



## Report of the Chief Planning Officer

### SOUTH AND WEST PLANS PANEL

**19/01489/FU - Demolition of Index House and the construction of student residential accommodation and ground floor commercial units – Index House, 70 Burley Road, Burley, Leeds, LS3 1JX**

**Applicant – Torsion Developments Ltd**

#### Electoral Wards Affected:

**Little London and Woodhouse**

Yes

Ward Members consulted

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

**REFUSE** planning permission for the following reason:

The Local Planning Authority considers that, by reason of the size, scale and close proximity of the proposed building to the terrace to the rear of Five Ways Recovery Academy, the development will result in an unacceptable level of overshadowing, dominance and outlook to the detriment to the outdoor amenity of the terrace. As such, the proposed development is contrary to Policy GP5 of the Leeds Unitary Development Plan Review (2006), P10 of the Leeds Core Strategy and the National Planning Policy Framework.

#### Introduction

1. The application was originally brought to Plans Panel on July 2021 at the request of Councillor Kayleigh Brooks due to the impact the development will have on the adjacent Rosebank Primary School and the impact further student development will have on the balance of the local community in Little London and Woodhouse.
2. Following the presentation and comments from local objectors it was apparent that the impact of the development on the neighbouring Five Ways Recovery Academy had not

been fully understood or considered. In addition, the Covid-19 protocol for Plans Panel in place at the time limited the debate to one hour with this time running out prior to all the issues being debated by members of the Panel. As a result, it was resolved that the application be deferred to allow further consideration of the impact the development would have on Five Ways, including meeting the manager of Five Ways and visiting the building to fully assess the impact.

3. Following the Panel meeting, a meeting took place with the applicant, Five Ways Recovery Academy and Councillor Kayleigh Brooks in order to fully understand the concerns of the Academy and to consider the options to amend the scheme to address these issues. Following this meeting the applicant and case officer visited Five Ways Recovery Academy to view the application site from the rear terrace. As a result of the meeting and site visit the applicant has amended the scheme by pulling the upper storeys of the building away from the terrace and building and amending the rear elevation of the building to include projecting bay windows to prevent direct overlooking of the terrace. The impact of the development and the amendments are discussed in the appraisal section below.
4. Since the previous Panel meeting and following the readvertisement of the amended scheme a significant number of objections relating to the impact the development will have on the Five Ways Recovery Academy building and the ability for the building and terrace to continue to be used in the same way it currently is operated.

### **Site and surroundings**

5. The proposed site is located at the junction of Burley Road and Hollis Place on the western edge of the city centre.
6. To the north of the site there is a former church which is used by Five Ways Recovery Academy and is considered a non-designated heritage asset. Beyond this lies Leeds Federated Housing Association residential accommodation block. This sits at a raised level compared to the application site. To the east is a mix of commercial uses and the Park Lane Triangle Student Accommodation. To the West is Hollis Place and Rosebank Primary School. To the south is Burley Road with a mix of commercial and Industrial uses. Planning permission has recently been granted for the redevelopment of the neighbouring site to create a development of 9 apartments.
7. The site is currently occupied by two commercial units used as a convenience store and takeaway. The building is predominantly constructed from brick with cladding. The character of the wider street is a mix of traditional brick-built buildings, such as Rosebank Primary School together with more modern commercial buildings. The scale of buildings immediately surrounding the site are predominantly one, two and three storeys, the scale and height of buildings increases along Burley Road towards the City Centre.

### **Proposals**

8. The proposal is for a 6-storey student accommodation building creating a total of 44 bedspaces. The building's footprint largely fills the site at ground and first floor level with 2<sup>nd</sup> to 4<sup>th</sup> floors being pulled away from the neighbouring Five Ways with floor 5 stepping back a small amount from the front and side elevations.

9. The Ground Floor accommodates commercial units and plant room, the first floor accommodates a cluster apartment, reception area, cycle store, bin store and communal area.
10. Floors 2 to 4 accommodate cluster apartments. To the cluster accommodation, ensuite bedrooms are proposed across 7 separate 2, 4, 5 and 6 bedroom clusters apartments. Within each cluster is a communal lounge providing kitchen facilities.
11. The 5<sup>th</sup> floor accommodates 8 self-contained studio apartments.
12. The buildings is contemporary in terms of design with active frontages to both Burley Road and Hollis Place. The elevational treatment is red brickwork providing horizontal/vertical 'frame' of the building, visually recessed grey brickwork layer and recessed grey window panelling.
13. No landscaping or outdoor amenity is proposed.

### **History of negotiations**

14. Following the submission of the application significant concern was raised by the Rosebank Primary School about the potential adverse impact the development could have on the school. Local Ward Members and Hilary Benn MP reiterated these concerns in their comments. Given the level of concern and the specific issues raised by the school around pupil safeguarding it was considered beneficial to meet the school, governors and parents at Rosebank Primary School. A public meeting took place in May 2019. The meeting allowed the applicant to present the scheme and for comments and questions to be raised. A wide range of concerns were raised particularly relating to safeguarding and the scale of the building proposed.
15. Following the meeting in May 2019 and given the concerns raised, the application was taken to Chair's Brief in order to seek the view of the Chair and Senior Officers on the application. From this discussion it was deemed that the height and scale of the development was excessive and that the height of the building should be reduced by two storeys to improve how it sits within the street and to reduce the potential impact on the adjacent on Rosebank Primary School
16. Following further discussion with the applicant regards the required amendments the application was paused whilst consideration was given regarding the viability of reducing the building. Amended plans were subsequently submitted in December 2020 with these being re-advertised in January 2021. The amended plans reduced the height of the building by two storeys which reduces the proposed bed spaces from the original 83 to 57.
17. At the request of Rosebank Primary School a further meeting was set up with the Headteacher, governors and parents to present the amendments and allow further comments and questions. Through this meeting it was proposed that windows which potentially overlooked the school would be obscure glazed and that a management plan would be agreed to ensure clear dialogue between the school and management of the building and mechanisms established to enable any issues arising that caused problems and concerns for the school could be addressed.
18. As laid out in the introduction, further discussions have taken place following Plans Panel with representatives of Five Ways Recovery Academy, the Ward Member and the applicant to fully understand the concerns of Five Ways Recovery Academy and to

consider amendments in an attempt to address these concerns. In response to this further discussion the design of the building has been amended with the upper four storeys being stepped away from the Five Ways Recovery Academy building and terrace. As a result of these amendments the number of bed spaces has been reduced to 44 in total.

### **Relevant planning history**

PREAPP/18/00116 - Student accommodation, 3 commercial units to ground floor

PREAPP/18/00665 - Student accommodation and ground floor commercial units

19. Prior to the application being submitted two pre-application enquiries were submitted seeking officer comments on the redevelopment of the site for student accommodation. Officers advised that student accommodation would likely be acceptable in principle though consideration would need to be given to the scale and design of the building and the potential impact additional students would have on the balance of the local community.

