



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 3rd December 2015

Subject: 15/05497/FU – Demolition of existing building and construction of 14 apartments with associated access and parking at 16 Harehills Lane, Leeds, LS7 4HD

APPLICANT

Mr Ian Clarke

DATE VALID

11th September 2015

TARGET DATE

10th December 2015 (Ext of time)

Electoral Wards Affected:

Chapel Allerton

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: REFUSE PERMISSION for the reasons given below:

1. The proposed development is considered to represent and overdevelopment of the site in that it will result in a cramped form of development and be detrimental to the amenities of both future occupiers of the site, by reason of inadequate shared amenity space on the site, and to occupiers of existing nearby residential properties by reason of loss of outlook from, loss of privacy to and overbearing impact up those properties, these being amenities that occupiers of those properties can reasonably expect to continue to enjoy. As such the proposal is considered to be contrary to Policies H2, P10, P12, G2, G9 of the Core Strategy and to Policies GP5, BD2, BD5 N25 of the UDPR and to advice in the SPG Neighbourhoods for Living and to advice on good design and sustainability in the NPPF.
2. The location of the development on the site will render the scheme more prominent in the streetscene and as such will create an incongruous and overbearing element in the wider street scene thereby detracting from the visual amenity of the street. As such the proposal is considered contrary to Policy P10 of the Core Strategy and saved Policies GP5 and BD5 of the UDPR, and to advice in the SPG

Neighbourhoods for Living and to advise on good design and sustainability in the NPPF.

3. Whilst trees are indicated to be retained on the submitted drawings there is insufficient evidence that the development can actually be undertaken without due detriment to those trees by reason of the relationship of the proposed building to a significant tree on the frontage and by reason of the engineering operations that will be required to construct driveways and hard surfaces. As such the proposal is likely to have a detrimental impact on these trees that afford significant amenity value to the wider public realm. As such the development is contrary to Policies G2, P10 and P12 of the Core Strategy, policies BD5 and N25 of the UDPR and contrary to guidance in the NPPF on Good Design and Sustainability.
- 4 In the absence of a signed Section 106 agreement the proposed development so far fails to provide necessary contributions for the provision of affordable housing, contrary to the requirements of Policies H5 and ID2 of the Leeds Core Strategy and guidance in the NPPF. The Council anticipates that a Section 106 agreement covering these matters could be provided in the event of an appeal but at present reserves the right to contest these matters should the Section 106 agreement not be completed or cover the requirements satisfactorily.

1.0 INTRODUCTION

- 1.1 The application is brought to Plans Panel for determination at the request of a Ward Member. Their reason for requesting Plans Panel to determine the application relates to the significant eyesore that the presents building presents in this location and the associated problems associated with a long term vacant building that is rapidly falling into disrepair. The application is to demolish the existing building on site and replace this with a 14 bed apartment block.
- 1.2 The proposal is a resubmission following an earlier refusal for 19 units. This application is for 14, a reduction of 5 units from that previously refused under officer delegated powers.

2.0 PROPOSAL:

- 2.1 The proposal for 14 units is located towards the front of the site and offers a three storey elevation to Harehills Lane. The foot print is in the form of a 'C' pattern with the rear wing set at two storey's height. The whole development is topped with a full pitched roof, the height of which with some minor modification and insertion of dormers might lead itself to the creation of additional floorspace in the future is considered acceptable. The proportion of roof to walling brickwork is also considered acceptable.
- 2.2 The ground and first floor are indicated to be constructed from brick and the second floor on the Harehills Lane frontage is indicated as render. Materials however are not formalised at this stage and can be controlled by condition if Panel are mindful to grant planning permission.
- 2.3 The east elevation that is proposed to face the adjoining block at 18-22 Harehills Lane alters this to two vertical areas of render and a central area of stone/brick.

