



Leeds
CITY COUNCIL

Originator: Richard Edwards
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Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 3rd February 2011

Subject: Application 10/04879/EXT – Extension of time period for planning permission 07/03002/FU (Part 3 and part 4 storey block comprising 16 two-bed flats and 1 studio flat with 19 car parking spaces) – Former Kirkstall Hill Community Centre, Eden Mount, Kirkstall.

APPLICANT

Mood Developments Limited

DATE VALID

17th November 2010

TARGET DATE

16th February 2011

Electoral Wards Affected:

Kirkstall

N

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION for extension of time subject to the following conditions:

1. Time limit 3 years.
2. All external walling materials to be approved.
3. Surfacing materials to be approved.
4. Design and finish of balcony railings to be approved
5. Boundary treatment to be approved.
6. Noise attenuation scheme on northern elevation to be approved.
7. Details of landscaping scheme to be approved.
8. Implementation / maintenance of landscaping scheme.
9. Lighting scheme to be submitted and approved.
10. Area to be used by vehicles to be laid out.
11. No gates to primary access.
12. Parking to be unallocated and maintained in perpetuity.
13. Retention of cycle parking
14. Retention of disabled parking.
15. City Services to be consulted over footpath crossing.
16. Methods of foul and surface drainage to be approved.
17. Specification of sustainable drainage system
18. No discharges of surface water until drainage works carried out.
19. Submission of contaminated land reports and site investigation methodology.
20. Validation of site remediation.

1.0 INTRODUCTION:

- 1.1 This application for the extension of time of a 2008 permission for the erection of a part three storey, part four storey block of 17 flats with car parking to a vacant site is brought before the Plans Panel at the request of Councillor John Illingworth. There have been no material changes in circumstance that would affect the acceptability of the proposal, which was originally approved by the Panel following negotiations with Ward members and amendments to the design and intensity of the scheme, and the application for extension of time is recommended for approval subject to conditions.

2.0 PROPOSAL:

- 2.1 This application follows the granting of outline consent for residential development on this site in April 2006, and the approval at a meeting of West Plans Panel on January 24th 2008 of a part three-storey, part four storey block of 17 flats. This was in turn reduced from the initial submission of a five-storey block of 19 flats during a process of negotiation.
- 2.2 The building will occupy the central and western portion of the site, with parking to the east and an area of lawned amenity space to the northern section adjacent to the rear of the public house.

- 2.3 21 car spaces will be laid out including one disabled space, whilst ground floor storage for cycles and bins will be provided at ground floor level to the north of the main building.
- 2.4 Each of the 16 two-bed flats will be of similar layout with a combined kitchen and living area, two bedrooms (one to include an en-suite) and a separate bathroom. Those flats to the first floor and above will be accessed via a central stairwell and lift and a partially-enclosed network of walkways.
- 2.5 The external design is modern and includes areas of brick and render to all elevations and flat roofs with overhanging eaves. Fenestration is of a regular pattern with inset brick panels to add visual interest. To the southern elevation the windows to main living areas are generally of full height sliding design with 'Juliet balconies', whilst to the northern side they are set back within the partially enclosed access walkways to this side of the building.
- 2.6 The building is finished in a mixture of rendered blockwork and brickwork (exact details to be agreed at conditions discharge stage by the Authority).
- 2.7 The site will be enclosed by a mixture of 1.8m timber fencing to the north (fitted to the existing dwarf wall on this side), 1.8m railings to the south and west, and a free-standing 1.8m timber fence to the eastern boundary with No. 48 Eden Mount. The current position of the vehicle access is to be retained and improved, and a grassed area to the south-west which forms a visibility splay for the adjacent garage court will also remain undeveloped.
- 2.8 Pedestrian access will be via the southern frontage. Following agreement with the Highways Officer neither this or the vehicle entrance will be gated as was initially proposed. Some indicative landscaping of the site is shown; however it is considered that this will mostly be addressed through the use of conditions.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a vacant site of approximately 0.14 hectares, with primary access from Eden Mount. This site was formerly the location of a single-storey community centre which was in poor condition and demolished in 2005.
- 3.2 The site was then sold at auction by Leeds City Council and has been cleared. It is currently partially enclosed by a 1.8m chainlink fence and a 1.0m dwarf wall to the north. The site is generally level, with no significant trees or other vegetation besides a sycamore to the northern boundary. This tree has an uneven crown spread and is misshapen. There are several mature trees to the adjacent site, separated by a public footpath. Part of the site (comprising the former access drive and parking area of the community centre) is hard surfaced.
- 3.3 The area is predominantly residential in character, with a mixture of inter-war semi-detached properties to the east, and post-war social housing in high-rise blocks to the west and south. The site adjoins the rear of the 'Merry Monk' public house to the north, a two-storey 1950s building in red brickwork. This