### **Consultation responses**

20. Contamination: No objection subject to conditions.

21. Highway Services: No objection subject to conditions to cover the following issues:

1. Management of Student arrivals/departures Plan
2. Service Management Plan
3. Construction Management Plan
4. Off-site Highway Works ( amendment to TRO's)
5. Crossing points and reinstatement of existing crossings/footway
6. Details of Cycle Parking

22. Travel Wise: No objections subject to appropriate cycle facilities

23. Flood Risk Management: No objections subject to conditions to cover the detailed drainage scheme.

24. Flood Risk Management: Following discussion and additional information relating to the Travel Plan and Car Park Management Plan being submitted there are no objections subject to conditions.

25. Environmental Studies: No objections

26. Yorkshire Water: No objections subject to drainage conditions

27. West Yorkshire Police: Comments provided. No objections

28. Local Plans: Following discussion relating to greenspace contribution no objections have been raised.

29. Following the application being presented to Plans Panel in July 2021 Public Health have commented on the application providing the following objections:

The 5 Ways Recovery Academy provides support for people to sustain their recovery from drug or alcohol use in Leeds. The nature of this work involves supporting a very vulnerable client group with a range of physical and mental health issues including many people with breathing difficulties. The programmes provided need to be delivered in quiet, confidential space and a safe, “mindful” environment is extremely important. I believe that the proposed plan to build a student block directly adjacent will impact negatively on the delivery of this service.

#### Impact on Privacy

30. The recovery services require confidentiality and the proposed development overlooks directly into therapy, counselling and staff rooms potentially affecting privacy for this vulnerable client group. Reduction in Light The outside terrace area of 5 Ways is used for activities such as mindfulness, yoga, 1-1 sessions, confidential group meetings and social time. The proposed development will significantly reduce the amount of light and sun as well as impacting on the outlook from the terrace which will become a view of a concrete wall. The interior of the building relies heavily on natural light particularly through windows at the rear which is South facing. The student block will remove most of this natural light inside the building.

#### Dust and Noise

31. During the building work access to the roof terrace will be restricted. The dust, debris and noise vibrations will disrupt therapeutic programmes which are part of rehabilitation. 5 Ways have informed us that they may have to postpone their programmes due to the noise and disruption. Many 5 Ways clients have a range of health problems, including breathing problems such as COPD (Chronic obstructive pulmonary disease). This raises concerns about the impact of dust on their breathing, potentially preventing them using 5 Ways services.

#### **Representations**

32. With regards to the scheme as originally submitted, Councillors Kaleigh Brooks and Abigail Marshall-Katung objected to the application raising the following concerns:
1. The massing:- Although the proposed building is two storeys smaller than its previous iteration, it is still out of proportion with the surrounding buildings and streetscape, including Rosebank Primary School.
  2. The proposed use:- This development is wholly inappropriate for the site location. There is already an over saturation of purpose built student accommodation in this area.
  3. The density for proposed use:- Burley Road is already a very busy road. I have concerns about deliveries, taxis and other traffic adding to this issue, and this having a particular negative impact on the school's pickup and drop off time.
  4. Overlooking:- The school and parents of pupils raised a potential safeguarding concern in the previous application. I am not satisfied that this concern has been addressed.
  5. Overshadowing:- If built, the school's playground will be partly shadowed. The school doesn't have a lot of outside space for the children to play in. In winter especially, it's very important to the children's health to get enough vitamin D.
  6. Proposing to build very close to the site boundary:- This will further exaggerate the aforementioned negative impacts on the school, and also exaggerates the massing of the proposed build on the streetscene.
33. Councillor Javaid Akhtar objected to the proposal reiterating the concerns raised by Rosebank Primary School.

34. Councillor Jonathan Pryor objected to the proposals on the grounds of the proximity of the proposed development to the school. The bedrooms will be directly overlooking the school playground and classrooms and all natural light to the school will be lost.

'I don't believe that allowing a development such as this, that would have a detrimental impact on a child's experience while at school, is in the best interest of the children or indeed fits with our ambition to be a child friendly city'.

35. Following the further amendments following Plans Panel in July 2021 Councillor Venner has provided the following comments:

'I am writing in my role as Executive Member for Children's and Adult Social Care, Early Years and Health Partnerships to object to the planning application 19/01489/FU for a student hall of residence next to 5 Ways Recovery Centre in Little London and Woodhouse Ward. I am requesting that my objection is made available to Plans Panel Members.

I am making my objection having visited 5 Ways and seen the proximity of the proposed build to their building and particularly their roof terrace. I would strongly recommend that there is a site visit, which includes visiting 5 Ways. It is absolutely shocking how close the planned build is - you will literally be able to touch the proposed new building from the 5 Ways roof terrace. You do not get a sense of how problematic this will be without visiting.

5 Ways is an essential service, supporting recovery and literally saving the lives of some of the most vulnerable residents in Leeds. The past year has seen more alcohol related deaths nationally than in the previous 20 years and we need to support services like 5 Ways, not compromise their ability to undertake their work.

If this proposed 6 storey building goes ahead, 5 Ways will simply not be able to use their roof terrace, which is used for therapeutic work as well as social space. They will lose all confidentiality due to the closeness of the build. It will also be completely overpowering. Students will be able to see into the 5 Way roof terrace and will be able to hear everything on the roof terrace if they have their windows open.

This planning application should be rejected on grounds of dominance, massing and overlooking alone. It will destroy the entire outlook from 5 Ways and completely overpower their building and roof terrace.

It is entirely inappropriate to situate this building so close to a service undertaking sensitive work, where the building will compromise confidentiality and feelings of safety to such an extent.

The noise a student hall of residence will generate will also make therapeutic work at 5 Ways impossible. The building is so close that if a student was blaring music from a bedroom with an open window this would be heard in the 5 Ways building, as well as making the roof terrace entirely unusable.

Furthermore, the disruption of the building work will prevent 5 Ways from being able to undertake any of their work - you simply cannot carry out counselling and support work, peer support groups, yoga, mindfulness and relaxation groups against a background of building work.

5 Ways cannot simply move out and neither should they have to. They occupy a beautiful converted church, which has been invested in to create a welcoming, safe and therapeutic environment. It is an established, trusted service, where people feel safe and it is in the city centre with easy access to public transport.

The building is, also, used by other organisations providing support work. This includes Narcotics Anonymous, Alcoholics Anonymous, Carers Leeds and Spacious Places. This build would provide considerable disruption to organisations which are preventing relapse, reducing isolation and supporting people to rebuild their lives.

I urge the panel to refuse this application'.

