



Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 31st March 2011

Subject: APPLICATION 10/05548/EXT. Extension of time period for planning permission 08/00397/OT Outline application for one part 3, part 4 storey block of 15 student flats

Address: Moorland Road, Woodhouse, Leeds, LS6 1AL

APPLICANT	DATE VALID	TARGET DATE
M Aslam	30.12.2010	31.03.2011

<p>Electoral Wards Affected</p> <p>Hyde Park & Woodhouse</p> <p><input type="checkbox"/> Y Ward Members consulted (referred to in report)</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION

Grant planning permission for the Extension of time of planning permission 08/00397/OT subject to the conditions outlined below and with the signed completed section 106 agreement for an off site Greenspace payment of £17,922.34 and a management fee of £600

1. Outline condition:
2. Reserve Matters to be submitted within 3 yrs for Layout, External Appearance, the landscaping of the site
3. Approved plans
4. Samples of walling and roofing material to be approved prior to commencement of development
5. Samples of all surfacing and fencing materials to be approved prior to the commencement of development
6. Car parking areas to be laid out and drained surfaced and sealed prior to first use.
7. Cycle and bin stores details to be provided and approved before first occupation.
8. Implementation of hard and soft landscaping scheme
9. Replacement tree provision
10. Landscape maintenance provisions to be approved before first occupation

11. Phase 1 site investigation report to be submitted and approved prior to the commencement of development
12. Phase 2 site investigation report to be submitted if phase 1 (condition above) demonstrates contamination on site.
13. Drainage details to be submitted
14. A separate system of drainage for foul and surface water shall be provided
15. Surface water from the sites will be subject to balancing flows to present rates of run off.
16. The occupation of the flats shall be restricted to full time students only.

In recommending the granting of planning permission for this development it is considered all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government guidance and policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Leeds Unitary Development Plan 2006 Review (UDP).

UDP Policies H15, GP5, BD5, N2, N4, N12, N13, T2.
Neighbourhoods For Living SPG

On balance, it is considered the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

1.0 INTRODUCTION:

- 1.1 The extension of time regulations brought in during 2009 require that decision making on such applications be closely dependent on any material changes in circumstance since the original grant of permission in each instance. The following points outline the change of circumstances since this site was granted Outline permission on May 1st 2008.

2. Site and Surroundings:

- 2.1 The application site is partly occupied by a vehicle repair garage and partly by a disused scrap yard, both uses which would be non-conforming uses in a residential area. To the north of the site there are large houses now split in to flats, to the south there is an established vehicle repair garage, to the east and west there are other houses. The area is generally residential in nature. It is close to the University and is in Moorlands Conservation Area.

3. Proposal:

- 3.1 The application is in outline for the erection of a student residential scheme comprising a four storey and a three storey block totalling fifteen flats with a total of 53 bed spaces. The application is in outline only, and seeks approval for the scale of the development and the means of access. The four storey element is to the eastern section of the site and it then tapers down to the west to a three storey element where it backs onto the smaller houses on Hyde Park Road. The maximum height of the building will be 11 metres. The proposal will be built up to the edge of the southern boundary where it abuts a commercial repair garage. To the northern

boundary there will be the access and car parking for 11 spaces and some elements of amenity space.

4. Relevant Planning History:

08/00397/OT – Outline permission granted (effectively a renewal of the 2002 approval) 1 May 08 under delegated powers.

07/03900 – renewal of planning application 26/526/02 – withdrawn 7 Nov 07.

26/526/02 – erection of 4 and 3 storey block of 15 apartments. Approved 9 Dec 02
Approved by Plans Panel West.

26/274/02 – 4.5, 4 and 3 storey block of 17 student flats. Refused 15 August 02

5.0 CONSULTATIONS RESPONSES:

Statutory: None

Non-statutory:

Highways: no objection subject to the conditions from the 2008 Outline being retained

Drainage: No objections subject to retention of drainage conditions from 2008 application

Refuse Management: No objections to the renewal of the Outline planning permission.

6. Public/Local Response:

16 letters of objections have been received (2 addresses have each written in twice) including from Councillor Monaghan , Councillor Ewens and Councillor Harper
Objections are on grounds of further student development, lack of parking, harm to Area of Housing Mix objectives and servicing and refuse collection issues.