- 2.4 The building is situated in order that a one way 'in-out' access/egress arrangement would be implemented onto Harehills lane either side of the proposal with car parking provided wholly to the rear of the block on land between the proposed building and Newton Garth. This is in the form of two rows of car parking one on the Newton Garth boundary with a limited 'landscape strip' separating the spaces from that actual boundary and a row opposite this hard up against the rear elevation of the building proposed. A total of 19 spaces are provided.
- 2.5 The main entrance to the building itself is located on the western elevation within a 'courtyard entrance' created by the 'C' shaped footprint.
- 2.6 Revised plans have been submitted in response to some of the concerns raised by officers to the proposed scheme, these include the relocation of the bin store which was originally proposed immediately adjacent to a ground floor habitable room window, to the rear of the site where the nominal amenity space adjacent to a retained tree was originally proposed. The 're-allocation' of the space where the bin store was originally proposed to that of amenity space now linking into the 'courtyard area' in front of the main entrance forming an 'L' shaped piece of hard amenity space and finally an indication although not fully worked up, landscape buffer near to the access road on the east boundary of the site.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site lies on the southern side of Harehills Lane. To the east and west are other apartment blocks which appear to be of differing age and are certainly of differing architectural styles. To the south is Newton Garth which is noted for being an innovative housing development of three storey terraced town houses designed by a renowned local architect Derek Walker. These are significant in that the living accommodation is at first and second floor levels whilst the ground floor accommodates the entrance and garaging for the units. Their relationship to the rear elevation of the development site at Harehills Lane is therefore more sensitive than might otherwise be the case. The north side of Harehills Lane is characterised by interwar semi-detached dwellings

4.0 RELEVANT PLANNING HISTORY:

- 4.1 15/01616/FU – Demolition of existing building and construction of 24 apartments – Refused 30-06-2015

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Despite the claim by the applicants agent that pre-application procedure was undertaken, the reality was that they made an Informal submission of several schemes in an attempt to commence pre-submission discussions, however no fee was paid and the agents was informed that advice on the schemes would not be able to be given until a pre-application fee had been paid. No fee was forthcoming.
- 5.2 A single option, not dissimilar to the scheme before plans Panel was submitted to Ward Members following the attempt to table several options to officers. At this stage, officers highlighted a number of obvious concerns with the scheme offered to Ward Members. It is unknown if these concerns were transmitted back to the agents at that time.
- 5.3 More recently further amendments to the submitted scheme were submitted albeit

unsolicited from officers, the changes of which are relatively minor and are described in paragraph 2.6 above which do not allay the overall concerns regarding this scheme.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The proposal has been advertised by means of as site notice posted in the near vicinity of the site and by the publishing of an advert in the Yorkshire Evening Post. The time for comment to this publicity expired on 22nd October 2015 and there has been no response to this publicity.

7.0 CONSULTATIONS RESPONSES:

- 7.1 Highways – No objection subject to a reversal of the in-out arrangement shown on the originally submitted drawings. These drawings have now been submitted.
Mains Drainage – No objections subject to conditions being imposed
Yorkshire Water – No Objections
Contaminated Land team – No objections subject to conditions being imposed

8.0 PLANNING POLICIES:

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy, saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

Local Planning Policy

- 8.2 The Core Strategy is the development plan for the whole of the Leeds district. Relevant policies in the Local Development Framework must also be taken into account. Planning proposals must be made in accordance with the development plan unless material considerations indicate otherwise.

Core Strategy:

H2 Housing on None allocated sites

H5 – affordable Housing

P10 – Design

P12 – Landscape

T2 – Accessibility requirements and new development

G2 - Creation of New Tree Cover – Seeks to protect ancient and Veteran Trees.

G4 – New Green Space Provision

G9 – Biodiversity improvements

ID2 – Planning Obligations and Developer Contributions

UDPR:

GP5 – Requirements of development proposals

BD2 – Design and siting of new buildings

BD5 – New buildings and amenity both their own and that of their neighbours

N25 - Development and site boundaries

The advice contained in the Councils SPG – Neighbourhoods for Living is also considered relevant to this development proposal.

