



Report of the Chief Planning Officer

PLANS PANEL SOUTH & WEST

Date: 8th November 2012

Subject: APPLICATION 12/02712/FU - Part three storey part four storey block of 18 cluster flats (112 rooms), retail store at ground floor, associated parking and landscaping at Land at Woodhouse street, Woodhouse, Leeds,

APPLICANT

Mr Kissun Parmar

DATE VALID

03.07.2012

TARGET DATE

08.11.2012 PPA

Electoral Wards Affected:

Hyde Park & Woodhouse

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

If the Panel is minded to refuse permission for the development, the following reasons for refusal are suggested:

1. The Local Planning Authority considers that the proposal would constitute an over-development of the site and that by reason of its scale and massing it would be out of character with the local area to the detriment of the street scene and visual amenity. The proposal is therefore contrary to policies GP5, BD5, N12 and N13 of the adopted Leeds Unitary Development Plan (Review) 2006 and the Neighbourhoods for Living SPG, and also contrary to the guidance set out in the NPPF on the importance of good design.
2. The proposal fails to provide adequately for Greenspace in accordance with policy N2 of the adopted Leeds Unitary Development Plan (Review) 2006 and SPG4 (Greenspace).

1.0 INTRODUCTION:

- 1.1 Members will recall that they discussed this planning application at the previous Panel meeting of 11 October 2011. The report to that Panel is appended. The recommendation was for approval but the Panel resolved to refuse the application on the grounds of overdevelopment and harm to the character and appearance of the area resulting from the scale and massing of the building. This resolution is reflected in the suggested reason for refusal above.
- 1.2 The second suggested reason relates UDPR policy for Greenspace provision in new residential developments. Had the application been approved, this would have been addressed through the developer making a contribution towards improving greenspace in the locality and this would be secured through a S106 agreement. In the absence of the S106 agreement, there is no means of securing the application and the application should therefore be refused on this ground also.
- 1.3 The Panel is advised that the applicant has met with officers since the October Panel meeting to discuss the reason for refusal and is exploring a revised scheme that aims to address the concerns over the scale and massing and the intensity of the of the development. The developer intends to re-engage with the Ward Members and the Panel and present a revised scheme to Panel for a pre-application presentation in the near future.

Background Papers:

Application file;

Certificate of Ownership.

11th October 2012 Panel Report.



Report of the Chief Planning Officer

PLANS PANEL SOUTH & WEST

Date: 11TH OCTOBER 2012

Subject: APPLICATION 12/02712/FU - Part three storey part four storey block of 18 cluster flats (112 rooms), retail store at ground floor, associated parking and landscaping at Land at Woodhouse street, Woodhouse, Leeds,

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Specific Implications For:

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RECOMMENDATION:

Defer and delegate approval to the Chief Planning Officer subject to the completion of a Section 106 agreement and the conditions listed below. The Section 106 agreement shall include:

- 1. Off site greenspace contribution of £40,660.27**
- 2. Upgrading of one existing bus stops to provide a shelter and real time display.**
Total contribution £20,000.00

List of planning conditions:

1. Commencement of development within 3 years.
2. Approval of plans
3. Samples of all external walling, roofing and surfacing materials to be approved prior to commencement of development
4. Submission of landscape scheme and implementation schedule
5. Tree protection measures for existing trees
6. Replacement tree planting if landscaping fails within 5 years of planting.
7. The development shall not be occupied until a scheme for Woodhouse Street,

Holborn Approach and surrounding streets to restrict/prevent parking has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented and retained in accordance with the approved timescales.