The North Hyde Park Neighbourhoods Association and the Leeds HMO Lobby are also objectors to the application and refer to the following issues:

- Building height, design and appearance
- Too much student accommodation already
- Reduced demand for student housing
- Over crowding
- Lack of car parking
- Problems with refuse, fire trucks and delivery vehicles accessing the road
- Change in circumstances since 2008 application
- Insufficient parking and loss of parking in the locality
- Conflict with policy H15
- PPS3 revisions
- Harm to the conservation area's character and appearance
- Too many students already
- Impact on neighbours amenity through noise and disturbance
- Lack of family housing

- Outline application should not be approved in Conservation Areas,

7.0 MAIN ISSUES

1. Assessment of the change in Planning Circumstances since the application was approved in 2008.
2. PPS3
3. Change in demand for student housing
4. Relevance of the Glassworks decisions
5. Other matters

8.0 APPRAISAL

8.1 Due to the economic downturn and under the Town & Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009, the Government has introduced measures to enable extant permissions to be kept in place for longer. Paragraph 23 of the associated DCLG guidance, entitled 'Greater Flexibility for Planning Permissions' confirms that local planning authorities "should take a positive and constructive approach" toward extension applications and should focus on any material considerations, including policy issues, that might have changed since the original permission was granted. Paragraph 24 goes on to confirm that LPAs may refuse to grant extensions of time "where changes the development plan or other material considerations indicate that the proposal should no longer be treated favourably." Paragraph 31 of the Guidance confirms that normal appeal provisions apply to extension of time proposals.

8.2 The application site lies within the urban area of Woodhouse and is unallocated with no specific land use allocation. The policy presumption in the Unitary Development Plan for sites which are not identified by any specific policy or proposal is that they should retain their existing uses or conform to the predominant use of the immediate area. This proposal is for residential development, in this context the principle of development is considered to be acceptable subject to compliance with all other UDP policies and development control considerations. The principle of the use was established with the grant of planning permission in 2002 and there have been no fundamental changes that could warrant a different approach to the principle of the development.

Planning Policy Statement 3: Housing

8.3 PPS3 was originally issued in 29 November 2006. PPS3 was in place when the original permission was granted. Since then there have been no significant changes in PPS3 in relation to the application site or scheme. The changes introduced by the new Government relate to the Greenfield/brownfield issue. As this site is considered previously developed land there is considered no change in circumstances since the appeal was allowed.

8.4 In addition the 3rd Edition of PPS3 issued in June 2010 removes indicative minimum densities for new housing but this is not considered a relevant change in circumstances to the extension of time application as the scheme has not been revised in form or density since it was originally granted planning permission in 2002 and then again in 2008 in which time PPS3 had been introduced in 2006. As a result there have been no material changes in relation to PPS3 since the appeal was allowed and permission granted.

Student Housing Demand

8.5 Turning to student housing demand, since 2008 there has been a marked shift in demand towards purpose-built student housing and away from 'traditional' student housing in the form of family houses converted to bedsits and shared occupancy. This was noted by the Inspector at the recent Glassworks Appeal. Today's students are demanding a higher standard of accommodation in comparison to their predecessors. Any shift in demand since 2008 is considered in line with the proposed extension of time for purpose-built student housing at the application site. Furthermore given the sites constraints it is considered that a purpose built form of development on this parcel of land would be a good response to the sites topography and constraints.

8.6 It is considered that there is demand for purpose built student housing within the City and within the Area of Housing Mix, such as this scheme, as alternatives to less suitable forms of student housing that will be replaced. This can be seen by the availability of bed spaces within existing HMO's in the Area of Housing Mix This may help in the return of traditional housing from the letting market onto the general housing market.

Cardigan Road Glassworks Appeals (2 appeals 2008 & 2011)

8.7 The dismissed appeal at the Glassworks site in 2008 of a purpose-built student housing scheme is a relevant material consideration as is the 2011 appeal decision at the same site for a smaller student housing scheme which was allowed. The dismissed appeal decision was made in November 2008 and post-dates the May 2008 permission at the application site. Although the decision was made after the current application site had received Outline planning permission in 2008 it is considered there are several major differences between the Glassworks and current application proposals at Moorland Avenue proposals, including:

- Site location and surroundings, including local character, proximity to University campuses and Hyde Park and City centre and local neighbourhood characteristics.
- Form of development and juxtaposition with existing housing and other development.
- Scale of development – the Glassworks proposals were for a total of 256 bed spaces of accommodation whereas the proposed extension of time relates to only 53 bedspaces; and
- Design was a key issue for the glassworks appeal.

8.9 Panel will recall the briefing provided by Officers at the February 2011 Plans Panel meeting were the most recent decision on the Glassworks application's was discussed. Members will note that the appeal was allowed and that the Inspector in this instance decided that the number of students, combined with the statement by a housing specialist that vacant properties in the area were returning to family occupation made that development acceptable. Accordingly the Appeal Inspector considered that the role of purpose built student housing is having a positive impact on the aims of the Area of housing Mix policy.

