



Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 12 August 2010

Subject: APPLICATION 09/00856/FU – PART 4, 5 AND 6 STOREY BLOCK COMPRISING 65 STUDENT CLUSTER FLATS, WITH 154 BED SPACES, CAR PARKING AND LANDSCAPING AT FORMER GLASSWORKS, CARDIGAN ROAD, HEADINGLEY, LEEDS, LS6 1LF.

APPLICANT

Park Lane Properties

DATE VALID

27 February 2009

TARGET DATE

29 May 2009

Electoral Wards Affected:

Hyde Park & Woodhouse
Headingley
Weetwood

Y

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS:

1. The Local Planning Authority considers that this proposed student development will be detrimental to the housing mix in this locality and given the designation of this site within the defined Area of Housing Mix that the proposal would be detrimental to the balance and sustainability of the local community and to the living conditions of people in the area, contrary to the main thrust of Policy H15 of the Unitary Development Plan and national guidance contained within Planning Policy Statement 1 and Planning Policy Statement 3 aimed at developing strong, vibrant and sustainable communities and social cohesion.

1.0 INTRODUCTION:

- 1.1 The Chief Planning Officer considers that this application should be referred to the Plans Panel for determination because of the previous appeal for a larger student housing scheme dismissed in November 2008 following a Public Inquiry, the scheme's significance, impact on the local area and the complex planning history.

2.0 PROPOSAL:

- 2.1 This scheme is, in effect, a revision of planning application 24/39/02/FU (C3 flatted residential scheme approved February 2007). The applicants have stated that whilst this permission is extant until the end of March 2012, general housing is not viable and/or deliverable under current market conditions. As a consequence they wish to re-visit the potential for a student housing development on the site. A previous student scheme was dismissed at appeal.
- 2.2 It is the applicant's contention that, through revising the student housing proposals as shown on the presentation, they consider that the scheme would deliver a more efficient and effective use of the site than could be realised via the extant permission, whilst at the same time taking into account the findings of the Inspector for the appeal scheme.
- 2.3 The application was accompanied by the following documents; Design & Access Statement, Phase 1 Land Quality Assessment, Transport Statement, Travel Plan Framework and Planning Assessment.
- 2.4 The applicants have also stated that a draft Section 106 Agreement is in preparation and the proposed 'Heads of Terms' will cover the following points; Subsidised Metro Cards, Greenspace Contribution, Public Transport Contribution a Pelican Crossing and Associated Highway Works. These are in line with the 'Heads of Terms' as agreed during the course of the previous appeal.
- 2.5 This scheme proposes a student housing block that in terms of external design, scale and massing of the building is very similar to the extant planning permission 24/39/02/FU but with amended floor plans and revisions to the amenity space and parking levels.
- 2.6 This scheme shows 154 bed spaces, representing an increase of 10% from the 140 bed spaces of the approved scheme. There would be a total of 44 two bed flats, 18 three bed flats and 3 four bed duplexes for a total of 65 units. 39 car parking spaces are proposed to reflect the Leeds UDP Review guideline of 1 parking space per 4 bedspaces for student proposals. The revisions to the extant approval including the reduction in parking levels enables the provision of a large communal courtyard garden area at ground level in this scheme (i.e. without the need to provide the raised deck with parking below that forms part of the approved scheme). The extant permission provides 92 car parking spaces as it was intended as an open residential permission within the C3 Use Class.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site did contain a substantial two and three storey disused glassworks built in brick, which had been disused for a number of years and was considered to be of a poor appearance. The former Glassworks building has now been demolished.
- 3.2 To the east of the appeal site is Cardigan Road with a commercial building and a petrol filling station to the opposite side.
- 3.3 To the north is a footbridge over the railway and beyond this various builders yards and other commercial premises.

- 3.4 To the west is the railway line raised almost two storeys at this point and beyond is Burley Park which is within a Conservation Area.
- 3.5 To the south is Burley Library, while housing lies further south. With the exception of the immediate area the neighbourhood is generally residential in character with some commercial uses generally on the western side of Cardigan Road between the road and the railway.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Following a review of the Council's records the following planning history on the site is considered relevant:-

Planning Permission 24/39/02/FU:

- 4.2 Planning permission was granted in February 2007 for the erection of a part 4, 5 and 6 storey building comprising 86 Flats comprising 10 two bedroom duplexes, 44 two bedroom flats and 32 one bedroom flats with undercroft car parking and replacement Telecommunications Mast to rear, under reference 24/39/02/FU.
- 4.3 Although the application was submitted on 30 January 2002 and the scheme was considered by the Members at the Plans Panel (West) of Leeds City Council on 11 November 2004, planning permission was only granted on 28 March 2007. This was due to delays in signing the S.106 Legal Agreement and organising the replacement telecommunications mast. This planning permission expires in March 2012, if not implemented before then.
- 4.4 This approved scheme includes the following elements:
- 4.4.1 The building would occupy a forward position on the site continuing the line of the buildings fronting onto Cardigan Road.
- 4.4.2 The new development would be accessed from Cardigan Road to the side of the site. Car parking is created to the side of the site and in an undercroft giving a total of 92 spaces with 60 cycle spaces.
- 4.5 The bed spaces for the development total 140. The permission is not restricted by condition in terms of occupancy. The applicants believe that, in effect the site could be redeveloped in line with that permission and then let to students without breaching planning control.

Planning Application 07/07439/FU:

- 4.6 This application sought planning permission for the erection of a part 5, part 6 storey block comprising 60 student cluster flats, with 256 bed spaces, car parking and landscaping.
- 4.7 This planning application was considered by the Members at the Plans Panel (West) of Leeds City Council on 21 February 2008 following a site visit.
- 4.8 The scheme was recommended for approval by officers, but the Plans Panel resolved to refuse permission on the following grounds:
- 4.8.1 The Local Planning Authority considers the proposed development by reason of its size, scale, dominance, height, design and materials will

represent an overdevelopment of the site out of character with its surrounding and will be obtrusive and prominent in its setting and relationship to surrounding development and to the park to the west to the detriment of the visual amenity and character of the area. As such the proposal is contrary to policies GP5, BD5, N12, N13 and H15 of the Leeds Unitary Development Plan (Review) 2006, adopted Supplementary Planning Guidance Neighbourhoods for Living and national guidance in paragraph 13, 17-19 and 33-39 of PPS1 and paragraph 13, 16, 49 and 69 of PPS3.

4.8.2 The Local Planning Authority considers that the proposed development will be occupied by students to the significant detriment of the housing mix in this locality and given the designation of this site within the defined Area of Housing Mix that the proposal would be seriously detrimental to the balance and sustainability of the local community and to the living conditions of people in the area, contrary to Policy H15 criteria ii), iii) and v) of the Unitary Development Plan and national guidance contained within Planning Policy Statement 1 aimed at developing strong, vibrant and sustainable communities and social cohesion.

4.8.3 The Local Planning Authority considers that the development does not provide adequate amenity space to the detriment of future occupants residential amenity and appropriate access to the hierarchy of green spaces identified within policy N2, thereby being contrary to Leeds Unitary Development Plan policies N2, N4 and GP5 and guidance within adopted Supplementary Planning Guidance Neighbourhoods for Living and Supplementary Planning Guidance 4 Greenspace Relating to New Housing Development.