establishment has a large car parking area to its eastern side and as a result the proposal site is highly visible from Burley Road to the north. By comparison Eden Mount is a residential side road which sees relatively little traffic. Visibility from the frontage / access point is good in both directions.

- 3.4 Since the original application was considered in 2008 a development of affordable homes has been constructed on a former garage site to the south, and the adjacent multi-storey flats at Grayson Crest and Grayson Heights have been refurbished.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 06/01093/LA – Outline application for residential development – approved 13th April 2006
- 4.2 05/02352/DEM – Demolition of community centre for purposes of site clearance
- 4.3 06/02549/FU – Reserved matters application for the erection of 1 pair of semi detached houses and 15 town house in 4 terraces – Land at Argie Avenue and Eden Mount (located immediately to the South of the site under consideration here).

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The application was originally submitted in May 2007 following pre-application discussions with the developer. 19 flats were proposed within a five-storey block with 21 car parking spaces. A number of concerns were raised by internal consultees regarding the design, massing, detailing and parking arrangements and revised plans submitted which included additional fenestration and render detailing to the northern elevation, a reduction in overall height and the deletion of one unit. A gate to the main access was also removed on the advice of the Highways officer.
- 5.2 Following these amendments the proposal was brought before the West Panel on 29th November 2007 at the request of Councillor John Illingworth, who expressed concerns regarding an excess of high-density developments in this area and a lack of public amenity space for the prospective residents, particularly in terms of active recreation for children.
- 5.3 At this meeting Members resolved to defer consideration for one cycle to enable further negotiation over the intensity, height and massing of the scheme, and for Officers to draft reasons for refusal in the event of no progress being made. In the event the applicant agreed to amend the scheme to address the concerns and following a meeting with the then Ward Members (Councillors Minkin, Atha and Illingworth) a revised scheme for 17 apartments and 19 car spaces was approved by the Panel on 24th January 2008.
- 5.4 under the amended scheme 17 units are proposed, which triggers the affordable housing threshold of 15 units. The original application was supported by a viability appraisal to justify non-compliance with this requirement. The

developer's argument was accepted by the Panel and the scheme approved with no affordable housing provision. A developer contribution of £31,617 was originally requested by Local Plans to cover off-site greenspace; this was later reduced to £28,288 to account for the omission of two units. A condition was attached to the original approval to cover this, however due to case law which prevents the securing of financial obligations through condition, a draft Section 106 agreement to cover payment of the greenspace sum has been included with the extension of time application.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 A major site notice was posted on 3rd December 2010, and a newspaper notice published in the Leeds Weekly news on 9th December 2010. No representations have been received from members of the public as a result. Councillor Illingworth has re-stated his original concerns regarding the density of the scheme and requested that the extension of time is determined by Plans Panel.
- 6.2 Two representations were received to the original application in 2007; these focused on the design and density of the scheme, highway / parking concerns and the cumulative impact of a number of approvals within the local area.

7.0 CONSULTATIONS RESPONSES:

- 7.1 No consultations were made on this extension of time application. A full range of requests was carried out in 2007 and the responses can be summarised as follows:

SDU Design – no objections to revised scheme

West Yorkshire Police – no objections, conditions recommended to cover lighting design and boundary treatments

Minerals (Contaminated Land) – recommend conditions to ensure additional information is supplied

Local Plans / Policy – no objections to principle, recommend conditions to secure commuted sum for greenspace

Neighbourhoods and Housing – no objections subject to conditions to cover submission of noise attenuation scheme to elevation facing public house

Highways – no objections to revised plans subject to standard conditions

Mains Drainage – no objections subject to conditions to cover approval of SUDS scheme

City Services Waste Management – no objections

8.0 PLANNING POLICIES:

8.1 National Policy Statements (PPS's)

PPS1: Sustainable Development
PPS3: Housing

8.2 Unitary Development Plan –

Policy GP5: refers to development proposals should seek to avoid loss of amenity.