The contents of the SPD – Street Design Guide is also considered to be relevant.

- 8.3 The Neighbourhoods for Living SPG lays down guidance as to the suitable level of amenity space that should ordinarily be provided for residential developments, As a general rule this level of provision is indicated at a minimum of 25 percent the gross internal floor space for flatted/apartment type dwellings.

National Planning Policy

- 8.4 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.
- 8.5 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given accordingly, it is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.
- 8.6 Section 7 (design) of the NPPF is relevant to the consideration of this application.
- 8.7 DCLG - Technical Housing Standards 2015: The above document sets internal space standards within new dwellings and is suitable for application across all tenures. The housing standards are a material consideration in dealing with planning applications. The government's Planning Practice Guidance advises that where a local planning authority wishes to require an internal space standard it should only do so by reference in the local plan to the nationally described space standard. With this in mind the city council is currently developing the Leeds Standard. However, as the Leeds Standard is at an early stage within the local plan process, and is in the process of moving towards adoption, only limited weight can be attached to it at this stage. Notwithstanding this, the internal space standards of the proposed flats all meet or exceed the Technical Housing Standards.

9.0 MAIN ISSUES

- Principle of development
- Design
- Amenity
- Trees
- Highways
- Policy Requirements
- Community Infrastructure Levy
- Housing Standards

10.0 APPRAISAL

Principle of development:

- 10.1 The development in its simplest terms represents a residential development in a residential location and is therefore acceptable in principle. However the nature of the locality also helps to inform on this and given that the proposal seeks to alter the nature of the established development on the site the principle needs to be extended to the type of residential development proposed.
- 10.2 The proposal seeks planning permission for 14 apartments broken down into 6 one bed and 8 two bed to “help contribute to the housing mix” in this location. There is already flatted development either side of the site and the opposite side of Harehills Lane is dominated by large semi-detached dwellings that appear to be early 21st century in age. It is therefore considered that there is already an adequate housing mix in terms of housing vs. flat type development in the immediate location. However, that said, the principle of flatted development and the more intensive use of the site is not objected to in principle.

Design:

- 10.3 The design has been amended since the previous application and is now much more in keeping with the street elevation of which it will form part should planning permission be granted. In this respect there is no objection to the proposal and this represents a significant improvement on the earlier scheme. However where there is concern, is in relation to the buildings location on the site in relation to its neighbours. (Further comment on the relationship at the rear of the site is given below at 10.6), In order to accommodate both the number of units proposed within the smallest foot print and the necessary car parking facilitates, but not the necessary amenity space, the building is brought forward quite significantly to that of the original building on site. At present there is a single storey annex building that comes to the back edge of pavement, but this scheme is pulling forward a three storey block of significant proportions. There will be some latitude in shifting of the building, however views of the proposal particularly from the east along Harehills Lane will be significant and it will appear as a prominent and incongruous projection into the street particularly from that perspective. In conclusion therefore, whilst the design in and of itself is acceptable, the positioning of the block within the site itself is not and the development should be refused on those grounds.
- 10.4 The frontage to Harehills Lane offers a scale of development that is commensurate with its neighbours in that aspect. And the use of a part render part stone/brick finish is considered acceptable. The fenestration details are considered proportionate to the buildings bulk and mass and the use of a centralised projection helps break up the front elevation to add interest as does the use of materials around two vertical runs of windows either side of this.
- 10.5 The theme of this design ethos is reflected in the remaining elevations however it has to be said that whilst there is probably no major objection to the main entrance door to the block being on the western elevation and therefore hidden from public view, which in turn does not afford an easily readable means of access for visitors to the block, the entrance that is indicated is somewhat underwhelming in the proposed context appearing on the submitted drawings as not much more than a secondary service entrance or even the means of alternative emergency exit. Was planning permission to be recommended for approval, amendments to improve this would have been requested. However given that there are other more fundamental problems with the submission, it is considered unreasonable to request such

amendments for the scheme to still be recommended for refusal of planning permission.