4.9 In light of the (then upcoming) Public Inquiry, officers sought Panels Members to re-affirm their decision and the reasons for refusal but with a variation to the third reason, at the Plans Panel (West) on 7 August 2008.

4.10 Members re-affirmed their previous decision and the reasons to refuse the application but agreed a variation to Reason No.3 not to contend that part relating to the lack of on-site greenspace but confirmed that the part of the refusal relating to a lack of private communal amenity space for future residents would be contested. This was subject to receipt of a Section 106 Unilateral Undertaking by the appellants which included an acceptable greenspace sum to be applied to improve existing local provision.

Planning Appeal APP/N4720/A/08/2074675:

4.11 The appeal into the refusal of 07/07439/FU was heard at an Inquiry, held on 8-10 October 2008. The appeal was dismissed in a letter dated 19 November 2008 and reported to Plans Panel West on the Thursday 27th November 2008.

4.12 The Inspector stated that as the principle of residential development on the site was not in dispute the 3 main issues were those on which the application was refused. Taking each of these in turn, the Inspector made the following comments.

4.13 In terms of the impact of the development on the character and appearance of the surrounding area, the site occupies a visually prominent plot due to the area's topography and the site's location. Although the Inspector recognised a new landmark building would improve the quality of the area he was unconvinced that

the built form proposed would positively achieve this or contribute to the variety of architectural styles in the street.

- 4.14 The Inspector considered the scheme in relation to extant planning permission 24/39/02/FU but found the 2 schemes to be materially dissimilar, with the approved scheme appearing less dominant due to its height, scale and roof articulation.
- 4.15 Although the proposed building would be set back from Cardigan Road, the Inspector felt that the complex would be visually prominent especially from the footbridge, surrounding highway and the wider residential areas, due to the development's height, siting and location and that it would dwarf the adjoining library and be taller than any immediate property. For these reasons it would not integrate into its surroundings. The difference in ground levels would further accentuate the bulk and mass of the buildings.
- 4.16 In terms of acceptability with regard to the objective of creating balanced communities and the impact on residents living conditions, the site is situated in a designated Area of Housing Mix (AHM) where Policy H15 applies and the Inspector considered that such a large concentration of students in one location as that proposed would be a material increase in the AHM.
- 4.17 The appellant stated that there is a deficiency in purpose-built student housing in the area but the Inspector saw student flats at Royal Park Road and noted another Inspector's approval for development of a site within the AHM (student flats at St Michael's Lane) and also commented that a high proportion of existing houses in the AHM are occupied by students as homes in multiple occupation (HMO). The Inspector considered there to be limited evidence that the popularity of purpose-built accommodation has relocated students from HMOs.
- 4.18 The Inspector accepted that UDP Policy H15 is permissive of purpose-built student housing in the AHM, but not at all costs. Criterion (ii) seeks to ensure no unacceptable effect on neighbours living conditions. The Inspector does not dispute that managed student accommodation goes some way to controlling on-site noise and nuisance but understands concerns that the lifestyle choices of some students can give rise to unneighbourliness and anti-social behavior off-site. The proposed development would be a source of annoyance given its location within a residential area. The over-concentration of students in this part of the city would not sit well with the Government's objectives of creating socially cohesive and well-balanced communities as stated in PPS1 and PPS3.
- 4.19 In the Inspectors view the development would generate a high frequency of comings and goings including the likelihood of frequent high-spirited late night activity at times when people are normally sleeping or enjoying the comfort of their own home. This would be materially harmful to neighbours living conditions.
- 4.20 In terms of the provision of adequate and useable private amenity space for future occupiers, although the level of amenity space to be provided fell below the Council's requirement as set out in Neighbourhoods for Living, the Inspector was not convinced that the shortfall would be wholly unreasonable given the proximity to Burley Park and that the main spaces would not be overcrowded due to their size and shape.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 In advance of making this application the applicants have written to those local residents who made representations regarding the previous proposals, Local Ward Members and interest groups to advise them of the proposals and ask them for comments.
- 5.2 The applicants have set out the reasons why they consider a student housing scheme with a reduced number of student bed spaces to be acceptable in principle and explained how closely the new scheme mirrors the extant permission in terms of external design, scale and massing. The applicant believes that local objections should not automatically mean that the proposals are deemed by the local planning authority to be unacceptable in planning terms.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been duly advertised on site by the means of site notices. 3 site notices (making reference to major development affecting a right of way) dated 12 March 2009 were placed around the site on Cardigan Road and Broadway Avenue.
- 6.2 Local residents and/or interested third parties who previously made comments on the refused application (07/07439/FU) were written to directly notifying them of this application.
- 6.3 Notice was also published in the Leeds Weekly News and the application was also been made available for public inspection at Headingley Library.

Councillors:

- 6.4 Councillors Penny Ewans, Martin Hamilton, James Monaghan and Linda Rhodes-Clayton, have all raised objections to the application and their objections can be summarised as follows: -
- 6.5 The Councilors note within their comments that the previous proposal was refused by Panel and that the decision was upheld by the Inspector. The principle reason was that the proposals did not meet the objectives of the area of student housing mix. Whilst what is proposed may be smaller (around 2/3 the size), those basic objections are not overcome by the revised scheme.
- 6.6 Councilor Ewans also notes that UNIPOL, who keep a keen eye on provision of student accommodation, consider that the market for student housing is saturated and so there is a sufficient number provided for all requests.
- 6.7 The Councilors believe that the neighbourhood does not require this proposal and the scheme does not comply with policy H15; the inspector also felt that the previous scheme did not comply with PPS1 and PPS3. The ward members argue that there is nothing in this proposal which could overcome these objections.

Local Amenity Groups:

- 6.8 Leeds HMO Lobby have raised objections to the application and their objections to the application can be summarised as follows: -
- The proposal put forward does not differ in principle from the application that was dismissed at appeal;

- The proposal would further skew the demographic imbalance of South Headingley, which is contrary to the aims of PPS1 and PPS3 in creating socially cohesive and well balanced communities;
- Raise question regarding the applicant supporting statement and their view of the strength of the Inspectors appeal decision;
- The applicant has not provided any firm evidence to support the assertion that more purpose built student accommodation equals less HMOs, and the release of houses into family occupation. Evidence that was provided at the Public Inquiry by Park Lane Properties suggested that the majority of the occupants of the Triangle had moved from other purpose built developments. Furthermore, this proposal could attract others to this area increasing the population density of students;
- The applicant argues that the proposal only represents a 10% increase on the extant permission, which does not have any restrictions on the proposal in relation to student occupancy. However, this calculation does not take into account that the affordable housing requirement would not be available to students. This reduces the 140 bed spaces by 15% (119 bed spaces), so the increase provided by the new application is 25% (35 bed spaces).
- The applicant states that the proposal will help to promote wider regeneration. Firstly, the area does not suffer from deprivation. However, the area does suffer from a profound loss of community cohesion. Secondly, any development would generate construction jobs in the short term. In long term, the area needs a consistent population not a transient one;
- National policy is clearly stated in PPS1: "Planning should facilitate and promote sustainable development by [among other things] ensuring that development supports existing communities and contributes to the creation of safe, sustainable, livable and mixed communities";
- The same principle naturally extends to the local level. In the Leeds UDP Review, completed in 2006, Policy H9 states "The City Council will seek to ensure that a balanced provision in terms of size and type of dwellings is made in housing developments." This is amplified in PPS3 Housing: "The Government is seeking to create sustainable, inclusive, mixed communities in all areas ...". Quite correctly, the Appeal Decision stated: "I find that the over concentration of students in this part of the city would not sit well with the Government's objectives of creating socially cohesive and well-balanced communities as stated in PPS1 and PPS3" (para 23).
- As a result of the problems generated by student housing in and around Headingley, clearly acknowledged in the UDP Review, two dedicated policies were included; and
- The present application remains nearly two-thirds of the size of the rejected application. In the end, the Planning Statement is able to do little more than assert that the impact of the present application will not be quite as bad as the rejected application, and it will not be a lot worse than the extant permission might be.