36. Hilary Benn MP has commented on the originally and amended proposals. Commented that:- *"I have seen the detailed objection submitted by the Governing Body of Rosebank Primary School and I endorse the grounds for refusal of this application that they have put forward. In particular, I believe that the height of this proposed development is excessive and will have a detrimental impact on the school and its pupils."*

37. On the amended proposal he has commented that:- *"I would like to express my support for the objections that have been submitted to this revised planning application on behalf of the Little Woodhouse Community Association and Rosebank Primary School. Despite the revisions that have been made, I still think it is inappropriate for the site and overlooks the school to an unacceptable extent."*

38. Following the further amendments following Plans Panel in July 2021 Hilary Benn has provided further comments:

*"I'm writing to object to these revised plans on the grounds that they still create problems for both the school and the 5-Ways Academy when it comes to light and being overbearing. I do hope the application will be rejected."*

39. Leeds Civic Trust have raised concerns about the impact further student development will have on the balance of community, the impact the movement of additional students will have on the amenity of local residents and the scale of building being excessive in this location.

40. Rosebank Primary School have provided a number of objections from the Headteacher, board of governors, teachers, parents and pupils. The concerns raised can be summarised as follows:

1. Congestion from taxis and deliveries exacerbating the existing problems at times at drop off and pick up times.
2. The development will result in additional demand for parking locally competing for parking spaces currently used by teaches of Rosebank Primary School.
3. Disruption for demolition and construction will result in disruption to children's learning for the third year in a row.
4. The development may result in a creating a wind tunnel within Hollis Place.
5. There is a lack of social housing in the local area and influx in student accommodation – this is resulting in an imbalance in the local community.
6. There are issues around safeguarding and the potential that the development will allow overlooking of the Primary School.

7. Litter and anti-social behaviour from the development would be detrimental to the school environment.
  8. The development does not appear to provide a good quality of living for the prospective students.
41. In total 38 letters of representation raising concerns with the proposal have been received.
42. 107 pupils of Rosebank Primary School have provided comments on the scheme reiterating the concerns raised by the school.
43. Little Woodhouse Neighbourhood Plan Forum have provided detailed comments on the application raising the following objections:
1. The development of student housing should not be considered new housing under Policy H2 for development on unallocated sites.
  2. The application fails on every criteria in Policy H6 in that the construction of this PBSA is not taking the pressure of residential accommodation (the evidence suggests that in this area it is having no impact at all) it will exacerbate the already excessive concentration students in the area, and it will have a direct impact on the local community.
  3. The proposal does not provide any onsite greenspace.
  4. The development is for a tall building outside of the preferred areas for a tall building as defined in the Tall Buildings SPD.
  5. The lack of any off street parking will not meet the needs of disabled residents or the servicing of the commercial units.
44. The manager of Five Ways Recovery Academy has provided detailed comments on the proposed development which expand on the comments originally provided:-
45. Five Ways Recovery Academy support some of the most vulnerable people in the city, those in recovery from substance misuse, including alcohol addiction and are commissioned by LCC and PHE. We're part of Forward Leeds, one of the largest Drug & Alcohol service in the country and one of the most successful, serving approx. 4000 Leeds residents, including young people, families and adults. Recent government funding and investments have come into such services this year and we have the support and backing from LCC. The student block will impact on all aspects of our service delivery.

#### Loss of privacy

46. Our service requires confidentiality. The development will be situated right next door to our service. At present this area is a relatively quiet area with little footfall. Original plans showed windows overlooking our building and roof terrace. More recent plans are showing windows removed from the student block. Although our roof terrace will not be directly over looked, footfall around our service will increase, reducing the confidentiality of our service.

#### Loss of light & outlook

47. Many of our clients do not have gardens or live near any green areas where they can spend quality time. In the summer months people bring lunch, spending time between therapy sessions on the roof terrace. The outside area is used for activities such as mindfulness, yoga, pizza evenings, 1-1 sessions, confidential group meetings and social time. Looking at the plans and having spent different times of the day on our roof terrace, we will lose all sunlight around noon onwards coming through into the

building and on the roof terrace. People will lose the view and outlook from the terrace, overlooking Kirkstall, Armley and watching the sun set (visual amenity). Most of the light inside the building relies heavily on natural light coming in through the 8 windows at the rear which is South facing. The student block will remove all-natural light inside the building, having a negative impact on the atmosphere within. Our view will become a concrete wall with windows, with the roof terrace in shadow and from mid afternoon the entire outside space will be in the shade with no sunlight.

Noise and disturbance (approx 18 months of the build, followed by noise and disturbance from students)

48. During the building work our roof terrace will be unusable. The dust, debris and noise vibrations will disrupt our therapeutic programmes which is a huge part of someone's rehabilitation. Which may result in us postponing all our programmes due to the noise and disruption during the building work. As you can appreciate our programme heavily relies on providing a quiet space without disruption. Our client group have a range of health problems, including poor mental health and physical health? This includes breathing problems such as COPD (Chronic obstructive pulmonary disease). I am extremely worried about the impact the dust will have on their breathing, and they may not be able to visit. We would need to think seriously about vacating our service during this build and finding an alternative/reducing our offer of support. The build would certainly have an impact and reduce numbers coming to us for support. We house the only recovery/aftercare support programme in the city and also host another service Spacious places, who would also be impacted. If we were unable to operate during building work, we would be putting vulnerable people in recovery from substance use and alcohol at risk of relapsing, impacting on mental/physical health, individuals and families.
49. After completion we anticipate litter will increase with rubbish thrown onto our roof terrace and around our service. We are also worried that student life outside of studies can include the use of alcohol and drug taking, which could lead to our client group not wanting to visit our centre due to triggers and cravings and the risk to their recovery.
50. Following the application being presented to Plans Panel in July 2022 and amended plans being publicised a further 43 have been received. Many of these have been from people who access the services of Five Ways Recovery Academy expressing concerns they have with the impact the development will have on the ability of the Academy to continue to provide the same level of service that currently can be accessed reiterating the concerns expressed by the manager of Five Ways Recovery Academy.

## **Policy**

### **Development Plan**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making for this proposal, the Development Plan for Leeds currently comprises the following documents:

- The Leeds Core Strategy (Adopted November 2014)
- Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy
- The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013) including revised policies Minerals 13 and 14 (Adopted September 2015).
- Site Allocation Plan (adopted 2019)

## **Leeds Core Strategy (CS)**

The Core Strategy sets out the strategic level policies and vision to guide the delivery of development and the overall future of the district. Relevant Core Strategy policies include:

- Spatial Policy 1 prioritises the redevelopment of previously developed land in a way that respects and enhances the local character and identity of places and neighbourhoods.
- Spatial Policy 8 supports training/skills and job creation initiatives via planning agreements.
- Spatial Policy 11 includes a priority related to improved facilities for pedestrians to promote safety and accessibility and provision for people with impaired mobility.
- Policy H6B refers to proposals for purpose built student accommodation. Development will be controlled to take the pressure off the need to use private housing; to avoid the loss of existing housing suitable for families; to avoid excessive concentrations of student accommodation; to avoid locations that would lead to detrimental impacts on residential amenity; and to provide satisfactory living accommodation for the students.
- EC3 Safeguards existing employment land.
- Policy P10 requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function, delivering high quality innovative design and that development protects and enhance the district's historic assets in particular, historically and locally important buildings, skylines and views.
- Policy P11 states that the historic environment and its settings will be conserved, particularly those elements which help to give Leeds its distinct identity.
- Policy P12 states that landscapes, including their historical and cultural significance, will be conserved and enhanced.
- Policies T1 and T2 identify transport management and accessibility requirements to ensure new development is adequately served by highways and public transport, and with safe and secure access for pedestrians, cyclists and people with impaired mobility.
- Policy G9 states that development will need to demonstrate biodiversity improvements.
- Policies EN1 and EN2 set targets for CO<sup>2</sup> reduction and sustainable design and construction, and at least 10% low or zero carbon energy production on-site.

