



## Report of the Chief Planning Officer

### Plans Panel West

Date: 26<sup>th</sup> July 2012

**Subject: APPLICATION NUMBER 12/01481/FU FOR A PART THREE, PART FOUR STOREY BLOCK OF 41 STUDIO FLATS WITH ANCILLARY OFFICE SPACE, LANDSCAPING AND CAR PARKING AT LAND ADJACENT TO 47 ST MICHAELS LANE, HEADINGLEY**

#### APPLICANT

St Michaels Place Ltd

#### DATE VALID

5<sup>th</sup> April 2012

#### TARGET DATE

5<sup>th</sup> July 2012

#### Electoral Wards Affected:

Headingley

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

**DEFER and DELEGATE approval to the Chief Planning Officer subject to the conditions specified and the completion of a legal agreement within 3 months from the date of resolution unless otherwise agreed in writing by the chief planning officer, to include the following obligations: -**

- off-site Greenspace contribution of £24, 756
- bus stop improvement contribution of £10, 000
- £24, 255 contribution to Metrocard provision of residents of the development.

1. Standard 3 year time limit.
2. Details of approved plans
3. Walling and roofing materials to be submitted and approved
4. Details of the balustrade enclosing the roof top garden area to be submitted and constructed as agreed.
5. Submission and implementation of a landscaping plan
6. Landscape maintenance schedule
7. Submission and approval of surface water drainage details
8. Details of bin and cycle/ motor cycle storage to be submitted and approved
9. Areas to be used by vehicles to be laid out, hard surfaced and drained
10. Parking spaces should be unallocated for the lifetime of the development

11. Prior to the first occupation of the development, and unless otherwise agreed in writing, a scheme to restrict parking in front of the access to the site should be submitted and agreed in writing and implemented to an agreed timescale
12. Details of contractors' plant, vehicle and materials storage to be submitted and approved
13. Submission of a Phase 1 Desk Top Study
14. Amendment of remediation statement
15. Submission of verification statements
16. Oriel bay windows to be obscure glazed as shown on the approved plans and retained as such thereafter.
- 17.

In granting permission for this development the City Council has taken into account 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 National Planning Policy Framework, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Regional Spatial Strategy 2008 (RSS) and The Development Plan, the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, N2, N4, N12, N13, BD5, T2, T5, T6, T24, H15  
Neighbourhoods for Living  
Headingley and Hyde Park Neighbourhood Design Statement  
Street Design Guide  
Greenspace relating to new housing development

On balance, the City Council considers 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 This application is brought to West Plans Panel following a request from Ward Councillor Martin Hamilton. He makes the following comments:

*'Notwithstanding the appeal decision, I think the proposals are contrary to the emerging core strategy and the national planning framework. I also have concerns about the scale, size and design of the proposals and the impact they will have on neighbouring properties.'*

- 1.2 There is a history of approvals on this site Permission was allowed on appeal for a part three and four storey block of 11 student and non-student cluster flats with 47 bedrooms and 14 parking spaces on the 21<sup>st</sup> August 2007. This permission was extended by the Council on the 18 January 2011 and this permission is valid until 17 January 2014.

## **2.0 PROPOSAL:**

- 2.1 The proposal is for a part three, part four storey block of student studio flats. Also included in the scheme are an ancillary office and roof top terrace garden. The site will be landscaped with car parking to the ground floor.