6.9 The following local amenity groups have also raised objection to the application: -

- South Headingley Community Association;
- Weetwood Residents' Association;
- Far Headingley Village Society;
- The Cardigan Triangle Community Association;
- Little Woodhouse community Association;
- Kirkstall Valley Community Association;
- Headingley Renaissance Group, and
- North Hyde Park Neighbourhood Association.

6.10 Their objections to the application can be summarised as follows: -

- The proposal would worsen the current demographic imbalance in the area, which the Council has sought to reverse;
- The concentration of students in the area (which would be exacerbated by this application) cuts against general Government policy to create cohesive mixed communities;
- The application would seriously detract from the living conditions of other residents through noise and disturbance; and
- The application does not overcome the recent dismissed appeal.

Local Residents:

6.11 20 individual letters of objection have been received from local residents. Their objections can include the issues raised above, however additional objections can be summarised as follows: -

- Principle of the proposal;
- Building too tall;
- Antisocial behavior such as litter;
- Permanent residents should be encouraged to move back;
- Affordable Housing needed;
- Lack of parking and space for taxi's.

7.0 CONSULTATIONS RESPONSES:

Statutory:

- 7.1 **Network Rail:** No objections, subject to conditions to safeguard and protect the operational running of the railway line.
- 7.2 **Mains Drainage:** No objections, subject to conditions regarding drainage and surface water infiltration.
- Non-statutory:**
- 7.3 **Highways:** No objections to the scheme as amendments have been made to the parking layout and cycle parking provision to bring them in line with UDP requirements and highway specifications. This is subject to conditions regarding, parking, travel plan and off site highway works as it is unlikely that additional traffic, pedestrian and cycle movements generated by the development would result in an identifiable road safety issues.
- 7.4 **Transport Policy (Travel Wise):** No objections as amendments have been agreed to the submitted Travel Plan. This would need to be secured through condition and legal agreement.
- 7.5 **Metro:** No objection subject to improvements to a local bus shelter. This would need to be secured through a legal agreement.
- 7.6 **Public Rights Of Way:** No objections, as the scheme does not have any adverse impacts on the adjacent (foot bridge to recreation ground) public right of way.
- 7.7 **Access Officer:** No objections as sufficient disable parking and access arrangements have been provided within the scheme.
- 7.8 **City Services:** No objections as refuse collection arrangements are sufficient although concerns over limited allowance for future housing recycling bins.
- 7.9 **West Yorkshire Police:** No objections, subject to conditions controlling a secure perimeter, secure ground floor windows and doors, access control & mail, lighting, car parking and landscaping.
- 7.10 **Neighbourhoods and Housing:** No objections as there is limited impact on future residents of any building in terms of local noise sources. The railway line is not a main line, the timber yard does not produce very high noise levels and Cardigan Road, while reasonably busy, is not excessively so in noise terms. Conditions would be required to secure standard thermal double glazing to protect residents against external noise. Internally, the development should comply with the Housing Act 2004.
- 7.11 **Minerals - Contaminated Land:** No objections to the scheme. Although a 'Phase 1 Desk Stop Study' was submitted with the application given the site's previous industrial usage and presence of fuel storage tanks, the Minerals Contaminated Land section would ideally wish a scope of works to be agreed prior to determination (which would demonstrate how any contaminants, if found, would be dealt with). However following discussion, it has been agreed that restrictive conditions could be placed on any permission to address all of the potential issues in advance of the commencement of development. This approach would accord with DCLG guidance.

8.0 PLANNING POLICIES:

- 8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined having regard to the Development Plan.
- 8.2 **Regional Planning Policies:**
- 8.3 As confirmed by the Department of Communities and Local Government on the 6 July 2010, the Secretary of State has announced the revocation of the Regional Strategies. Therefore the Development Plan now consists of the Leeds Unitary Development Plan (Review 2006).
- Local Planning Policies:**
- 8.4 Locally Leeds City Council has begun work on our Local Development Framework ("LDF") with the Local Development Scheme most recently approved in July 2007. This provides a timetable for the publication and adoption of the Local Development Documents.
- 8.5 In the interim period a number of the policies contained in the Leeds Unitary Development Plan ("UDP") have been 'saved'. The Leeds UDP Review was adopted in 2006. The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below. This proposal should comply with these policies in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, unless material considerations indicate otherwise.
- 8.6 Within the adopted UDP Review (Sept 2006) are strategic goals and aims which underpin the overall strategy. Of these attention is drawn to strategic goals (SG), aims (SA) and principles (SA) as follows;
- 8.6.1 Policy SG2: To maintain and enhance the character of the District of Leeds;
- 8.6.2 Policy SG4: To ensure that development is consistent with the principles of sustainable development;
- 8.6.3 Policy SA1: To secure the highest possible quality of the environment throughout the District, by protecting existing good environment, conserving and enhancing where there is scope for improvement, including initiating the renewal and restoration of areas of poor environment;
- 8.6.4 Policy SA7: To promote the physical and economic regeneration of urban land and buildings within the urban areas, taking account of the needs and aspirations of local communities; and
- 8.6.5 Policy SP1: Greenspace is protected and enhanced as an important land use in its own right in conferring amenity, quality of life and sense of identity to established communities and proposed extensions.
- 8.7 The application site is in the AHM and is a disused employment site. Therefore the specific development Leeds Unitary Development Plan policies are: -
- 8.7.1 Policy GP5: Development control considerations;
- 8.7.2 Policy BD5: New buildings design consideration given to own amenity and surroundings;

- 8.7.3 Policy N12: Refers to all development proposals should respect fundamental priorities for urban design;
- 8.7.4 Policy N13: Refers to design of new buildings should be of high quality and have regard to character and appearance of surroundings;
- 8.7.5 Policy E7: Loss of employment sites/use.
- 8.7.6 Policy H11: Refers to the provisions of affordable housing within new housing proposals which meet the requirements of PPS3;
- 8.7.7 Policy H12: The council will negotiate the proportion and type of affordable housing required for individual sites in the context of the extent, nature and need of affordable housing in the locality and the characteristics of the site;
- 8.7.8 Policy H15: Refers to all new housing developments intended for occupation by students to satisfy five criteria tests prior to being acceptable;
- 8.7.9 Policy N2: Support given to establishment of a hierarchy of greenspaces;
- 8.7.10 Policy N4: Refers to provision of greenspace to ensure accessibility for residents of proposed development;
- 8.7.11 Policy GP7: Where development would not otherwise be acceptable and a condition would not be effective, a planning obligation will be necessary before planning permission is granted. This obligation should cover those matters which would otherwise result in permission being withheld and if possible should enhance the overall quality of the development. Its requirements should be necessary, relevant to planning, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development, and reasonable in all other respects;
- 8.7.12 Policy T1: Refers to transport investment being directed towards, improving the quality and provision for alternatives to the car by improving public transport. The policy lists 5 criteria for improving public transport and promoting alternative forms of sustainable transport;
- 8.7.13 Policy T2: Refers to development capable of being served by highway network and not adding to or creating problems of safety;
- 8.7.14 Policy T2D: Refers to proposals that would otherwise be unacceptable due to public transport accessibility issues being address through developer contributions or actions to make enhancements, the need for which arise from the proposal;
- 8.7.15 Policy T5: Seeks to ensure the safe and secure access and provision for pedestrians and cyclists within highway and new development schemes;
- 8.7.16 Policy T6: Refers to satisfactory access and provision for people with mobility problems within highway and paving schemes and within new development; and
- 8.7.17 Policy T24: Refers to parking guidelines for new developments.