Policy BD5: new buildings design consideration given to own amenity and surroundings

Policy N12: refers to all development proposals should respect fundamental priorities for urban design.

Policy N13: refers to design of new buildings should be of high quality and have regard to character and appearance of surroundings.

Policy T2: refers to development capable of being served by highway network

Policy T24: refers to parking guidelines for new developments

8.3 Supplementary Planning Documents –

'Neighbourhoods for Living' – a Guide for Residential Design in Leeds

9.0 MAIN ISSUES

1. Principle of use / Extension of time
2. Greenspace and affordable housing
3. Design and appearance
4. Residential amenity
5. Highways considerations
6. Disabled access
7. Drainage
8. Contaminated Land
9. Representations

APPRAISAL

- 9.1 The application seeks to extend by a period of three years the permission granted on 24th January 2008 for a block of 17 flats with car parking. Whilst 'renewal' applications have not been routinely accepted for several years, this further extension of time is permissible under new guidelines which came into effect on 1st October 2009 in response to an increase in the proportion of unimplemented consents as a result of the continuing economic crisis. The

purpose of the changes is to ensure the continued delivery of housing and other development during and immediately after the downturn and to attempt to ameliorate the impact on Authorities of a sudden 'spike' in application numbers if and when the economy eventually leaves recession. These guidelines, issued in a Letter to Chief Planning Officers on 22nd September 2009 by the previous government, permit extant, unimplemented consents approaching expiry to be 'kept alive' (or in essence renewed) by local Planning Authorities without the need for the full range of consultations, provided there have been no significant changes to the underlying policy framework in the interim.

The principle of the residential re-use of this site has been established under a previous outline application (06/01093/LA) and following the amendment of the scheme to address the concerns of Ward members was granted planning permission in 2008. There have been no material changes to local planning policy during the intervening three year period that would affect the acceptability of the proposal. One material change that is worthy of consideration however, is that application 06/02549/FU for the erection of 1 pair of semi detached houses and 15 town houses to be constructed in 4 terraces has been implemented directly to the South of the application considered here.. This approval is of interest as at the time of its consideration Cllr Ilingworth raised concerns that this application would lead to the loss of greenspace in the area. It is worth noting that this application was one of the later phases of a long standing regeneration project for the Argies discussed over a number of years. The site was also a former garage site which although had some trees on the site these were in the main self seeded trees that had grown as the site had lain derelict. During the consideration of the proposal members of Panel were mindful of the loss of the 'public open space' element of the site as a material consideration and gave weight to it but on balance concluded that the benefits arising from the development in terms of affordable housing provision and the moves to enhance existing greenspace provision in the area as part of the regeneration scheme were considered to outweigh the loss of this area of greenspace. Therefore, in view of the aforementioned decision by members of Panel on this decision and that there have been no material changes to local planning policy the recommendation is to support the developer's request for an extension of time, subject to the same conditions as were applied to the 2008 approval and a Section 106 agreement to secure the developer contribution to greenspace improvements. It should also be noted that although Cllr Ilingworth has raised similar concerns regarding this application a commuted sum for the improvement of off site greenspace is being offered.

- 9.2 Policy N2.1 of the UDP sets out the requirements for on-site public greenspace for new residential developments. In this instance there is no on-site public greenspace provision, however it is considered that a developer contribution to off-site provision will be acceptable. There is sufficient existing N2.2 (Local and Recreational) provision in this area, however the proposal fails to provide any N2.3 space (Parks) and a further commuted sum is necessary in order to meet this requirement.