- 10.6 An important aspect of design is the bulk and massing of the proposal and there are still concerns that the eastern elevation still projects behind the rear elevation of the neighbouring properties by too great a degree. Whilst the original building on site does have a form of projection behind the neighbouring block at 18-22 Harehills Lane, it is nowhere near as massive nor is it as 'far back' a projection as the present proposal. Whilst the current submission is not as extensive as the previous submission, it is still a significant rear projection. As a such the nearest rear windows of the adjoining property will fall within the 45° zone which for the first floor windows of that development in particular is considered inappropriate. There is therefore still concern, despite the increase in distance of the side wall from the common boundary with the neighbouring development. This aspect leads the discussion to the amenity issues;

Amenity:

- 10.7 In this context the discussion on amenity relates to the amenity of future occupiers of the property and the wider amenity of the environment. Again this has been touched on in the discussion above regarding the design of the property and in as much as this is found acceptable it is not intended to cover that again.
- 10.8 However the Councils minimums space standards cannot be achieved on this site in the current submission. The provision of limited private amenity space is well below the usual requirements. The SPG Neighbourhoods for living suggests that ¼ of the total gross floor area should be provided as amenity space and expands on this in saying that space should be useable. The existence of the nearby park would mean that this figure might be relaxed however there is a question whether any of the green space shown in the submission would contribute towards an on-site provision and even if it does it is far below the minimum space requirements, notwithstanding the existence of a public park within walking distance.
- 10.9 The land shown on the frontage is not considered to contribute towards the provision of useable amenity space simply due to its location. It is on a busy road frontage and severely overlooked by the apartments towards the front of the development and so whilst this contributes towards the amenity of the street, it is not considered suitable for contribution towards the definition of useable private amenity space for future occupiers of the proposed development.
- 10.10 The only other area of land that could be classed as a contribution towards this policy requirement is that patch in the rear south western corner of the site. This measures approx. 25.5 square metres and is located immediately adjacent to the manoeuvring area for the proposed car parking area of the development. This in itself is considered to disqualify it from been considered as a contribution to the definition of useable private amenity space. The development consists of approximately 1,005 square metres of gross internal floor space. Of which approximately a quarter would equate to 250 square metres so the development indicates at best one tenth of the policy requirements towards this provision and even this is not considered suitable for inclusion in this figure due to its poor location vis-à-vis the car park. This gross under provision is considered unacceptable and the development recommended for refusal of planning permission as a result.