Supplementary Planning Guidance:

8.8 Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes:

- SPG3: Affordable Housing (various);
- SPG4: Greenspace Relating to New Housing Development (6 July 1998);
- SPG6: Development of Self-Contained Flats (4 May 1999);
- SPG13: Neighbourhoods for Living (December 2003); and
- SPG22: Sustainable Urban Drainage (June 2004).

8.9 As well as the supplementary planning guidance documents that have been retained, new supplementary planning documents are relevant:

- Public Transport Improvements and Developer Contributions SPD (July 2008);
- Travel plans SPD (2008).

8.10 In addition to the principal elements of planning policy other advice contained in Planning Policy Guidance Notes and replacement national Planning Policy Statements (PPS) are of relevance to the submitted proposal. These includes:

- PPS1: Delivering Sustainable Development (2005);
- PPS3: Housing;
- PPS5: Planning for the Historic Environment; and
- PPG13: Highways.

9.0 MAIN ISSUES:

9.1 Having considered this application and representation, it is the considered view that the main issues in this case are:

- 9.1.1 Principle of the proposed development and loss of employment;
- 9.1.2 Whether the proposal would be acceptable having regard to local and national planning policies, with regard to the objective of creating balanced communities;
- 9.1.3 Whether the proposal would be acceptable having regard to the scheme's effect on residents' living conditions;
- 9.1.4 The impact of the development on the character and appearance of the surrounding area, with particular regard to the design of the scheme;

- 9.1.5 Whether the scheme provides adequate and useable private amenity space for future occupiers; and
- 9.1.6 Whether the scheme has an acceptable impact on highway access, parking provision, makes sufficient enhancements to strategic public transport infrastructure, basic public transport site access provision and encourages and promotes access by sustainable modes of travel.

10.0 APPRAISAL:

The principle of the proposed development and loss of employment:

- 10.1 Policy H4 of the Leeds UDP allows for the residential development on unidentified, brownfield sites subject to the proposal being compatible with the area and all other normal development control considerations. It is considered that the principle of development in this respect is fulfilled as the site is undoubtedly a brownfield site and the site's development is in accordance with the advice in PPS3 'Housing' which encourages the use of brownfield sites within urban settlements, which are already served well by infrastructure, transport modes and other amenities.
- 10.2 This site is also considered to be sustainable and as such in accordance with the sustainable principles of PPS1, PPS3 and PPG13 as it is located in close proximity to a range of public transport modes on Cardigan Road, and Headingley centre which offers an array of services and amenities. Notwithstanding the support from PPS3 and the housing policies contained within the Leeds UDP, the proposal does result in the loss of a former employment use upon this site. Policy E7 of the Leeds UDP is concerned with this issue.
- 10.3 Regarding the use of the site, loss of employment is not considered an issue as the premises were vacant for a number of years and have now been demolished. The Council have previously accepted the loss of employment on this site and there has been no material change in circumstances to alter this determination.
- 10.4 The site does benefit from a residential planning permission (under reference 24/39/02/FU) and the Council have previously and consistently stated that the principle of residential development of the site is not in dispute.

Whether the proposal would be acceptable having regard to local and national planning policies, with regard to the objective of creating balanced communities:

- 10.5 As this application seeks planning permission for a block comprising student flats on a site situated in a designated Area of Housing Mix (AHM), UDP Policy H15 applies.
- 10.6 The 'Area of Housing Mix' policies support the provision of purpose-built student accommodation (subject to five criteria being met) but both emphasises the importance of student accommodation fitting into the community/ locality in terms of the stock of housing accommodation, the effects on neighbours, the scale and character of the surrounding area and the quality of the student housing stock. It can be seen that the whole emphasis is on the balance of providing quality accommodation for students but in the context of recognising the effects such accommodation can have on communities and thus seeking to achieve balance and satisfactory integration.

10.7 The Area of Housing Mix policy H15 states: -

WITHIN THE AREA OF HOUSING MIX PLANNING PERMISSION WILL BE GRANTED FOR HOUSING INTENDED FOR OCCUPATION BY STUDENTS, OR FOR THE ALTERATION, EXTENSION OR REDEVELOPMENT OF ACCOMMODATION CURRENTLY SO OCCUPIED WHERE

- (i) The stock of housing accommodation, including that available for family occupation, is not reduced in terms of quantity and variety;
- (ii) There would be no unacceptable effects on neighbours living conditions through increased activity, either from the proposal itself or combined with existing similar accommodation;
- (iv) The scale and character of the proposal would be compatible with the surrounding area;
- (v) Satisfactory provision would be made for car parking :and
- (vi) The proposal would improve the quality or variety of the stock of student housing.

10.8 The current application (being a purpose built student scheme with the AHM) should be considered on its merits having regard to planning policy H15 and other material planning considerations, which include the circumstances of the individual case and also in light of relevant previous appeal decisions.

Material considerations in this case:

10.9 It is considered that for this application, both the recent appeal decision for the previous scheme (see paragraph 4.14) and the extant permission on the site (see paragraph 4.2) are material planning considerations, which should be taken into account in reaching a decision.

10.10 The site does benefit from planning permission for a part 4, 5 and 6 storey building comprising 86 Flats comprising 10 two bedroom duplexes, 44 two bedroom flats and 32 one bedroom flats with undercroft car parking.

10.11 This planning permission for 86 flats, remains extant until 28 March 2012 and the applicants contend represents a legitimate fallback position. The bed spaces for that development total 140 and is unrestricted by planning condition in terms of occupancy. The applicants contend that, in effect the site could be redeveloped in line with that permission and then let to students without breaching planning control.

10.12 The weight to be attached to the fall-back position is a matter for the decision maker. If it is decided that the fall-back position is more theoretical than real then this will mean that it is possible to attach little weight to it as a material consideration.

10.13 Furthermore, in considering the strength of the applicant's fall-back position it is necessary to ask two questions, first of all what is the fall-back position and secondly is what is the likelihood of it being implemented?

10.14 The following points are seen as relevant to the consideration of this issue:-

10.14.1 The extant permission comprises 10 two bedroom duplexes, 44 two bedroom flats and 32 one bedroom flats. The internal layout has been designed as a commercial flatted scheme and would not be marketable

as student cluster flats without significant internal alterations.¹ This can be seen through the internal layout of the current scheme which has been design to create a 10% uplift on total units compared to the extant permission. In addition, as it is designed as a commercial flatted scheme, it does not incorporate internal communal areas that encourage gathering of occupants which be normally expected in a cluster student flatted scheme.