Policies H12, H13 and H14 of the UDPR highlight the requirement outlined in PPS3 to provide affordable housing (socially rented and sub-market purchase)

in order to meet the needs of low-income residents. Until April 2007, developments of 25 units and over triggered the requirement for affordable housing provision; however since then the threshold has been reduced to 15 units under which the developers would be expected to provide 4 affordable units as part of this scheme. A Financial Appraisal was submitted to the Local Planning Authority to support the applicants' case that since the threshold was lowered between the purchase date of the site and submission of the proposal, it would not be financially viable to carry out the development were the requirement for this level of affordable housing to be insisted upon. The financial statement has been independently assessed by Lambert Smith Hampton who agree that the applicants are correct in their assertion that the affordable housing would result in the scheme being unviable and that the costs of the development have not been overstated. It is considered that due to the effects of the financial downturn the situation has continued to worsen and that the constraints discussed in 2008 are likely to have become more, rather than less, of a consideration in the intervening period. As a result it is again not considered appropriate to insist upon the provision of 4 affordable units as part of the development.

- 9.3 The design of the building was largely negotiated and agreed in principle prior to the submission of a formal application and as a result of discussions between the Ward members, developer and officers both before and following consideration by the West Panel in November 2007. this resulted in reduction of the height from five to four storeys and deletion of two apartments in addition to other external modifications to improve the fenestration layout and articulation of the elevations. It is considered that the design of the proposal is appropriate to the mixed character of the surrounding development. The block has been sited toward the western portion of the site, away from the two storey semi-detached dwellings of Eden Mount and Kirkstall Hill, and also relates well to the much taller social housing to the south and west due to its height. Following revisions it is in design terms a well-proportioned building with a good level of elevational detailing and a number of vertical and horizontal articulations which break up what could otherwise be a very bulky and uniform structure. It is set back from the highway junction which helps to mitigate the change in levels between the south-western part of Eden Mount and the site.

Whilst some indication of possible landscaping has been shown on the submitted site plans, it is anticipated that this will be controlled by conditions to ensure the agreement and implementation of a full landscaping scheme on the site.

- 9.4 The site backs onto the grounds of the 'Merry Monk' public house. These premises have a license to open until midnight, and Environmental Health have previously received complaints relating to noise nuisance from local residents. A condition to face any noise sensitive façade away from the public house was attached to the outline permission and this is reflected in the design, which restricts main windows and balconies to the southern side with walkways and bathroom windows dominating the elevation which overlooks the public house. A further condition has been recommended to ensure that a suitable noise attenuation scheme is agreed and implemented to protect future residents of

the development from noise nuisance arising from this establishment, and this will be attached to any approval decision notice.

