LPAs to assess, with reference to the National Planning Policy Framework (NPPF), the Leeds Core Strategy and the Saved Policies of the UDPR.

Background Papers:

Application file 14/03735/FU

Planning Inspectorate ref. APP/N4720/W/15/3005747



14/03735/FU

Warehouse

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