10.14.2 As an unrestricted development, the extant permission is subject to local policy on affordable housing, which currently requires provision at this location of 15% affordable units;

10.14.3 Accordingly, in the assessment of officers it is unlikely that the implementation of the extant consent will result in a scheme which is occupied by students.

10.15 Turning to the likelihood of it being implemented, it should be stressed from the outset that the applicant has demonstrated that it has the resources to construct the development. However, officers have serious doubts about the prospect of the extant planning permission being implemented for the following reasons:-

10.15.1 The applicants have themselves stated that it would not be commercially viable to build out the extant permission or the current proposal and then sell the apartments to owner-occupiers in the current market;

10.15.2 It is considered that the cost of providing the affordable units within the scheme for a registered social landlord would make the extant permission commercially unattractive;

10.15.3 The scheme has had permission since February 2007, some 29 months, without even any pre commencement preparation work being undertaken by the applicant;

10.15.4 It took 4 years for the applicants to sign up to the S.106 agreement with its associated developer contributions and affordable housing requirements;

10.16 In all of the circumstances it is considered that the prospect of the fall-back actually occurring is 'more theoretical than real' and therefore, officers have accorded it relatively little weight in coming to this recommendation. It is officers' judgment that even if it was implemented it is unlikely to result in the development being occupied by students due to the affordable housing requirements and other constraints and in the circumstances the prospects of it being implemented are limited.

10.17 Therefore, whilst not immaterial, we do not accept that the extant permission as a fallback position should be accorded much weight. In the circumstances it is considered that the Council assessment of the application proposals should be on the basis of whether the current application proposals (154 bedspaces) has been sufficiently revised to overcome the Council's and Planning Inspectorate's concerns on the previously refused application (254 bedspaces) and that scheme's unacceptable impact (having regard to PPS1, PPS3 and the main thrust of UDP Policy H15, to the objective of creating balanced communities and effect on residents' living conditions.

Mix and balanced communities:

- 10.18 At the recent appeal, the Council argued (in accordance with PPS1 and PPS3) that one of the key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people.
- 10.19 At the inquiry, Park Lane Properties recognised that 256 students are bound to have some affect on the neighbourhood.
- 10.20 To strengthen this view, the Inspector concluded that, although the increase would be marginal representing about 1.3% of the area's student population, in its completed form the development would accommodate 256 students. The Inspector stated that "such a large concentration of students in one location would be a material increase in the AHM."
- 10.21 Contrary to the appellant's arguments, the Inspector agreed and found that the over-concentration of students in this part of the city does not sit well with the Government's objectives of creating socially cohesive and well-balanced communities as stated in PPS1 and PPS3.
- 10.22 Notwithstanding the above, the application before Members today should be assessed on its merits and this scheme would result in 154 students in the AHM. It is considered that single concentration of students (albeit lower than the previous student scheme) would still have an affect on the neighbourhood and be a material increase in the AHM. As a result careful assessment against council policy is required.
- 10.23 It is considered that the extant permission, potentially brings better benefits to the area, when compared to this scheme in terms of creating socially cohesive and well-balanced communities and gives the opportunity to allow a greater mix of occupants rather than a single demographic on the site which is well known is already out of balance in the area. There are other uses that the site could be put to which have not yet been fully explored and which could be of benefit to the area – eg. Sheltered housing.

Loss of family housing:

- 10.24 Lengthy debate has been ongoing into the impacts of purpose-built student housing on existing student and family housing stock in the area.
- 10.25 The applicant contends that the proposal if approved, would reduce the demand by students for accommodation within the traditional housing stock within the Area of Housing Mix. They believe that the provision of 154 student bedspaces here could lead to a significant number of traditional houses suitable for family occupation within the Area of Housing Mix being returned from the letting market onto the general housing market. The applicants have submitted an estate agents report, which also states that traditional HMOs are becoming less popular with students and less commercially viable due to changes in market conditions and the Housing Act.
- 10.26 Local amenity groups and the Leeds HMO Lobby's view is that there is no proven link between any increase in purpose built student housing and the reduction of HMOs as purpose built student housing mainly attracts either first year or foreign

students and can act as a focus for more student accommodation. Leeds HMO Lobby also content that many students move between purpose-built developments.

- 10.27 There currently really is no strong evidential foundation for the contention that the provision of purpose built accommodation reduces the number of HMOs thus increasing family accommodation . That being said, there is no policy requirements under H15 (i) that requires an application proposal to increase family accommodation in the AHM.
- 10.28 Obviously the site does not contain existing family housing, therefore there would be no immediate loss of housing stock. It is accepted that the proposals will represent an environmental improvement to the area and result in a building that makes a positive contribution to the street scene, especially when compared to the former demolished Glassworks building and the currently vacant site. It is also accepted that general housing is not viable and/or deliverable under current market conditions. It is also reasonable to assume that this will be the case for the short and medium term. Given the constraints of the site (physical land area, location of the railway line, character of the area etc), that a standard family housing scheme for the site is also unlikely to be deliverable and the most probable successful residential scheme would be dense and flatted in nature.
- 10.29 That being said, the site could be re-developed for a number of non residential use in the medium to long term, such as medical centre, sheltered accommodation, educational uses. Therefore, the future redevelopment of the site is not defined by a student use.
- 10.30 Although the application description states the scheme is for student cluster flats, 67% of the proposed units are two bed flats. It is reasonable to believe that the two bed flats would be attractive to other occupants. Therefore, if a student scheme was successful on the site or in the case of an appeal against this decision, an obligation would be required (agreed through a S.106) that the building be marketed as and occupied by students only to ensure that the development does not need to make provisions of affordable housing in accordance with Policies H11, H12 and H13 of the UDP.

Whether the proposal would be acceptable having regard to the scheme's effect on residents' living conditions:

- 10.31 With the exception of the immediate area around the application site, the neighbourhood is generally residential in character with some commercial uses generally on the western side.
- 10.32 The proposal is unlikely to generate noise and disturbance from within the buildings envelope that would have a detrimental impact on immediate neighbour's amenity. This is due to the site not being connected to residential properties or directly opposite residential properties. The courtyard design should also help to contain noise and site activity within a 'screened' area. The development would also not result in the loss of daylight, sunlight and privacy of those residential properties closest to the site.
- 10.33 H15(ii) requires a general assessment of the development's cumulative effect on residents' living condition. It is considered that it is the movement of students to and from the site that is of particular interest. It is also considered that this aspect of policy H15 is the most difficult criteria to assess.