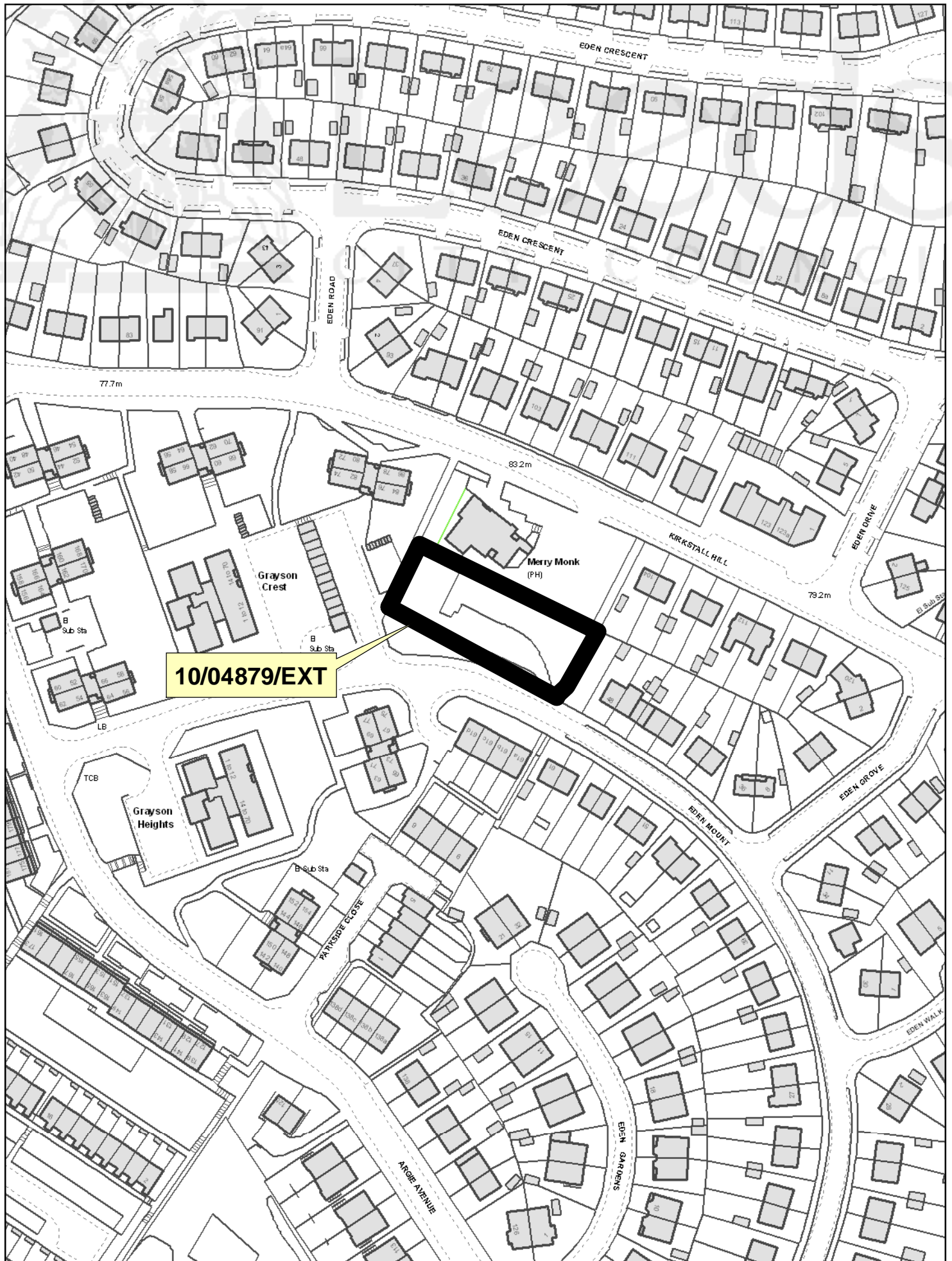
It is not considered that the scheme will result in loss of residential amenity to future occupiers of the units or the residents of existing properties nearby. The building is located sufficiently distant from adjacent dwellings to avoid any overlooking or overshadowing in spite of its four-storey height. An area of shared amenity space has been provided to the north of the property, and the properties will benefit from 'Juliet' style balconies with sliding doors. No public open space has been provided due to the size of the site, however it is considered that a commuted sum of £28,288 to fund nearby greenspace improvements is sufficient. Due to changes in case law which now prevent the conditioning of developer obligations, a Section 106 agreement has been drafted which will commit the applicant to funding improvements to existing off-site greenspace.

- 9.5 There are no objections to the revised scheme on Highways grounds. Eden Mount is a relatively lightly-trafficked residential side street with some on-street capacity. The access is to be improved but its location unchanged as this gives the greatest level of visibility and is generally flat and level. It has been agreed by the Highways Officer that a parking provision of 19 spaces (three below the current UDP guidelines) will be acceptable provided that these remain unallocated and that a previously proposed security gate limiting access to the parking area is removed. Following discussions, further amendments were carried out to the disabled parking, cycle and bin storage areas and the access (which will take the form of a dropped crossing rather than a full junction) in accordance with the comments of the Highways Officer, and again these were supported under the previous approval.
- 9.6 The Mains Drainage Officer recommends that a full drainage scheme be submitted for approval; this should reduce the rate of discharge to the existing public sewer through the use of sustainable methods and be approved prior to the development of the site. A number of conditions to cover the specification and implementation of the drainage system were recommended and these will be attached to the extension of time.
- 9.7 Whilst it is accepted that due to its previous use as a community centre the likelihood of potential contamination on this site is low, the information supplied does not fully address the potential existence of contaminants on the site and more detailed reports will be necessary before construction commences. As previously, it is considered that these can be secured by condition following determination of the proposal.
- 9.8 There have been no objections to the extension of time from local residents or members of the public. The proposal is again brought before the Plans Panel at the request of Councillor Illingworth who raises issues over the cumulative impact of this development and a number of other proposals in the vicinity of the site, particularly with regards to housing densities and a lack of suitable venues for active children's recreation.

Background Papers:

Application files: 10/04879/FU, 07/03002/FU

1.1



WEST PLANS PANEL