## **Saved Unitary Development Plan Review policies (UDPR)**

Relevant Saved Policies include:

- Policy GP5 states that all relevant planning considerations are to be resolved.
- Policy BD2 requires that new buildings complement and enhance existing skylines, vistas and landmarks.
- Policy BD5 requires new buildings to consider both their own amenity and that of their surroundings including usable space, privacy and satisfactory daylight and sunlight.

- LD1 sets out criteria for landscape schemes.

## **Natural Resources & Waste Local Plan**

The Natural Resources and Waste Local Plan sets out where land is needed to enable the City to manage resources, like minerals, waste and water and identifies specific actions which will help use the natural resources in a more efficient way.

Relevant policies include:

WATER 1 requires development to include measures to improve their overall water efficiency. WATER 2 seeks protection of water quality in areas adjacent to sensitive water bodies. WATER 4 requires the consideration of flood risk issues and WATER 6 requires flood risk assessments. WATER 7 requires development not to increase surface water run-off. LAND 1 requires consideration of land contamination issues. LAND 2 seeks new tree planting as part of an enhanced public realm. AIR1 states that all applications for major development will be required to incorporate low emission measures to ensure that the overall impact of proposals on air quality is mitigated.

## **National Planning Policy Framework (NPPF) February 2019**

Paragraph 108 states that appropriate opportunities to promote sustainable transport modes should be taken up; safe and suitable access provided for all users; and any significant impacts on the highway mitigated. Paragraph 110 states that priority should be given to pedestrian and cycle movements; the needs of people with disabilities and reduced mobility addressed; creation of safe, secure and attractive spaces; allow for the efficient delivery of goods; and be designed to enable use by sustainable vehicles.

Chapter 12 identifies the importance of well-designed places and the need for a consistent and high quality standard of design. Paragraph 127 states that decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 170 states that new and existing development should not be put at unacceptable risk or be adversely affected by unacceptable levels of soil, air, water or noise pollution.

Chapter 16 refers to the historic environment. Paragraph 192 states that local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 states that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be).” Paragraph 196 states that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

### **Supplementary planning guidance**

- Accessible Leeds SPD
- Travel Plans SPD
- Tall Buildings SPD
- Building for Tomorrow Today: Sustainable Design and Construction SPD
- Neighbourhoods for Living SPG
- Little London and Woodhouse Neighbourhood Plan (Draft)

### Other material considerations

### **Core Strategy Selective Review (CSSR)**

Paragraph 48 of the NPPF makes clear that the amount of weight given to relevant policies in emerging plans relates to a) how advanced the emerging plan is, b) the extent to which there are unresolved objections to relevant policies and c) the degree of consistency of those policies with the NPPF.

A selective review of the Leeds Core Strategy has been undertaken. Policy H9 in the CSSR expressly excludes purpose built student accommodation from the space standard a footnote to the policy states such development should reflect the NDSS with appropriate adjustments to address the particular characteristics of these types of development. They should also meet reasonable standards of general amenity for occupiers to include adequate space, light and ventilation. Further guidance will be provided through a Supplementary Planning Document in due course.

Paragraph 5.2.46 of the supporting text to policy H9 states that “Provision of reasonable space standards is still important for student accommodation, and this will need to be judged on a case by case basis, and via the application of any national standards that might be created in the future”.

### **Climate Emergency**

The Council declared a climate emergency on the 27th March 2019 in response to the

UN's report on Climate Change. The Planning Act 2008, alongside the Climate Change Act 2008, sets out that climate mitigation and adaptation are central principles of plan-making.

The NPPF makes clear at paragraph 148 and footnote 48 that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.

As part of the Council's Best Council Plan 2019/20 to 2020/21, the Council seeks to promote a less wasteful, low carbon economy. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.

The application positively contributes to the Climate Change agenda through the re-development of an underutilised brownfield land for student housing purposes in a highly sustainable location and through the use of sustainable construction and low carbon energy to provide a 20 percent reduction on CO2 emissions over Part L Building Regulations requirements.

### **Assessment:**

#### Principle of the development

51. Policy H2 of the Core Strategy states that windfall sites will be acceptable in principle providing the number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing or provided as a condition of development.
52. Policy H6B relates specifically to the provision of student housing. It has been established that there are approximately 38,000 university students in the city presently without access to purpose-built student accommodation suggesting that additional provision of such accommodation is unlikely to result in an over-supply of purpose-built student accommodation in the near future. Leeds Core Strategy paragraph 5.2.26 states that growth in new purpose built student accommodation is
53. The proposal is considered against the criteria set out below within the adopted policy H6B:
  - (i) *To help extend the supply of student accommodation taking pressure off the need for private housing to be used.*
  - (ii) The provision of 44 student bedspaces would help to take reduce the need to use private housing for student accommodation.
  - (iii) *To avoid the loss of existing housing suitable for family accommodation.*
  - (iv) The existing site is an under-utilised commercial building and therefore its redevelopment would not involve any loss of existing housing and would avoid the loss of residential family accommodation.

- (v) *To avoid locations which are not easily accessible to the universities.*
- (vi) The site is located adjacent to the City Centre and is well-placed with regard to access to Leeds Beckett University, the Leeds University of Arts and the University of Leeds along Burley Road. As such the site easily accessible to the various University campuses.
- (vii) Criteria (iii) and (v) of policy H6B are considered in the amenity section, at paragraph 7.2 below.

67. The ground floor commercial units replace the existing commercial units. The site is located within a highly sustainable area of a mix of commercial and retail units. As such, the principle of replacement commercial units is acceptable.

68. Overall, it is considered that the sustainable location of the development is such that the development accords with the requirements of Policies H2 and H6B of the Leeds Core Strategy.

#### Amenity considerations

69. Criteria (iii) of Core Strategy policy H6B aims *to avoid excessive concentrations of student accommodation which would undermine the balance and wellbeing of communities.*

70. It is clear that a high concentration of purpose built student accommodation does exist in this area with a number of large Purpose Built Student Accommodation located close to the site and within the wider Little London and Woodhouse ward. However, a high concentration is not itself harmful with regard to the satisfaction of the third part of this Policy is whether there is harm to the 'health and wellbeing of the community'. To some extent this overlaps with the criteria (iv) regarding movement through residential area.