- 10.34 It is accepted that UDP Policy H15 is permissive of purpose-built student housing in the AHM, but not at all costs. Its criterion (ii) seeks to ensure that such schemes would not have unacceptable effect on neighbours' living conditions including through increased activity, or noise and disturbance, either from the proposal itself or combined with existing similar accommodation. This criterion does not distinguish between HMOs and purpose-built student accommodation, and it requires a general assessment of the development's cumulative effect on residents' living condition.
- 10.35 Since the change in policy from ASHORE to Housing Mix Area through the UDP review, it is considered that since then, the facts have moved on. Even though the Inspector (at the UDP review) was not content that the claimed problems of crime, disturbance and lack of family housing could all be laid at the door of the student population, he did accept that:
- 10.35.1 “..concerns about a loss of overall balance in the community, particularly as manifested through the transience and seasonal nature of student occupancy, are well-founded”
- 10.36 Since then, there has been more material added to the evidence base. The Student Housing Strategy refers to the problems of “studentification” and sets out that such a phenomenon exists in North West Leeds. It also shows that some aspects of the problems caused stem simply from the presence of a high proportion of students.
- 10.37 Although this document is not planning policy, it is evidence which supports the existence of a problem. The same can be said of the report released by Department of Communities and Local Government. Whilst recognising that it is not policy, it does not need to be as it too supports the existence of problems as a matter of fact.
- 10.38 At the recent Inquiry it was acknowledged by all parties that those impacts described in the Department for Communities and Local Government report are identified as effects on people's living conditions where there is a high concentration of students.
- 10.39 To that documentary evidence base can be added the factual evidence of local residents. At the recent enquiry, the Inspector noted that there is a genuine concern about the development's impact on people's quality of life. The Inspector also heard evidence from local residents stating that the level of disturbance and problems are noticeably greater during term- time, which reflects the transient nature of the student community.
- 10.40 It is considered that there is such a phenomenon as “studentification”. That the problems it poses are not limited to those caused by the occupation of HMOs, but includes problems caused simply by the presence of a high proportion of students in an area; and that there are such problems in North West Leeds.
- 10.41 The problem is that such evidence is not specific, and its absence does not mean that the problems do not exist. For example, people do not generally complain to the police about low level, but disturbing, anti-social behaviour. Even if they did, the police records would not identify students as the source. In addition, general noise on the street is not recorded by the Councils Environmental Health Section. There is no suggestion that the University has any information on incidents of anti-social behaviour, whether through noise or littering, on the highway.

- 10.42 The applicant's place great weight on the fact that planning permission for 86 flats under application ref. 24/39/02/FU, remains extant until 28 March 2012 and represents a legitimate fallback position. The applicants' contend that the bed spaces for that development total 140. The permission is unrestricted in terms of occupancy. In effect the site could be redeveloped in line with that permission and then let to students without breaching planning control. The applicant has also stated that this scheme is viable, albeit for rented accommodation (primarily for, but not exclusively student occupation) and potentially without the affordable housing requirements.
- 10.43 The current scheme shows 154 bed spaces. compared to the appeal scheme (265 bed spaces) the resubmission represents a 40% reduction in number of occupants.
- 10.44 At that recent inquiry, The Inspector stated the following key points in relation to assessing the schemes impact against the objective of creating balanced communities and effect on residents' living conditions.
- 10.44.1 "He understood concerns that the lifestyle choices of some students can, at times, give rise to unneighbourliness and anti-social behaviour off-site."
- 10.44.2 "In the Inspector's view the proposed development (256 bedspaces) would be a source of annoyance because of its location within a residential area."
- 10.44.3 "Contrary to the appellant's arguments, the Inspector found that the over-concentration of students in this part of the city would not sit well with the Government's objectives of creating socially cohesive and well-balanced communities as stated in PPS1 and PPS3."
- 10.44.4 In the Inspector's view the proposed development (256 bedspaces), "would generate a high frequency of comings and goings by students including the likelihood of frequent high-spirited late night activity at times when people are normally sleeping, or enjoying the comfort of their own homes. "
- 10.44.5 The Inspector also stated that "Commonsense suggests that these effects would likely to be long-term. In the wider public interest, I consider that the development would be materially harmful to neighbours' living conditions."
- 10.45 Essentially, the hub of the argument is whether 154 students will have the same impact as 256 students or if the scheme has been satisfactorily reduced to an acceptable level.
- 10.46 Whilst it has to be accepted that the resubmission proposals represents a 40% reduction in number of occupants, it is considered that the revised application has failed to address the inspectors concerns in that a student development in this location, due to the lifestyle choices of some students and due to the routes that would be taken by occupants, through residential areas, would have an unacceptable adverse effects on neighbours living conditions.
- 10.47 A simple reduction in numbers cannot overcome that judgement that this site is not suitable for a purpose built student accommodation in that a concentration of students in this part of the AHM will be a source of annoyance because of its location within a residential area.

- 10.48 Against that background of neighbours evidence (most recently at the public enquired) and the Inspectors finding on this matter, it is possible to form a judgement about the likely negative effects of adding 154 students into one location. A plan of the likely routes students are likely to take to and from the application site is included on the presentation for members information.
- 10.49 Whilst there is no dispute that the premises themselves could be well-controlled. Having strict on-site management may make boisterous behaviour off-site, but close by, all the more likely.
- 10.50 As an unrestricted development, the extant permission is subject to local policy on affordable housing, which currently requires provision at this location of 15% affordable units (which would not be available to students). This therefore reduces potential student occupancy of the extant permission to 119.
- 10.51 Even if it is accepted that 119 bed spaces could be occupied by students, this could be taken as the worst case scenario and there is no reason why it would not be popular with other groups, such as young professionals. All of which could help to reduce the impact on neighbours and add to the variety of the community.
- 10.52 It is worth noting that the approved scheme was assessed and determined by Panel (September 2004) as a commercial residential scheme and not as a student scheme. Therefore the effects on neighbours living conditions through increased activity by students, either from the proposal itself or combined with existing similar accommodation was never fully assessed.
- 10.53 Very much on balance, it is concluded that the introduction of those 154 students, in one place will still have unacceptable adverse effects caused by their coming and going. It is considered that, on balance, bearing in mind the recent appeal decision and extant permission, that it can properly be concluded that there would be a breach of policy H15, criterion (ii) of the Leeds UDP.

The impact of the development on the character and appearance of the surrounding area, with particular regard to the design of the scheme:

- 10.54 The site was occupied by the former glassworks. This building consisted of a two and 3 storey red brick building running the length of the site abutting Cardigan Road. The site is bounded on the West by the Leeds-Harrogate railway line followed by the Burley Park Conservation Area. To the East Cardigan Road itself runs north to south gradually rising upwards as it heads from the Kirkstall Valley in the south up towards Headingley to the North.
- 10.55 The site can be seen from various points in the locality. Cardigan Road slopes upwards and the previous (demolished) buildings were prominent features when approaching from the north and the south. The site can also be seen through a narrowing belt of trees from Burley Park and its associated Conservation Area. A further significant view is along Alexandra Road that runs directly towards the site and effectively terminates at the site itself.
- 10.56 The area demonstrates varied and rhythmic roof forms that surround and lead towards the site from the East. In general the terraces are modest in scale with occasional landmark buildings; these include the Hyde Park Mosque and the Church of St Margaret's of Antioch. The views of trees within Burley Park also have an important visual and psychological impact from surrounding streets. Trees can

be seen creating a visual terminus from several streets that run East/West through and near the site, for instance, Alexandra Road and the Harold terraces. The visual breaks created from these terraced streets provide welcome, and necessary, visual relief from what could be considered an oppressive build environment.