- 2.2 The design of the building is modern with a flat roof. The building encloses the site with a small courtyard formed in the centre. A small communal grassed area is sited adjacent to Back Broomfield Crescent and there is another external space on top of the central section of the building to provide amenity space for residents.
- 2.3 The building is built from a mixture of materials chosen to reflect the local character with red brick used to the front and rear blocks and render to the central section. The fourth floor is render to front and rear but with a set back from the main elevation. Fenestration is recessed into the brick work with coloured panels to provide interest.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site is a cleared former commercial site on the eastern side of St Michaels lane opposite Headingley Cricket Ground and adjoining the cricket school. It lies just outside Headingley Conservation Area, the edge of which runs down the rear boundary of the properties on Cardigan Road and includes Broomfield House to the south of the site.
- 3.2 The site has a narrow frontage to St Michaels Lane and runs between that road and Back Broomfield Crescent, an un-adopted and un-surfaced road. Beyond the cricket and rugby stadium, the area is predominantly residential in character. Immediately to the west of the site are post-war semi-detached dwellings but many of the properties to the south of the site are terraced.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 26/578/04/FU – Part two part four storey block of 13 two bedroom and 1 one bedroom flats with ten covered car parking spaces – approved on the 21<sup>st</sup> July 2005
- 4.2 06/02738/FU – Part three and four storey block of 11 student and non-student cluster flats with 47 bedrooms and 14 parking spaces – refused 14<sup>th</sup> August 2006.
- 4.2 This application was refused by Plans Panel on 10<sup>th</sup> August 2006 for the following reasons:
- Scale and density of the proposed development
  - Impact of third floor of proposal on neighbouring amenity
  - Inadequate parking provision
  - Student occupancy would have a detrimental impact on the sustainability of the community
- 4.3 The application was allowed on appeal on the 21<sup>st</sup> August 2007. The appeal inspector noted that the scheme was similar to the previously approved scheme in design terms but included an additional storey, 20 additional bed spaces and a change from 2 bed flats to cluster flats. He stated that, in his opinion, the proposal met the criteria of H15; the angled windows of the proposal restricted overlooking of neighbouring properties; the outlook of neighbouring properties would not be overly restricted given the previous use of the site and the industrial building on the cricket school site; the design was more attractive than the former commercial buildings and not overly dominant; and that the site was in a sustainable location and, given the flats were likely to be occupied by students, parking provision was adequate.

- 4.4 08/02062/FU – part 3 and 4 storey block of 36 student bedsit flats (amendment to 06/02738/FU) – refused by reason of overdevelopment manifested in a lack of parking provision and amenity space and inadequate bin and cycle storage.
- 4.5 10/00779/EXT – extension of time of planning application 06/02738/FU) – approved 18 January.2011 and valid until 17 January 2014.
- 4.6 11/00708/FU – Three storey block of 39 studio apartments and 2 two bedroom apartments with ground floor office and 6 car parking spaces – refused by reason of poor design, overlooking of neighbouring properties, inadequate parking provision and lack of off-site Greenspace provision.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Pre-application discussions were undertaken with the Council following the refused application in 2011 and prior to submission of the current application. The proposal was referred to Design Review and was generally welcomed as being an improvement on the extant scheme 06/02738/FU. Amendments were requested to show brick to the end blocks to link the building visually with residential development in the locality. Details regarding S106 contributions, parking and cycle parking provision were discussed.
- 5.2 Further revisions have since been secured as the building was originally proposed to extend beyond the footprint of the proposal allowed by the appeal inspector. This resulted in bedroom windows closer to the boundary with No's 47-53 St Michaels Lane and was considered to lead to unacceptable levels of the overlooking to those properties. The scheme has now been revised and does not extend beyond the previously approved footprint. 4 units have been lost from the scheme to achieve this revision but the design concept, which received support from the Design Review Panel, has been retained.

## **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 21 letters of representation have been received regarding the application. This includes 19 letters of objection and 2 letters of support.
- 6.2 Letters of objection have been received from 2 ward councillors Cllrs Walshaw and Hamilton, 2 residents' groups and two local pressure groups. The issues raised within these representations are:
- The development is intended solely for students; there are already enough students within the locality
  - There is a lack of family housing locally
  - The development is too dense to fit with local character
  - The building is out of proportion with local properties and will have an overbearing impact on neighbouring properties
  - There is no outside space
  - Inadequate parking provision
  - The development will not be an attractive place to live
  - Impact on neighbouring residents from anti-social behaviour, noise and littering
  - Contrary to the NPPF and core strategy – does not support mixed communities
  - Materials are inappropriate to the local area
  - Overlooks neighbouring properties
  - Impact on residents of noise from stadium
  - No communal space provided on site

- There are a lot of empty student properties in the locality
- The proposal will bring more traffic to the already busy town centre
- The rooms are excessively small
- Rooms have little outlook
- No on-site supervision outside office hours

6.3 The letters of support note that the land has been derelict for some years and that the high quality scheme proposed is welcomed and that the use will complement the education use within Headingley Stadium.