71. With regards to criteria (iii) the proposal is on a main route into the City Centre. To the South West is a large industrial/commercial estate. To the North West is a school, to the immediate north is Five Ways Recovery Academy followed by some housing interspersed with commercial units. There is further student housing to the south east with a block of 'Leeds Federated' housing to the north of Westfield Road. All of this is separated from the much larger block of residential in the area to the North East by the Green Area. Furthermore, the proposal is for 57 student bedspaces, which in this context is not considered itself to be a significant increase above the existing student numbers in this part of the Little London and Woodhouse. Therefore, the local community directly related to the site is unlikely to be substantial enough to demonstrate direct local harm.

72. With regards to the issues of travel patterns (iv). It is not anticipated that trips during the day will cause harm to local residents. The sporadic times of student travel to the main campus and the size of the Campus will mean that students will take various routes. Most of these will use the path/steps linking the corner of Westfield Road and Belle View Road as the start of their main Journey to the University. From

this point it the use of Belle Vue Road and Clarendon Road are the most likely. As this route is narrow and not well lit it is likely to be avoided. Also evening venues likely to attract students are likely to be accessed by the main roads.

73. Overall, it is not considered that existing local residents would be adversely affected by student accommodation in the proposed location given the area's use, levels of student accommodation already present in the area, and the manner in which purpose-built student accommodation is managed. Similarly, it is not considered that the number of students proposed would result in an excessive concentration of students that would undermine the wellbeing of the area within the context of a busy mixed use, edge of city centre environment. Further, the development's close proximity to both the main university campuses is such that the development will not result in high levels of students using routes through established residential areas to access the Universities or City Centre.
74. Criteria (v) of policy H6B requires that *the proposed accommodation provides satisfactory internal living accommodation in terms of daylight, outlook and juxtaposition of living rooms and bedrooms.*
75. Policy H9 in the CSSR expressly excludes purpose built student accommodation from the space standard a footnote to the policy states such development should reflect the Nationally Described Space Standard with appropriate adjustments to address the particular characteristics of these types of development. They should also meet reasonable standards of general amenity for occupiers to include adequate space, light and ventilation. Paragraph 5.2.46 of the supporting text to policy H9 states that "Provision of reasonable space standards is still important for student accommodation, and this will need to be judged on a case by case basis, and via the application of any national standards that might be created in the future".
76. The Leeds Standard set a minimum target of 37sqm for a self-contained studio flat. This standard closely reflects the NDSS which seeks to promote a good standard of internal amenity for all housing types and tenures. No distinction is drawn within these documents between open market and student accommodation.
77. In addition, Core Strategy Policy P10 and Saved UDPR Policies BD5 and GP5 also provide more general requirements that development should contribute positively towards quality of life and provide a reasonable level of amenity and useable space. The assessment of amenity is also a wider consideration of qualitative factors including arrangement and separation of living functions (general living, sleeping, studying, eating, cooking, food preparation, storage and circulation), usable shape, outlook, privacy and external amenity space.
78. The format of the proposed scheme is one of cluster flats with each flat having a communal kitchen and living area and self-contained studio flats. The typical ensuite bedroom will be at least 12.5 metres square and communal living space being between 21 and 30 metres square. All rooms will have an appropriate level of outlook and the layout of the scheme will ensure all rooms will also have an appropriate level of privacy. It is considered that this level of private and communal space for students will provide a good quality living environment.

79. The constrained nature of the site is such that no onsite outdoor private or communal amenity space can be provided. The use of roof terraces has been considered however this is not considered appropriate in this location, not least given the proximity of the adjacent Rosebank Primary School and Five Ways Recovery Academy.

80. Core Strategy Policy G4 requires 18sqm of greenspace per student bedspace. As such, in addition to the proposed onsite provision a commuted sum will be required for additional offsite provision to ensure the requirements of G4 are satisfied. An off-site commuted sum of has been agreed – which is the full policy requirement. This is to be spent on improvement schemes immediately surrounding the site. It is suggested that Rosebank Primary School together with Ward Members are involved with identifying improvement projects for this money to ensure that greenspace is upgraded which benefits both occupants of the student accommodation, nearby residents and pupils at Rosebank Primary School.

#### Impact on Five Ways Recovery Academy

81. Given the close proximity of the development to the nondesignated fheritage building to the rear which is used by Five Ways Recovery Academy there is considerable potential for the proposed building to have an adverse impact on internal and external spaces used by Five Ways.

82. Of particular concern is the impact the proposed building will have on the first floor terrace located to the rear of Five Ways Recovery Academy and the proposed building. The terrace area forms the only useable outdoor space for the building and is well used including for outdoor sessions and activities as part of recovery programmes. The terrace is located on the roof of the single storey extension and, whilst it does not benefit from planning permission it appears that the terrace has been used for a number of years and predates Five Ways Recovery Academy's occupation of the building. As such, it is likely that terrace is now immune from enforcement action.

83. It is clear that the development will have a significant impact on the quality and useability of this outside space. Currently the terrace, being located on the south side of the building, benefits from direct sunlight for much of the day and affords uninterrupted views over the roof of the existing Index House across the Aire Valley contributing to good quality useable outdoor space for the building. It would not be reasonable to prevent the redevelopment of Index House due to a degree of impact on this space, in particular the preservation of the view across could not in itself be reason to prevent the redevelopment of Index House. However, the proposed development will result in a significant degree of overshadowing, dominance and outlook in addition to the loss of the existing view. The 6 storey building located to the south and in close proximity of the terrace will inevitably result in a harmful degree of overshadowing for a large portion of the day and will appear as an unduly dominant building that will harm outlook from terrace. Outlook from the terrace will be limited to views between building to the east and west with the main outlook being limited to view of the side and rear elevations of the 6 storey building.

84. With regards to the internal space used by Five Ways Recovery Academy, there are a number of windows and roof lights on the southern side of the building facing the development site. The development will reduce some outlook from the windows, however given these windows largely serve circulation space and kitchens it is not considered that this loss of outlook will result in significant harm to the internal spaces

of the building. The first floor area is served by roof lights and the proposed building will not result in a significant loss of light to this space,

85. There is also concern that the windows to the rear of the proposed building will result in overlooking and loss of privacy of the terrace. The consequence of which could be that the terrace could not continue to be used for activities relating to recovery and rehabilitation **which require a level of privacy and confidentiality**. However, the design of the proposed building has been amended to change the rear facing windows to projecting bays which prevent direct views over the terrace and as such maintains a reasonable degree of privacy for the terrace.
86. Concerns have been raised regarding the impact the construction process and the potential conflict between the student development and the services offered by the Five Ways Recovery Academy. It is inevitable that there will be disruption from demolition and construction which may result in disruption to the operation of Five Ways Recovery Academy. However, this would be short term disruption that can be managed through an appropriate construction management plan. Any redevelopment of Index House would result in disruption from construction and it would not be reasonable to prevent any redevelopment of the site on the grounds that short term disruption to occupants of nearby buildings will result.
87. With regards to potential conflict between the student use and the Five Ways Recovery Academy, it is not considered that a well-managed student development would conflict with the services offered by Five Ways Recovery Academy.