- 10.11 On the eastern elevation in particular are windows serving lounge areas and four bedrooms. There is, as a result of the access/egress arrangement an amenity issue primarily relating to the ground floor flats in this location of vehicular movements along this access road. There is a landscape strip indicated approximately 1 metre in depth, and whilst acoustic double glazing can be installed to mitigate noise from car engines, there is still an issue relating to vehicular lights causing disturbance to occupiers of those units and noise if opening windows to allow natural ventilation, particularly in summer months are installed. This is apart from the general comings and goings of vehicles so close to windows serving habitable rooms as an amenity issue. This relationship is considered unacceptable. The most recently submitted drawings indicate a 'beefed-up' landscape strip with indicative planting along this strip. There are two concerns with this. One is the only real solution to overcome this relationship issue is to provide a reasonable depth of landscaping to separate the two elements. And that the provision of landscaping that appears to be in the form of high bush or trees will lead to an amenity issue in itself as those plants grow and influence views from those windows pressure will be brought to thin and trim that landscaping, if it can even take hold in such limited space. It is not considered that this part of their proposal does anything to solve this relationship and the original concerns of officers still stand.
- 10.12 Likewise the location of the rear parking provision on the north side of the car parking area is considered unacceptable as it is located hard against the rear elevation of the block and a similar disturbance will be suffered by occupiers of the ground floor units again in relation to lounge windows and bedroom windows that face out over that car parking area. This again is considered unacceptable with no means of mitigation possible if the requisite number of car parking spaces are to be accommodated satisfactorily. Indeed, the site plan suggests that the aisle for vehicles to reverse into or out of the car parking spaces is deficient by 0.5 metres, measuring 5.5 rather than 6.0 metres and the car parking spaces themselves measuring only 2 metres wide when 2.5 should be a minimum or 3.0 if a 5.5 metre aisle is provided. This relationship is considered unacceptable.
- 10.13 Another amenity issue for future occupiers was the relationship of the proposed bin store and what appears to be cycle store immediately adjacent to windows serving a ground floor flat's lounge area. This relationship is considered unacceptable. However the most recent drawings have shifted this to the rear of the site. This is arguably an inconvenient location for the occupiers of the proposed flats and it is unclear if a refuse vehicle would be able to access the site in order to empty the bins in that car park location or whether residents would have need to drag their bins the entire length of the site to leave them on the Harehills Road frontage as no details on this have been provided. That said this does solve the relationship issue of the bin store to the ground floor window of that flat. In an attempt to provide some amenity space however this area along with the 'courtyard' seems to be alluded to as amenity space. It is very close to the car parking and circulation space that is necessary to allow the site to work in terms of car parking and it is considered that it should not be counted towards the policy requirement of useable amenity space.
- 10.14 Another amenity issue is the distance between windows on all floors on the eastern elevation facing the adjacent property at 18-22 Harehills Lane. Whilst the developer has sought to limit the relationship of these windows to the side elevation of that building to the bedrooms of the flats there is a distance of only 6 metres at the front of the building reducing down to 5 metres at the rear of the building, meaning that the lookout of these rooms in very close proximity to the neighbouring property will be that of the brick wall of that property. The council's minimum space standard for

this type of relationship is 7.5 metres to the boundary, let alone to the side wall of the adjoining property. This relationship is considered unacceptable.

- 10.15 Therefore in the interests of the amenities of future occupiers, the scheme is considered unacceptable and planning permission should be refused.

Trees:

- 10.16 The submission contains a tree report that identifies trees of amenity value. The submission makes commentary that these trees are shown to be retained and significantly three trees on the Harehills Lane frontage and one tree on the rear boundary are indicated to be retained. However there are no specific recommendations contained in the report as to the likely impact of the proposed building, particularly in relation to the tree identified as T1 in the submitted report which is on the Harehills Lane frontage and therefore of significant amenity value. Given that by locating the building forward of the main part of the existing building on site, this three storey unit will be placed well within the Root Protection Area of that tree and likely within the canopy zone of the tree this is a serious omission by the applicants. There is therefore no confidence of the medium to long term retention of that tree as a result of these proposals. This is particularly important as it is very much the verdant element of this part of Harehills Lane that adds significantly to its character.
- 10.17 Likewise but to a lesser degree, however there are still concerns that there are no recommendations within the tree report in regards to how the other trees shown for retention should be protected during construction T3, T4 and T7 will all suffer from a high degree of ground disturbance as a result of the construction work of access drives and hard surfacing for the vehicular access and manoeuvring space and the impact of this is likely to be fatal to these trees if adequate measures are not taken to protect them. In the absence of such recommendation by a qualified arboriculturist this element is impossible to assess fully.

Highways:

- 10.18 Apart from the concern over the size of the car parking spaces mentioned above, which lend itself to an interpretation that the development represents an over-development of the site, the main concern is with regards to the orientation of the in-out arrangement shown. The Councils Highway Engineer has a preference for this to be reversed so that the access is further away from the nearby traffic light controlled junction. Amended drawings have been submitted to rectify this from the agent at their own behest, however it is not considered that this has a material impact on the overall consideration of this proposal as it serves to solve one relatively minor problem when compared to the remainder.