- 10.57 Policy N12 of the Leeds adopted UDP clearly states that development should respect the fundamental priorities of Urban Design. Good design quality should be sought so as to create buildings that are good neighbours and integrate well into their surroundings and their individual context. They should respect their locality through the sensitive and quality use of materials, scale and form.
- 10.58 Achieving high quality and inclusive design is one of the prime considerations of the Government's approach towards delivering sustainable development. PPS1: Delivering Sustainable Development is very clear in setting out the Government's objectives.
- 10.59 Policy N13 of the Leeds UDP states that "development should be visually attractive. This derives from the scale and form of the building and the rhythm of the different elements, also the materials and the way they are detailed and the care with which they have been put together."
- 10.60 Policy H15 (iii) of the Leeds UDP states that "the scale and character of the proposal would be compatible with the surrounding area"
- 10.61 The new scheme has been specifically designed to mirror as closely as possible the 86 apartments scheme. The building envelope arising from footprint and height is indistinguishable to that of the approved scheme. In relation to external appearance, the new scheme reflects very closely the elevational treatments of the 86 apartments permission but with window positions revised to reflect the amended floor plans. However, to our mind the architectural merits of the two schemes are identical.
- 10.62 Members should be aware that in its present form the building is a product of negotiations before PPS1 'Delivering Sustainable Development' was adopted as government policy.
- 10.63 That being said, it is considered that the design has a regular rhythm and is well articulated with features to a modern design and with good use and mix of materials that relate well to the brick and slate characteristics of this part of Cardigan Road. It will produce a building of interest and to a high quality and replace a brick building of some scale which was unrelieved and somewhat stark and unattractive in appearance.
- 10.64 In addition, the scale and character of the development is considered acceptable to the site and surroundings as the scheme is identical to the extant planning permission for the redevelopment for apartments on the site. Furthermore there will be no significant increase in scale and massing from the former Glassworks building or from the development that has planning permission that would be out of keeping with the street scene and the character of the surrounding area. The principle of a building of this scale and mass on the site was essentially set by the extant consent for the flats development.

Whether the scheme provides adequate and useable private amenity space for future occupiers:

- 10.65 The Council's policy framework seeks to ensure that every residential development (of over 10 dwellings) provides external space in two kinds. Firstly, private amenity space i.e. gardens or equivalent and Secondly, 'Greenspace' as part of the wider hierarchy of spaces in the City that are accessible to the public.
- 10.66 Members should note that with reference to 'greenspace' (in accordance with Policy N2 and N4) is land which is provided for the general public to use for recreation such as Burley park, Millennium Square, the Rose Garden.
- 10.67 Policy GP5, BD5 and N23 support the need to provide the first type i.e. on site amenity space. In the context of a flats type development then this may be provided communally but it is seen as important private space for residents. The Neighbourhoods for Living SPG provides detailed policy advice on provision of such space. It indicates that amenity space should be provided on site at a guide ratio for a flats scheme of a minimum of 25% of the floor area.
- 10.68 This current scheme as per the extant permission and the refused scheme all propose a U shaped plan containing a landscaped courtyard that is contained by buildings on three sides and by the railway embankment on the fourth. All these areas would be secured by a perimeter fence and would only be accessible to occupants of the appellant's site.
- 10.69 The extant permission (24/39/02/FU) contains 855sqm of usable amenity space.
- 10.70 The Appeal scheme (07/07439/FU) would have contained 1010sqm of usable amenity space, which the Planning Inspectorate found acceptable.
- 10.71 The current scheme, whilst based on the same footprint, does not require the same level of parking as a commercial residential scheme and as such would enable the provision of a large communal courtyard garden area at ground level (without the need to provide the raised deck with parking below that forms part of the approved scheme). Therefore, the current scheme proposes a useable amenity area of 1142 sq m.
- 10.72 As members are aware, despite the offer of off-site green space contribution the Council was concerned about the amount of on-site private amenity space provided with the Appeal scheme (07/07439/FU). At the recent inquiry, whilst the Inspector agreed with the Council that students should not expect less favourable conditions than permanent residents, he was not convinced that the required shortfall would be wholly unreasonable considering the development's proximity to Burley Park. He considered that the main private space would not be overcrowded due to its size and shape.
- 10.73 Give the Inspectors acceptance on the amount of amenity space provided for the appeal scheme (1010sqm), it is considered that the application proposals include a acceptable level of private amenity space (1142sqm) within the site boundary that would not be untypical of student housing in the city, provides satisfactory private amenity space and that this would not have a detrimental impact on the residential amenity of occupants of the proposed development.
- 10.74 The application proposals also provide two areas (to the east of the buildings adjacent footbridge and to the front of the building, adjacent cardigan road) of Incidental amenity space, totaling 730sqm. The proposed areas for planting are also clearly marked on the site layout plan and detailed landscaping,

implementation and maintenance conditions would be needed to secure the details of any such scheme.

- 10.75 A greenspace contribution of £70,036.78 will be required (in accordance with Policy N4 of the UDP) to improve publicly accessible greenspace within the vicinity of the application site and/or the improvement to the railway bridge into Burley Park. The greenspace contribution is based on insufficient local amenity space (Policy N2.1) and neighbourhood parks space (Policy N2.3) within the locality. There is sufficient local recreational areas (Policy N2.2). Although no children's equipped play provision is required for student housing, this is in proportion to the previous residential approved scheme on the site.
- 10.76 In addition, if a student scheme was successful on the site or in the case of an appeal against this decision, an obligation would be required (agreed through a S.106) that the building be marketed as and occupied by students only to ensure that the residents of development are adequately served by greenspace. This is due to the reduced greenspace requirements (such as children's equipped play provision) of student schemes in accordance with Policy N4 and T24 of the UDP. If this guarantee is not received, an additional reason for refusal may be required.
- 10.77 The nature of the accommodation in terms of the quality of the internal provision within the flats is not contested. The scheme proposes sufficient useable amenity space and internal facilities. It is therefore, considered that the application proposals do not conflict with criterion H15 (v).

Whether the scheme has an acceptable impact on highway access, parking provision, and makes sufficient enhancements to strategic public transport infrastructure, basic public transport site access provision and encourages and promotes access by sustainable modes of travel:

- 10.78 It is not disputed that the site is in a sustainable location and within walking and cycling distance of the main city campuses.
- 10.79 The proposal is considered to provide sufficiently for on site car parking. 39 parking spaces are proposed which equates to one space per four bed spaces. This is the required 1:4 ratio under UDP guidelines. Alterations have been made to the physical layout of the parking bays in accordance with the Leeds Street Design Guide. 60 cycle and 5 motorcycle spaces are proposed for the development, amendments have been made to ensure the spaces are secure, covered and lockable.
- 10.80 Whilst there are no objections to highway, access and parking elements of the application proposals and appropriate conditions could be place to deal with the these details. As a result of these points it is considered that that there will be no breach of H15 (iv). To ensure that the scheme makes sufficient enhancements to strategic public transport infrastructure, basic public transport site access provision and encourages and promotes access by sustainable modes of travel, a S.106 legal agreement would be required to cover the agreed works as described below. If this agreement is not reach a further reason for refusal will be required to the protect the Council's position.
- 10.81 In addition if a student scheme was successful on the site or in the case of an appeal against this decision, a obligation would be required (agreed through a S.106) that the building be marketed as and occupied by students only to ensure that the development is capable of being served by highway network and would not

add to or create problems of highway safety. This is due to the reduce parking requirements of student schemes in accordance with Policy T2 and T24 of the UDP. If this guarantee is not received, an additional reason for refusal may be required.