## **7.0 CONSULTATION RESPONSES:**

7.1 Drainage - no objections in principle subject to conditions.

7.2 Yorkshire Water – conditions recommended.

7.3 Contaminated land – further information requested from developer; awaiting response but no objection in principle.

7.4 Highways – no objections. Conditions recommended including one restricting the development to student use only. This condition has not been included as it was not required by the appeal inspector in 2007 who felt that the type of accommodation led to the development being most likely to be occupied by students and young professionals with lower car usage and within a sustainable location. Amendments to the TRO along St Michaels Lane may be required to restrict parking in front of the access to the site.

7.5 Environmental Health – advise contacting the Housing Regulation Team to provide comments in relation to housing legislation and HMO requirements considering the size of the proposed flats.

7.6 Local Plans – Greenspace contribution of £24,756.70 is required.

7.7 Metro – future residents would benefit from a live bus information display at bus stop number 11421 at a cost of approximately £10,000 (including 10 years maintenance) to the developer. Metro supports the provision of Residential MetroCards for this application. The scheme requires the applicant to provide discounted tickets to future residents of the site on a first come first served basis. The cost to the developer for a Bus & Rail Zone 1-3 Travel Card for each resident is £24,255.00 including a 10% administration fee for the scheme.

7.8 Access – concern was raised regarding the use of shared surfaces within the site as these can be difficult for the visually impaired and deaf. It was noted however that there would be a low level of traffic and adequate signage for drivers may be sufficient to deal with this issue.

## **8.0 PLANNING POLICIES:**

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Leeds Unitary Development Plan (Review 2006) unless material considerations indicate otherwise.

### **Development Plan:**

The most relevant policies in the adopted Leeds Unitary Development Plan are listed below.

GP5 - seeks to ensure that development proposals resolve detailed planning considerations, including amenity

N2 – establishment of a hierarchy of greenspaces

N4 – provision of greenspace to ensure access for residents of new development

N12 – urban design priorities

N13 – new buildings should be of high quality design and have regard to the character and appearance of their surroundings

BD5 – new development and amenity

T2 – highways issues

T5 – safe and secure access for pedestrians and cyclists should be provided

T6 – satisfactory access to new development for disabled people and people with mobility problems should be provided

T24 – parking provision for new development

H15 – Area of housing mix

### **Relevant supplementary guidance:**

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

Street Design Guide

Neighbourhoods for Living

Headingley and Hyde Park Neighbourhood Design Statement

Greenspace relating to new housing development

### **National planning policy**

National Planning Policy Framework:

- Paragraph 50 states that planning should aim to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- Paragraph 56 refers to the impact of good design as being a key aspect of sustainable development.
- Paragraph 58 bullet point 3 refers to the desire to optimise the potential of the site to accommodate development.
- Paragraph 131 refers to the requirement of Local Planning Authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness.

### **Emerging Core Strategy:**

The Publication Draft of the Core Strategy was issued for public consultation on 28<sup>th</sup> February 2012 with the consultation period closing on 12<sup>th</sup> April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district.

*POLICY H6 OF THE draft CS states that development proposals for purpose built student accommodation will be controlled:*

- i) *To help extend the supply of student accommodation taking pressure off the need for private housing to be used.*
- ii) *To avoid the loss of existing housing suitable for family accommodation.*
- iii) *To avoid excessive concentrations of student accommodation (in a single development or in combination with existing accommodation) which could undermine the balance and wellbeing of communities.*
- iv) *To avoid locations which are not easily accessible to the Universities by foot or public transport or which would generate excessive footfall through quiet residential areas.*

As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time.