#### Impact on Rosebank Primary School

88. Throughout the planning application process representatives of Rosebank Primary School have raised a number of concerns about the development with the potential impact the development would have on the operation and safety of the school – both in the short and long term. Discussions have taken place with the school to fully consider these concerns with a public meeting being held in May 2019 to allow the parents and representatives of the school to raise concerns with a further online meeting being held in March 2021. Concerns raised can be summarised as follows:
- Impact on the safeguarding of pupils from overlooking of the school.
  - Potential conflict between the lifestyle patterns of students and the school day.
  - The height and scale of the building could overshadow the school and outdoor play areas.
  - The development would exacerbate parking and drop off issues experienced by the school.
  - Significant disturbance could result from the demolition and construction process further disrupting the school.
89. Given the level and nature of these issues have been considered at length as part of the application discussions. With regards to the issue of safeguarding and the potential conflict that could result from a student development being located immediately adjacent a primary school. Advice has been sought from the Council's Children Safeguarding Officer. They have advised that the location of residential development next to a primary school is not in itself an unacceptable relationship and there are numerous examples of development taking place in close proximity to schools. Furthermore, the Safeguarding Officer considers that student development is preferable to residential development as issues regarding behaviour of residents

can be strictly controlled through tenancy agreements and issues arising quickly and effectively dealt with. In this regards, the applicant has provided the heads of terms management plan offering the following in order to maintain efficient management of the student accommodation:

- All leases to have good behaviour clauses inserted, which can be enforced, with any serious issues resulting in students being removed from the property under the terms of their lease. This is to avoid any issues with tenants of the building;
- Students will be informed as to the lack of any available, secure parking when making an enquiry to secure a place at the property;
- The intake of students each year, will be managed over a staggered 7 day period, with each student being given a specific time slot. Students and their parents will be supplied with details of how to access the property in a sustainable manner, either by bus, train or taxi, and all public car parks in the area will be identified and students will be encouraged to send items to the property ahead of their arrival.
- Quarterly meetings will be held between the School and the Management company of the Building where any issues can be discussed in person;
- A direct line of communication to the Management Company, (email, contact name, phone number), will be provided to the school to ensure that any issues will be identified and dealt with as soon as possible;
- The Management Company will ensure that the immediate environs of the building will be maintained in an appropriate and tidy manner; and
- Students will be encouraged to form a group which can then engage with the school and the Management Company, in order to foster a good neighbour relationship.

90. With regards to issues of overlooking of the school, the development has been amended to seek to address potential overlooking. The reduction of the height of the building by two storeys has reduced the level of overlooking and the number of rooms with the potential to overlook. Further analysis of the extent of overlooking showed that the school building abutting Hollis Place provides screening of many of the windows facing the school from the proposed building. However, there remained a number of windows that allowed views, albeit relatively long distance, into the play area to the front of the site. To address this, obscure glazing is proposed to these windows, whether in entirety where there are additional windows and up to 1.7 metres where rooms do not have an alternative window. This requires 9 windows in total to be obscure glazed and is considered to address overlooking whilst not unreasonably impacting upon the living conditions of occupants.

91. With regards to overshadowing of the school, the orientation of the site is such that any additional overshadowing is limited to the early part of the day. A shadow analysis undertaken by the applicant demonstrates the level of additional overshadowing at different times of day throughout the year. This demonstrates that additional overshadowing from the development is minimal. The reduction in height of the building by two storeys has further reduced the impact.

92. With regards to any conflict with the different patterns of movements from the school and the student development, it is considered that any conflict will be limited to the start of the day where school drop off and students making their way to morning lectures may take place at similar times. However, it is anticipated that the majority of

students would make their journey on foot. In the event of taxis being used, it is not considered that this in itself would lead to a significant exacerbation of the congestion issues experienced by the school at drop off times. No on street parking is provided within the development though a Traffic Regulation Order is proposed to provide a space for taxis to pick up and drop off. A large public car park is located opposite the site.

93. Concern has been raised about the level of disturbance, both acute and ongoing, that will result from the construction process to the detriment of the teaching environment of the school. With regards to demolition, it is accepted that this could result in disturbance to the school, as a result it is agreed that this will take place during school holidays to ensure the disturbance is kept to a minimum. With regards to the construction process, as with any development, there will inevitably be a degree of disturbance. However, this can be mitigated by appropriate by a construction management plan to ensure that the construction process impacts on the operation of the school as little as is possible. A construction management plan will be agreed by condition prior to commencement of development.
94. Overall, it is fully appreciated that Rosebank Primary School has significant concerns regarding the potential impact the proposed development will have on the operation of the school and the teaching environment for the pupils. These issues have been fully considered as part the application process with amendments being made to the scheme in order to address or minimise the impact. These changes together with appropriate operation and construction management plans are considered sufficient to address these concerns to an extent where the impact on the school will not of a level of significance such that would warrant the refusing of planning permission.

#### Townscape considerations

95. Any new development must also provide good design that is appropriate to its location, scale and function (Core Strategy Policy P10). Part (i) of the policy states that the size, scale, design and layout should be appropriate to its context and the development should protect and enhance skylines and views (ii). These policies accord with guidance in the NPPF which requires that development establishes a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; to respond to local character and history; and to reflect the identity of local surroundings.
96. The existing site comprises a brick built commercial building which is considered to have a detrimental impact on the character on the appearance of the existing street scene. As such, the redevelopment of the site provides the opportunity to enhance the character and appearance of the area.
97. Taken in isolation, the proposed design of the building is considered to respond well to this prominent corner site. The building provides active frontages to both Burley Road and Hollis Place with commercial units at ground floor level further enhancing the active frontage to Burley Road. The design and fenestration detailing, with the predominant use of brick with contrasting recessed grey brick and window panels creates a strong elevations and helps break up the overall mass of the building.
98. However, it is important to carefully consider how the proposed building will sit within the immediate and wider street scene. This part of Burley Road is characterised by large student buildings on the edge of the City Centre with the scale of buildings

diminishing as they extend out from the Centre. The stretch of Burley Road between the site and the student buildings are low level one and two storey commercial units. During discussions on the design and scale of the building, it was considered that the redevelopment of the site provided the opportunity to provide a strong 'book-end' building to this part of the Burley Road and also to inform the scale of development in the likely event of further proposals for the redevelopment of sites along Burley Road. In this regard, it is considered that there should be a diminishing height and scale of buildings as development extends from the City Centre with the broad concept that development should reduce in height from 12 storey student and hotel accommodation to the height of Rosebank Primary School. The proposed building 6 storeys with 4 storeys fronting Burley Road and the top storey set back from both Burley Road and Hollis Place. Clearly, the building is of greater height and scale to Rosebank Primary School and other surrounding buildings, however, the proposal does respond to this broad design brief providing a strong 'bookend' building on this prominent corner gateway site and will result in an improvement to the overall character and appearance of the street scene.