Policy Requirements:

- 10.19 As a major development proposing 14 units there is no submission either in the form of a Section 106 agreement or the heads of terms as an indication that the developers are intending to meet the policy demands for this development. Given the scale of the development there is a need for a contribution of 15% affordable housing.

Community Infrastructure Levy

- 10.20 The scheme will increase the amount of floorspace on the site however there will be a credit in relation to the floorspace for the removal of the existing building, however the development will be liable for a payment under the CIL regulations.

Housing Standards

- 10.21 The Technical Housing Standards 2015 have been referenced in the main body of this report already.

11.0 CONCLUSION

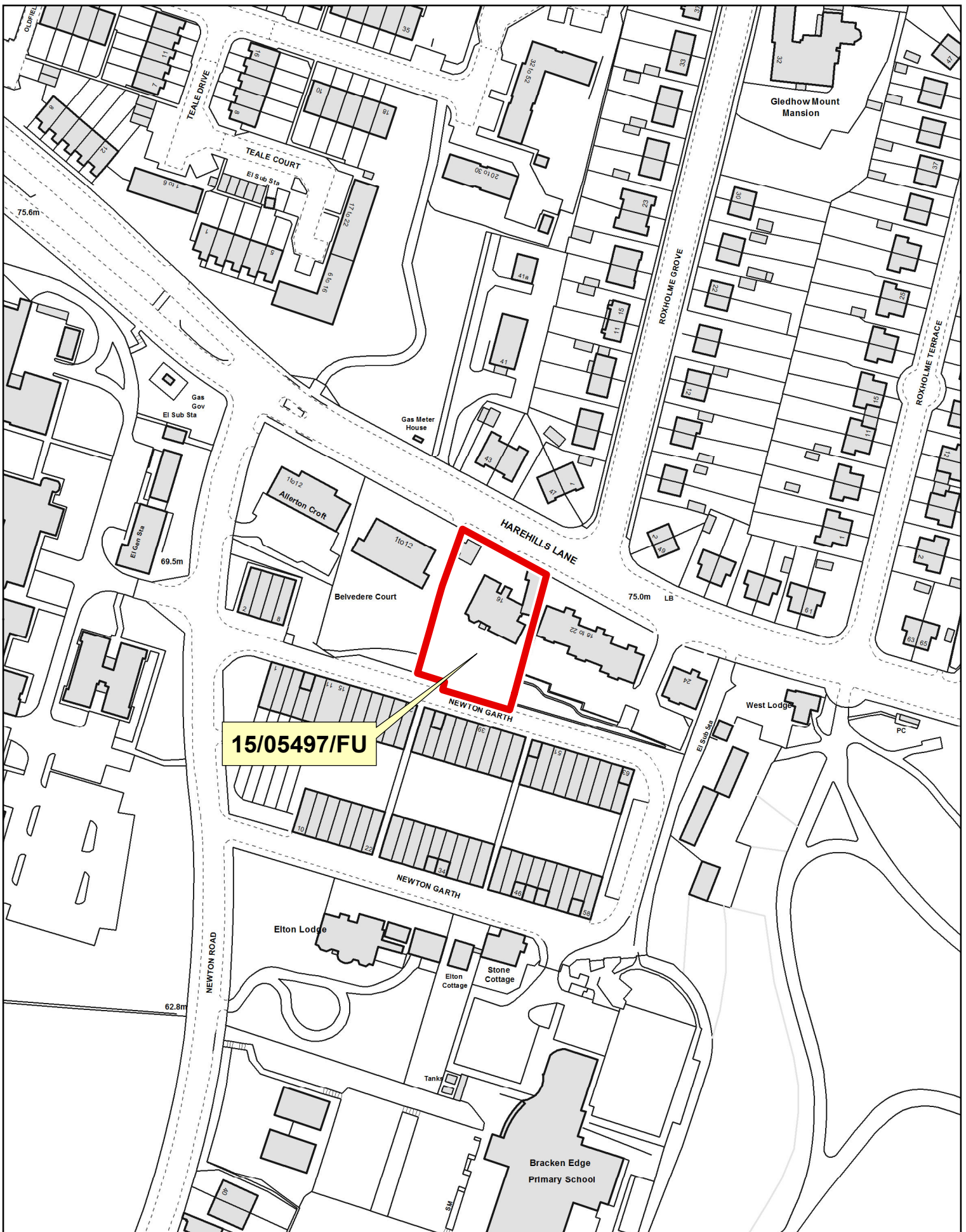
- 11.1 Whilst the re-development of this site is highly desirable it is not at any cost. The applicants have on a number of occasions made the point that 14 units is the lowest number that the site can accommodate economically, and whilst this is noted it is not a material planning consideration of significant weight, more importantly to planning concerns is that any replacement building on this site is going to house residents for a significant length of time and must therefore meet, or significantly meet, the policies and planning guidance of the Council for it to be acceptable. Arguments that a lesser number of units are not economically viable are not material considerations sufficient to outweigh the harm to amenity that has been identified in the body of this report. It is fair to say that some relaxation of space standards might be considered appropriate, however where there is no provision and the relationships of the functional aspects of the site are so poorly related to the living accommodation to be provided the only conclusion that can be reached is that the proposal is an over-development of the site. To this end, and for the reasons suggested above the proposal is recommended for refusal of planning permission.