## **9.0 MAIN ISSUES:**

- 9.1 The principle of the development
- 9.2 Design and character
- 9.3 Area of Housing Mix
- 9.4 Highways issues
- 9.5 Amenity
- 9.6 S106 package – greenspace previously secured via condition

## **10.0 APPRAISAL:**

The principle of the development

- 10.1 The principle of student residential accommodation on the site has been accepted by the previous appeal decision on the application 06/02738/FU extended by 10/00779/EXT. This permission is for 45 bedspaces arranged in 9 cluster flats and is still valid. There is no condition restricting the occupancy of this development to students only.

Design and character

- 10.2 The proposal consists of a three storey block running the length of the site and abutting the cricket school building with a fourth floor on either end of the building. The top floor to the front of the site will be set back while at the rear, facing Back Broomfield Crescent, the top floor sits flush with the lower floors. This is a broadly similar concept to the 2006 design which was approved on appeal and renewed in 2010. The main difference between the schemes is the addition of a fourth floor to the front of the building.
- 10.3 During the pre-application process the scheme was taken to Design Review where the amendments from the extant scheme were welcomed and the current scheme was considered an improvement in design terms from the previous scheme. It was particularly noted that the additional fourth storey to the front of the building balanced the structure giving a feeling of enclosure to the central courtyard area.

- 10.4 Materials have been amended following Design Review to show brick to the lower floors of the front part of the building and to part of the rear block. It was anticipated that these would give the building a visual link to the residential dwellings in the locality which are predominantly red brick. The building is also considered to be an appropriate scale to bridge the gap between the commercial/ leisure related building of the stadium and cricket school and the adjoining housing.
- 10.5 The design is considered to provide a striking contemporary addition to this part of St Michaels Lane. The design is enhanced by the strong façade of the building which contains detailed design elements including coloured panels, careful use of materials and stepped back elements giving interest to the front of the property. The building relates positively to its neighbours and provides an attractive infill to this derelict and redundant site.
- 10.6 Whilst slightly higher than the adjoining cricket school, the set back of the top floor of the proposal will ensure that the proposal does not dominate the streetscene. It also allows a step down in height from the proposal to the neighbouring residential dwellings so as to allow some space between the buildings and to limit any potential for over-dominance.
- 10.7 To the frontage, the building will follow the curve in the road ensuring views along St Michaels Lane are retained as noted within the Headingley and Hyde Park Neighbourhood Design Statement. The ground floor site office is inset slightly but will retain some active frontage to the building during office hours.

#### Area of Housing Mix

- 10.8 The site is within the Area of Housing Mix and the development is specifically intended for student occupation. Policy H15 is therefore relevant.
- 10.9 Policy H15 gives a number of criteria where student accommodation would be acceptable. The policy states:

*Within the area of housing mix planning permission will be granted for housing intended for occupation by students, or for the alteration, extension or redevelopment of accommodation currently so occupied where:*

- I) the stock of housing accommodation, including that available for family occupation, would not be unacceptably reduced in terms of quantity and variety;*
  - II) there would be no unacceptable effects on neighbours' living conditions including through increased activity, or noise and disturbance, either from the proposal itself or combined with existing similar accommodation;*
  - III) the scale and character of the proposal would be compatible with the surrounding area;*
  - IV) satisfactory provision would be made for car parking; and*
  - V) the proposal would improve the quality or variety of the stock of student housing.*
- 10.10 The proposal is considered to meet the criteria of the policy although, as stated previously, the appeal inspector has already allowed for the development of this site as student accommodation. The inspector saw no requirement to restrict use to students via condition or legal agreement given the character of the locality and type of accommodation on offer which was most likely to appeal to students.