- 10.82 A commuted sum payment of £25,443.00 would be required and used by the Council towards public transport infrastructure improvements in accordance with the requirements of the Council's SPD Public Transport Contributions within the vicinity of the Land the need for which directly arises from the Development.
- 10.83 The applicants have also submitted a Travel Plan Framework. The framework has been amended and the details of its preparation, implemented and monitoring could be agreed via a condition. The travel Plan also includes a £2,770.00 monitoring fee. Which would need to be secured through a legal agreement.
- 10.84 It is not considered appropriate to require MetroCards for new occupiers (as is usual for large scale residential Scheme) of a block of student flats. As an alternative, the developer has been required to provide 5 first day ticket vouchers for each resident/student on an annual basis. The vouchers would be included within the induction packs and the vouchers can be exchanged for a first day ticket when handed to the bus driver. These details would be secured through the Travel Plan.
- 10.85 The developer has committed to providing a maximum of £80,000.00 towards the cost of a Pelican Crossing to be located in close proximity to the site, across Cardigan Road. These details would need to be secured through a S.278 Legal Agreement.
- 10.86 Metro have requested improvements to Cardigan Road bus stop (see paragraph 7.5) be secured through this application. The bus stop in question serves the No. 18 and 18a bus services which do not go via the main University campuses, but do pass through Leeds city centre. It is reasonable to assess that the number of trips from the proposed development to Leeds city centre will be relatively low compared to the total number of trips from the development. In additional, a much greater frequency of bus run along Burley Road to the city centre and a bus stop for these services with a shelter is a very short walking distance from the application site. As a consequence it is considered that the suggested improvements to the bus stop are neither supportable nor justified by the proposed development under Circular 05/05.
- 10.87 Overall it is considered, with the securing of a new pedestrian crossing and travel plan measures the scheme makes sufficient enhancements to strategic public transport infrastructure, basic public transport site access provision and encourages and promote access by sustainable modes of travel.

11.0 CONCLUSIONS:

- 11.1 It is considered that the design of the scheme would not have an unacceptable negative impact of the development on the character and appearance of the surrounding area. The proposal would not have an unacceptable affect on residents' living conditions. The scheme provides adequate and useable private amenity space for future occupiers. The scheme has an acceptable impact on highway access, parking provision, and makes sufficient enhancements to strategic public transport infrastructure, basic public transport site access provision and encourages and promotes access by sustainable modes of travel.

11.2 Whilst it is agreed that the extant permission could be occupied by students. The Council do not accept that the extant permission as a material fallback and it is considered that there are weaknesses in the viability of the extant permission and the likelihood of it being built. Therefore, in assessing the application proposals on the basis of whether the current application proposals has been sufficiently revised to overcome the Council's and Planning Inspectorate's concerns on the previously refused application. It is considered that the proposal would still be unacceptable having regard to local and national planning policies, with regard to the objective of creating balanced communities. As the proposed development will be occupied by students to the detriment of the housing mix in this locality and given the designation of this site within the defined Area of Housing Mix that the proposal would be seriously detrimental to the balance and sustainability of the local community and to the living conditions of people in the area. Therefore the development does not accord with adopted policy for the reasons outline above and is recommended for refusal.

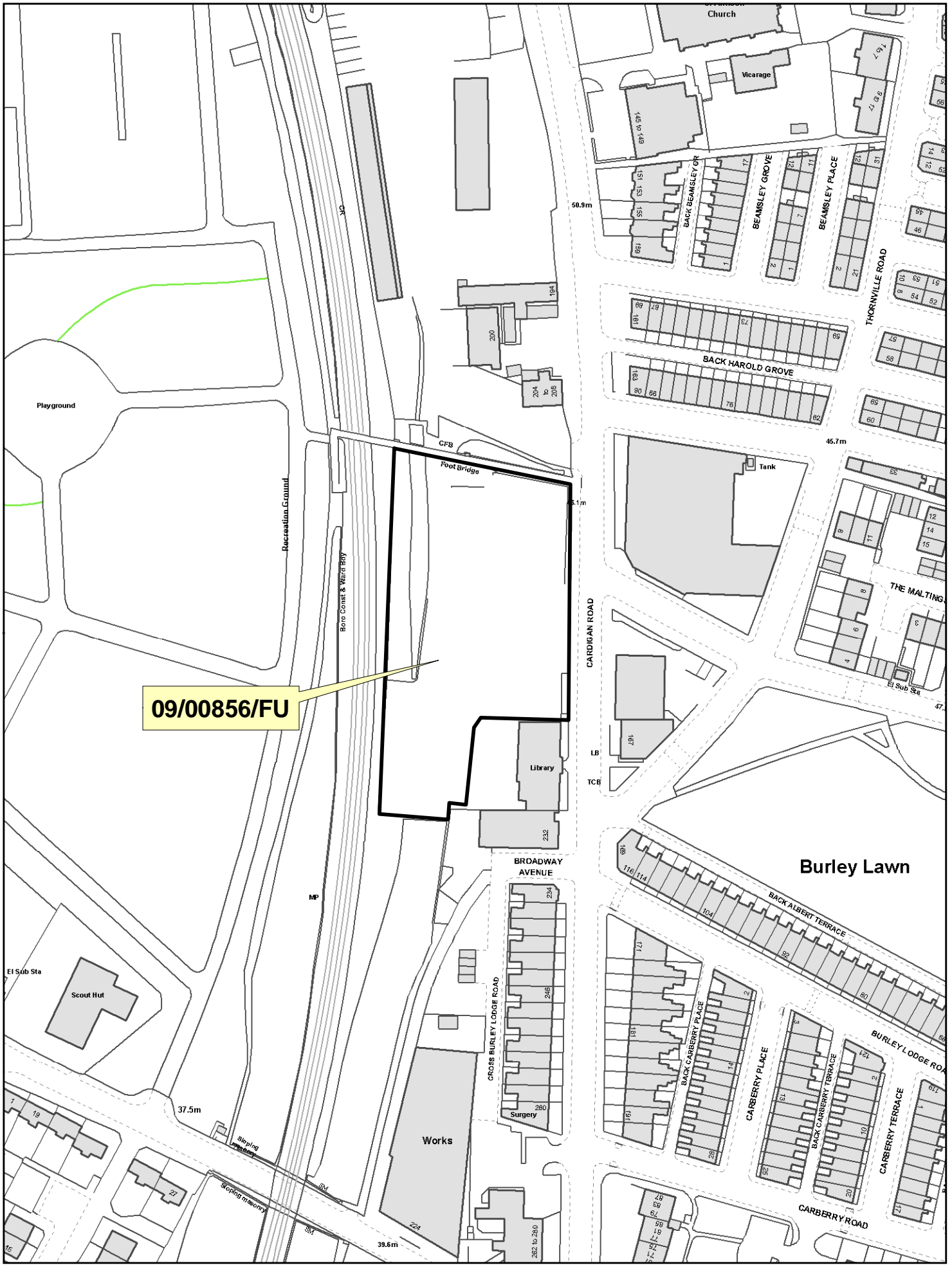
Background Papers:

Application: 24/39/02/FU

Application: 07/07439/FU

Appeal Decision: APP/N4720/A/08/2074675

Certificate of Ownership



09/00856/FU

WEST PLANS PANEL