Other matters

8.10 Members should also note the Extension of time application for the student development at 45 St Michaels Lane which Panel granted planning permission for in December 2010. The following topics were the matters Panel considered most relevant to the determination of that application;

1. PPS3 Housing
2. Change in demand for student housing
3. Relevance of the Glassworks decision both the allowed and dismissed appeal.

Student developments in the locality

- 8.11 When the 2008 Outline application was granted permission it was done so with a condition requiring a Greenspace scheme to be submitted. The Council's approach since that decision was made has been to use Section 106 agreements to deliver Greenspace as part of the planning process. A signed Section 106 agreement has been completed for this application.

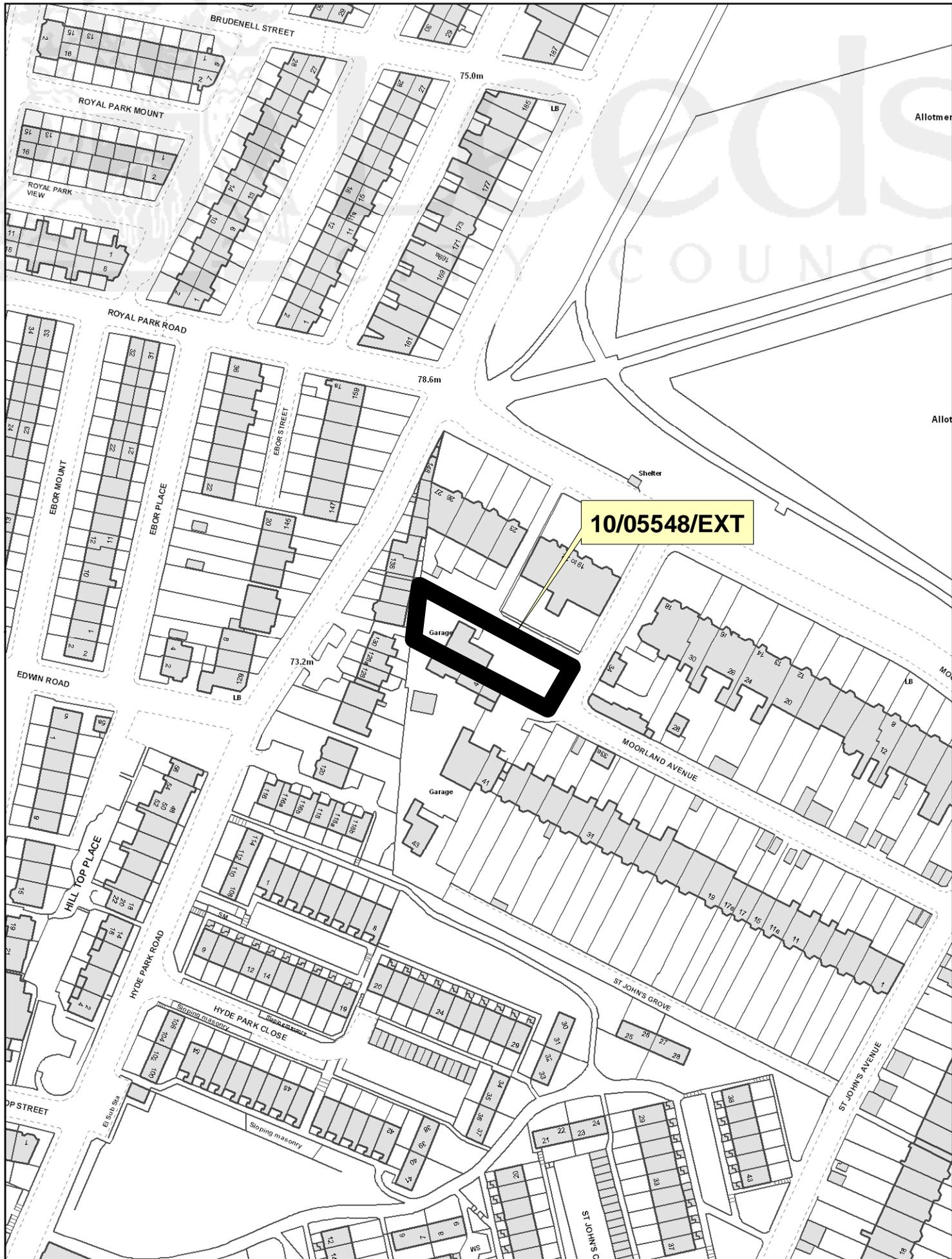
9.0 CONCLUSION

- 9.1 Taking in account the developments cited above and Members comments regarding the proposed Extension of Time it is considered overall there have been no significant changes in local or national policy or in respect of any other material considerations and that there are no grounds not to further extend the life of the current planning permission.

Background Papers:

Application file:

10/05548/EXT & 08/00397/OT



WEST PLANS PANEL