#### Highways issues



- 10.11 The Leeds UDP Review recommends a maximum of 1 parking space per 4 student bed spaces. A total of 13 parking spaces, including 1 disabled space, are provided within this scheme. The proposal therefore meets UDP parking guidelines.
- 10.12 A condition is suggested to ensure parking within the site is to remain unallocated to any individual occupant and a direction would also be included with any future planning approval to advise that occupants would not be eligible for parking permits in the surrounding permit controlled zones. As stated earlier, a condition restricting occupancy to students is not considered appropriate and was not recommended by the appeal inspector.
- 10.13 Cycle and bin storage are considered acceptable.

#### Amenity

- 10.14 Issues of noise and disturbance have been covered under the appeal decision. The inspector stated that the site was in a busy and vibrant location due to the significant student population and the neighbouring sporting venues. The site was previously in a commercial use and these combined uses would have had an impact on the locality in terms of noise and disturbance. He considered that the proposed use would not so significantly increase comings and goings to such an extent that unacceptable disturbance would occur and result in any significant impact on the living conditions of neighbouring residents.
- 10.15 The current scheme does differ in one important matter to the appeal scheme in that it includes a roof top terrace to improve amenity for residents. These may impact on neighbouring amenity through noise and disturbance however the external area is small and relatively enclosed. At 11m from the neighbouring properties and with potential to screen direct overlooking, it is considered unlikely to result in additional disturbance to neighbours. The terrace is also set back from the edge of the building closest to the neighbouring residential properties. To the rear the terrace area backs on to the rooftop of the cricket school. Details of the balustrade to the terrace area will be secured via condition to ensure that it is of sufficient height for safety and to provide some barrier to noise transference. An opaque screen is also suggested in order to prevent overlooking to neighbouring residential properties.
- 10.16 The scheme, by virtue of the terraced garden, communal rooms and ground floor rear external space, is considered to provide sufficient amenity space for residents and an improvement on the amenity space provision within the existing approved scheme.
- 10.17 Overlooking of neighbouring properties was an issue in previous schemes. Windows are approximately 7m from the adjoining boundary with neighbours as per the extant scheme. The distance fails to meet Council guidelines, however overlooking issues have been resolved in the schemes through angled windows. This allows only for oblique views of neighbouring properties whilst allowing residents an outlook. Sufficient natural light will reach the rooms via the window which will have one side of obscure glazed glass and the other of clear glass. This arrangement was considered satisfactory by the Appeal Inspector.
- 10.18 The orientation of the properties will ensure that there is little increased overshadowing of neighbouring properties. Any additional overshadowing will occur in the morning and is considered to have little impact on neighbouring amenity.