Background Papers:

Application files

15/0497/FU

Certificate of ownership: Certificate A signed by the agent on behalf of applicant as owner of site



NORTH AND EAST PLANS PANEL

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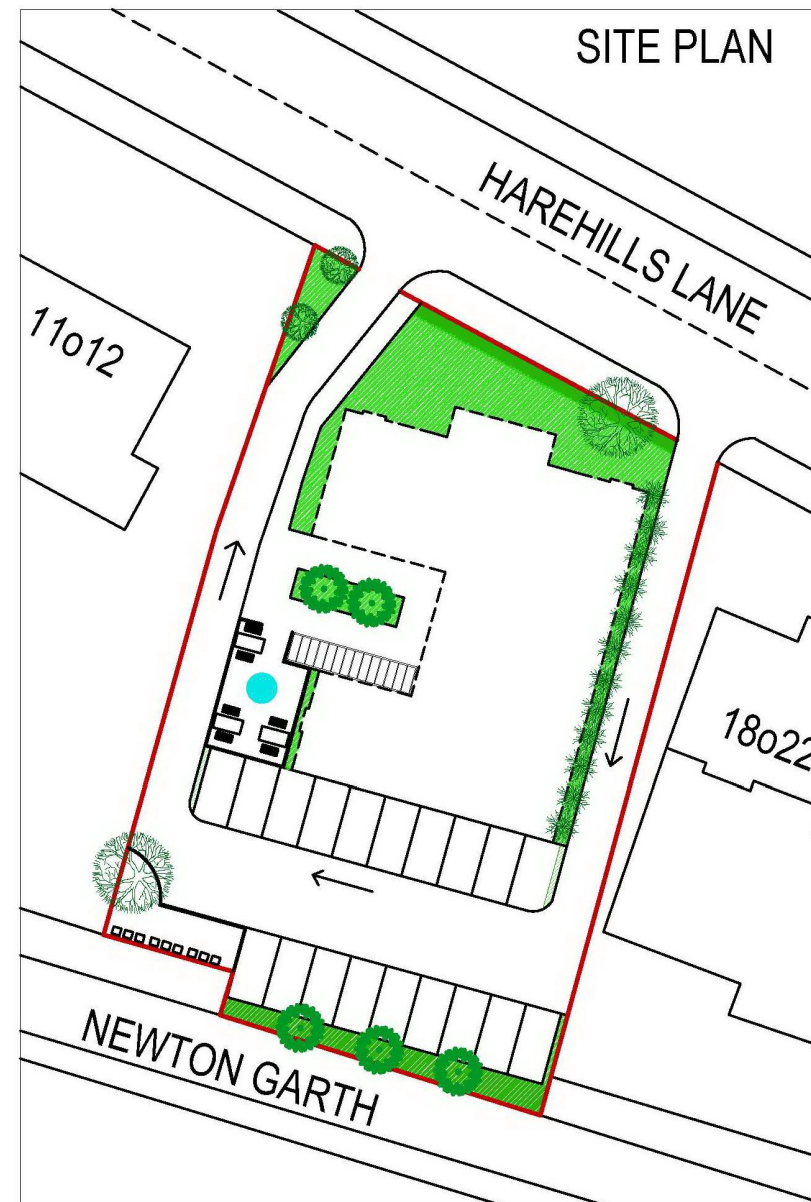