99. The site is located immediately adjacent a former red brick church which houses Five Ways Recovery Academy. The building is a positive feature of the immediate area and is deemed to be a non-designated heritage asset. The proposed building is of a greater scale than the church and will largely screen views of the building when viewed from Burley Road. However, the existing building significantly detracts from the setting of the building. As such, it is considered that, whilst the development will reduce the prominence of the church, the overall improvement that will result to the appearance of this part of the Burley Road will outweigh this reduction in prominence of the church.

#### Transportation and accessibility

100. With regards to issues relating to highway safety and parking. The site is located in a highly sustainable location close to the many amenities offered near the site and within the nearby City Centre and is readily accessible by a range of modes of transport.

101. With regards to parking, the development does not provide any off-street car parking. Consideration has been given to providing a small amount of service parking on site however the constrained nature of the site and the levels are such that this is difficult to achieve. However, given the sites location in terms of access to public transport, the extensive waiting restrictions in place on the adjacent highway network and that future occupants would not be eligible for access to permits in any existing or future permit parking zones, a highway objection on parking grounds could not be sustained.

102. The applicant will provide funding for amendment to the existing Traffic Regulation Order to provide a service bay and to provide a disabled user parking space on Westfield Road close to Hollis Place.

103. Bike store areas for the development are proposed within the ground floor of the development.

104. With regards to the proposals for the managing student arrival and departures at the beginning and end of term this will involve the temporary suspension of several

parking spaces within the Burley Road Car Park, located opposite the site. Half hourly (booked) time slots would be allocated to the students who would reside in the proposed building to allow them to move their possessions in and out of the building at the beginning and end of term. This arrangement is acceptable in principle and the details of the management plan should be agreed through condition.

105. The development accords with Policy T2 of the Leeds Core Strategy and Policy T24 of the saved UDPR (2006)

### Sustainability

106. The Core Strategy climate change policies are designed so that new development contributes to carbon reduction targets. Policy EN1 is flexible, allowing developers to choose the most appropriate and cost-effective carbon reduction solution for their site. The development also adopts a 'fabric-first' to carbon with low U-value construction elements and improved air permeability being specified to reduce heat loss from the building, due to the focus on energy efficiency in sustainable building design. The applicant's sustainability appraisal has recommended that a mix of energy sources are compatible with the building and should be utilised. This mix will be Gas Fired CHP, Photovoltaics and an Air Source Heat Pump.

107. The proposed student accommodation will comply with Leeds City Council Planning Requirements, Core Strategy Policy EN1, Criteria (i) & (ii). The applicant has demonstrated that the development provides a 20% reduction in CO2 emissions over Part L Building Regulations requirements (2013) in accordance with Core Strategy Policy EN1, Criteria (i). Furthermore, and has determined that an excess of 10% of the predicted energy consumption of the proposed Index House development can be obtained through the incorporation of low and zero carbon technologies in accordance with Core Strategy Policy EN1, Criteria (ii).

108. With regards to bio-diversity improvements, the existing site comprises a building and sealed surfaces and as such has a very low ecological value. Consideration has been given to using the bio-diversity metric requiring an uplift of 10 percent of the current bio-diversity of the site. However, given the low ecological value of the site not recommend using the Metric as this would not result in any net gain to bio-diversity. The development offers limited scope for bio-diversity enhancements, however it has been agreed that bird nesting and bat roosting features to be including within the fabric of the building. It is recommended that a condition requiring the detail of these features is included as part of permission.