## S106 package

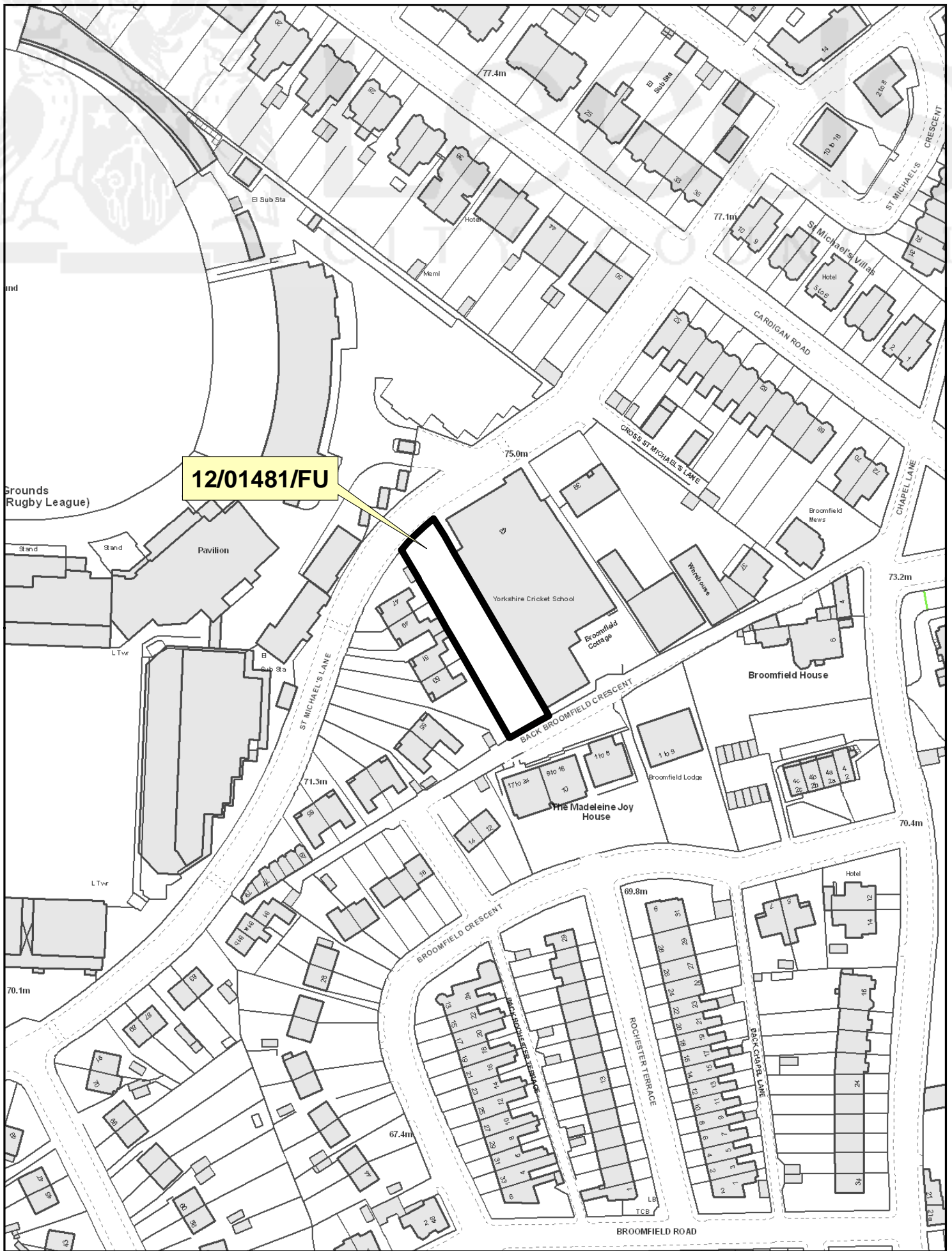
- 10.19 An off-site greenspace contribution of £24,756.70 is required for the development in accordance with adopted SPG and policies N2 and N4 of the UDPR.
- 10.20 As an additional benefit of this scheme a travel plan contribution towards Metrocards and real time timetables has also been agreed which was not part of the extant permission. This will provide £10,000 towards a real time timetable on Cardigan Road and £24,255 towards Metrocards for new residents of the development. This will also be secured within the S106 agreement and has been agreed by the developer.

## 11.0 CONCLUSION:

- 11.1 The proposed scheme is considered an improvement in design terms on the extant permission for 11 cluster flats. The design responds well to the site and the character of the locality with a use of materials which links the building to the neighbouring residential properties whilst ensuring the building is not dwarfed by neighbouring non-residential uses. The current unattractive state of the site is such that development of this site is welcomed.
- 11.2 The reduced number of rooms and improved amenity space are considered to mitigate for any issues arising from the change to studio flats and it is considered that the scheme would result in little difference to neighbouring amenity over the extant scheme.
- 11.3 An enhanced S106 package of greenspace contribution, Metrocards, and real time timetables improves on the extant permission in which only a greenspace contribution was achieved.

## Background Papers:

Application and history files.



12/01481/FU

# WEST PLANS PANEL