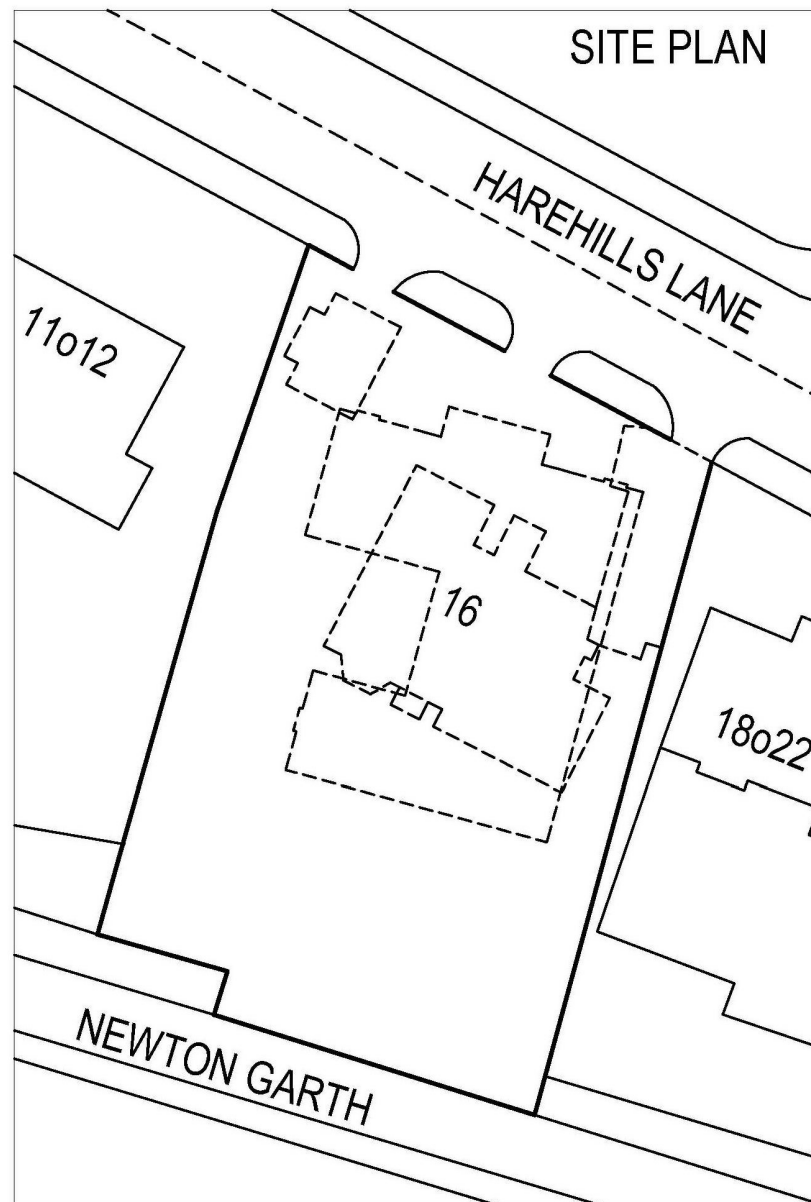
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Key



STREET SCENE ELEVATION



Date	By	Paper	Scale	Rev
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