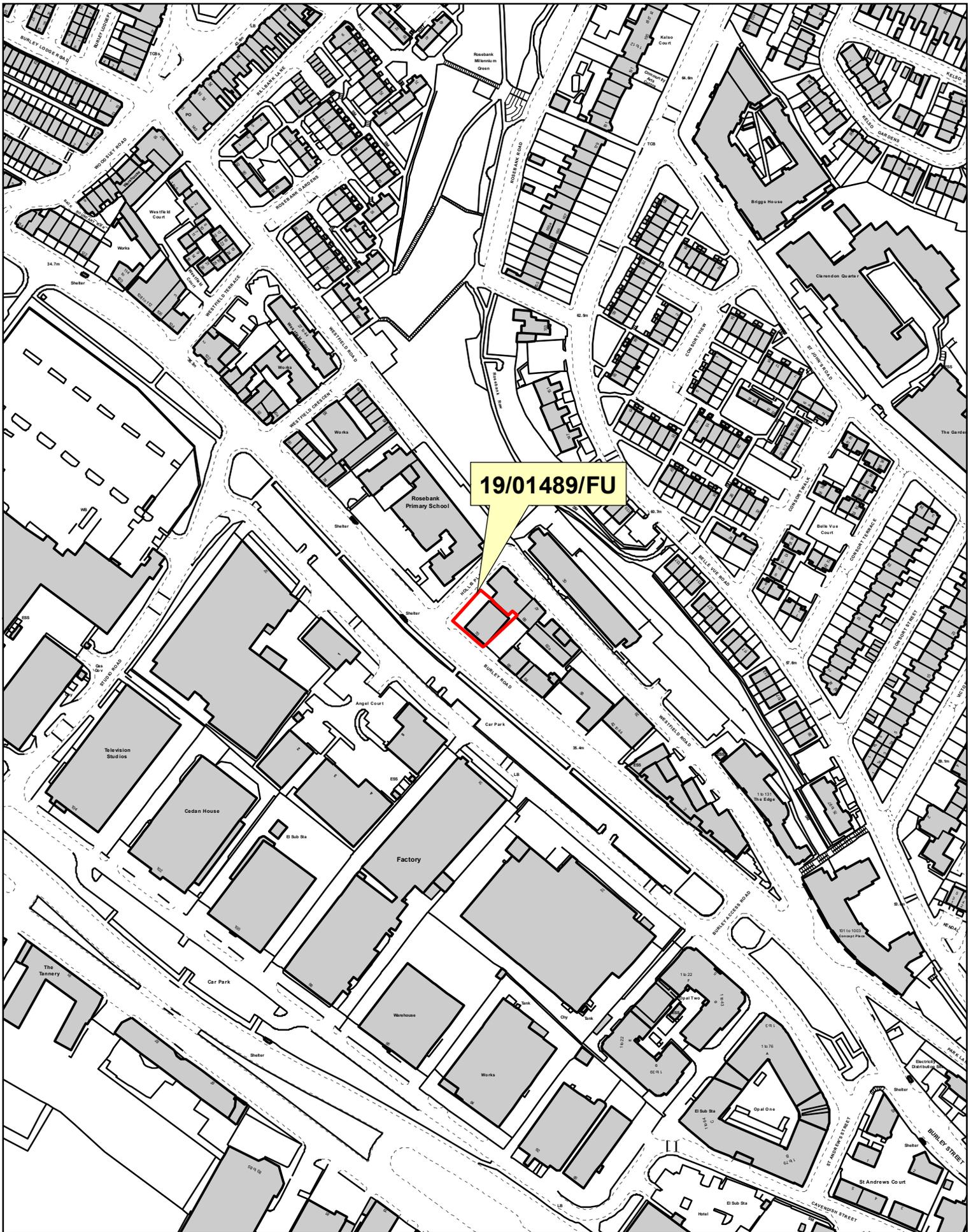
### Conclusion

109. In reaching a recommendation to refuse the proposed development it is important to acknowledge that the recommendation is on balance. The development will result in additional and further concentration of students within this part of Little London and Woodhouse which already has a high concentration of students. This weighs against the development.

110. However, weighing in favour of the development is that it is considered a high quality redevelopment of an under-utilised site which will result in an improvement to the local character of the area. Furthermore, the use of the site for PBSA will further take the pressure off the use of private housing for student accommodation which

will help the rebalancing of communities going forward in the Little London and Woodhouse and neighbouring Wards.

111. In reaching the recommendation it is also important to fully consider the concerns of Rosebank Primary School. These concerns have been central to consideration on the proposal and where possible the scheme has been amended in response to concerns raised. The height and mass of the building has been reduced and windows details changed to reduce the physical impact on the school. A robust Management Plan is proposed to ensure the building is well managed and channels for discussions between the manager of the student building and the school are in place to allow any issues arising to be addressed promptly and effectively.
112. However, it is the impact on the development has on the Five Ways Recovery Academy building, and in particular the outside terrace, that causes the greatest concern. The development will have a significant impact on the quality and useability of the outside terrace which provides the only and well used outside amenity space for the building as a result of an unacceptable level of overshadowing, dominance and loss of outlook to the detriment of amenity. This impact, whilst largely limited to the terraced area, weighs against the development.
113. In conclusion, it is acknowledged that the proposal represents a high-quality development that will enhance the character and appearance of the immediate and wider street scape, provide additional student accommodation and wider economic benefits. Furthermore, robust conditions and the completion of the S106 agreement could be used to address concerns and manage the impacts of the development on Rosebank Primary School and nearby residential areas. However, the impact on the outdoor terrace of Five Ways Recovery Academy will be significant and cannot be addressed through design amendments to the scheme or use of conditions. It is due to this impact that it is recommended that planning permission should be refused.



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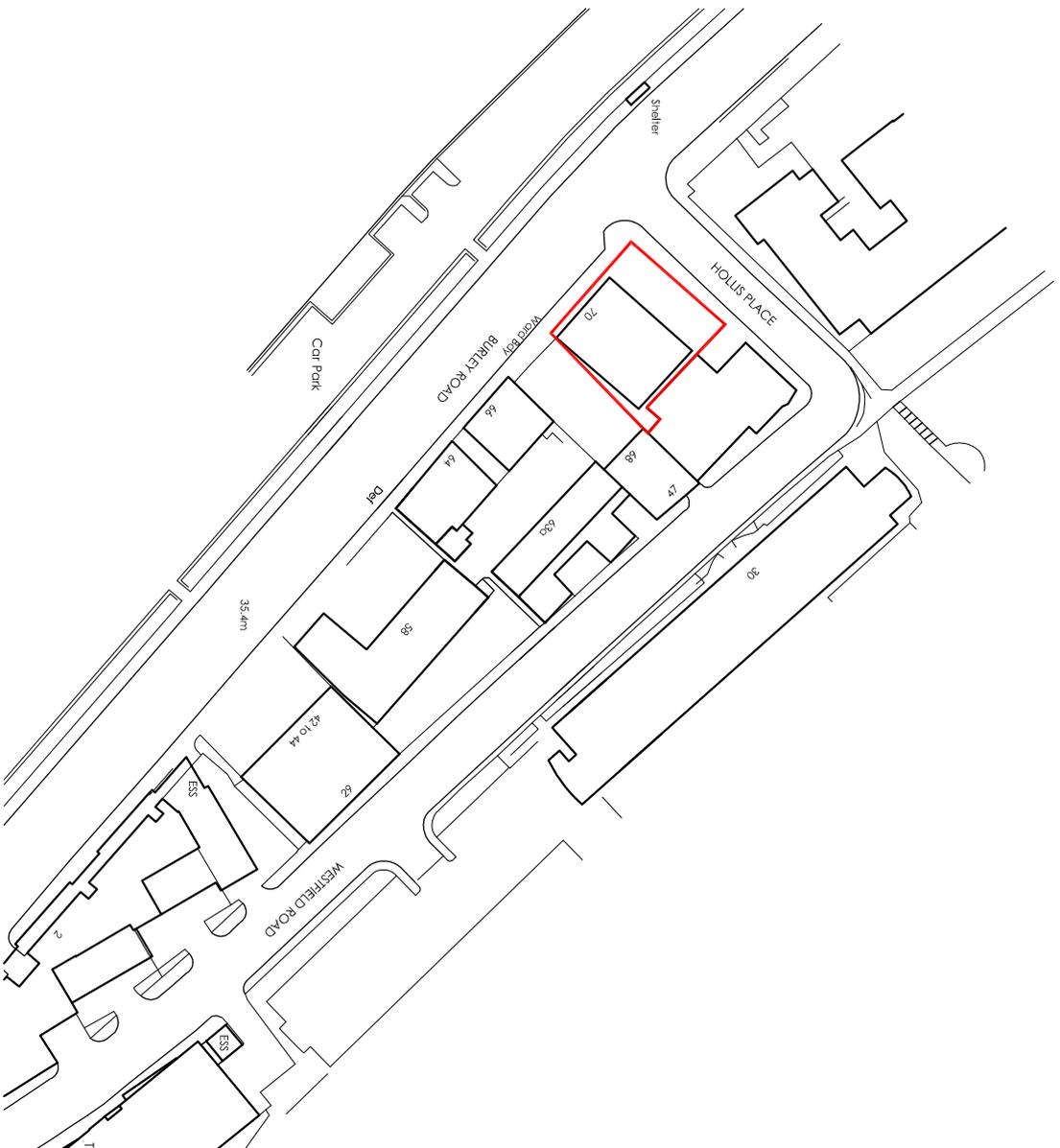
# SOUTH AND WEST PLANS PANEL

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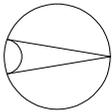
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 Title: Location Plan

Date	Scale	Sheet	Drawn	Checked
Mar 19	1/1250	A4	ST	ADP
Project No:	Draw No:	Rev:	Scale:	
3087	001	0	Planning	

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