8. Means of access shall only be as shown on the approved plans
9. Development shall not commence until details of the proposed method of closing off and making good all existing redundant accesses to the development site have been submitted to and approved in writing by the local planning authority.
10. Notwithstanding the details shown on approved plan no development shall take place until a plan showing sightlines of 2.4m x 70m at the junction of the retail store with Woodhouse Street and 2.4m x 43m at the junction of the residential development with Holborn Approach has been submitted to and approved in writing by the Local Planning Authority. There must be no intrusion within the sightlines greater than 1m in height above the adjacent carriageway level and this must be maintained and retained as such for the lifetime of the development.
11. Prior to commencement details of refuse, cycle and motorcycle facilities to be submitted and approved by the LPA.
12. Development shall not be occupied until a Car Park and Servicing Management Plan (inc. timescales) has been submitted to and approved in writing by the Local Planning Authority.
13. Development shall not commence until details of access, storage, parking, loading and unloading of all contractors' plant, equipment, materials and vehicles (including workforce parking) have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided for the duration of construction works.
14. No construction operation shall take place before 07.30 hours on weekdays and 08.00 hours on Saturdays or after 19.00 hours on weekdays and 13.00 hours on Saturdays with no operation on Sundays or Bank Holidays
15. Contaminated land conditions.
16. Surface water drainage strategy to be submitted prior to the commencement and implanted in accordance with approved details.
17. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
18. Prior to the commencement of development a scheme for crime reduction opportunities from the detailed design and material of the building shall be submitted and approved in writing by the LPA.
19. The development shall submit a pre-commencement report outlining its BREEAM rating then the development shall be constructed in accordance with this assessment. The development shall aim to be rated 'excellent' on completion.
20. The combined noise from fixed plant shall not exceed a rating level as defined by BS4142 by more than 5dB(A) below the lowest background (L90) during which the plant will operate. Details of said plant shall be submitted to the Local Planning Authority and approved in writing prior to occupation.
21. Delivery hours of the retail unit including refuse collection shall be restricted to after 0800 hours and before 1900 hours Monday to Saturday with no deliveries on Sundays or Bank Holidays.
22. The hours of operation of the retail units shall be restricted to 0700 hours to 2300 hours.
23. The residential development shall only be occupied by students in full time education.

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) and The Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, BD5, N2, N12, N13, T2, T24, S2, S9, LD1, H15
Neighbourhoods for Living SPG

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 presented to Plans Panel due to the large number of representations received and the community significance of the development.

2.0 PROPOSAL:

2.1 The proposal is for a mixed use development comprising a retail unit (289sq.m gross floor area of which 195sqm will be used for sales area) and 112 bedroom student accommodation arranged in cluster flats.

2.2 The proposal is for a new building on the site. The building would be part three and part four storeys. The retail element would front Woodhouse Street and would have its own car parking and vehicular access from Woodhouse Street. Above the retail unit would be two floors of residential accommodation. The building would project from Woodhouse Street through the site towards Holborn Approach. This central section of the building would be four storeys in height when viewed from the courtyard elevation facing Midgley Gardens. The Holborn Approach elevation would be four storeys in height. The building would be partially sunken into the site to reduce its overall height in the street scene. The building would appear as three storeys in height when viewed from Holborn approach and Welsey Court. The roof form is pitched with small dormers.

2.3 The building would be constructed out of brick and render to match the local area. The roof would be slate coloured tiles. The shop frontage would have a contemporary appearance utilising glazing in the main ground floor elevations.

2.4 20 Car parking spaces would be provided for the retail element and delivery vehicles would enter the site and exit the site form Woodhouse Street only. The student accommodation would have its own 16 space car park contained within its own courtyard which would be accessed via Holborn Approach through a port-culis drive.

3.0 SITE AND SURROUNDINGS:

3.1 The site is located in a predominantly residential area however there are a parade of shops, a church and public house and a community centre located close by on Woodhouse Street. Opposite the site on Woodhouse Street are rows of red brick Victorian terraces, many with large dormers. Adjoining the site is a terrace row which has been 'sawn in half' and presents a blank gable to the site, except for one bath

room window. A church bounds the site separated by Welsey Court. Opposite the site on Holborn Approach is post-war two storey housing.

- 3.2 The site currently is vacant and has largely overgrown with self seeding trees and vegetation. There are no TPO trees on site but there are TPO trees located on Midgley Gardens adjoining the site. The site was once the home of the Ace of Clubs nightclub but the building was demolished over 10 years ago. The site is not allocated within the UDP but is located within the defined Area of Housing Mix. The site is roughly 400metres from the nearest defined centre, Hyde Park Corner.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 12/02931/FU - Retail unit with storage area office and car parking. Pending consideration

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The application has been the subject of pre-application discussions before submission. The applicant also held a community consultation event (06.03.12 & 07.03.12) in Woodhouse Street community centre. They advertised this event by placing notices on 4 lamposts and sending 50 residents who live directly around the site letters. A total of 28 residents attended over the two days. The applicants state that the overwhelming response to the proposals were positive.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been publicised by means of site notices;. There have been a total of 39 representations received of which 32 are in support and 7 are objecting. There have also been petition with 148 signatures of support and 157 generic letters of support individually signed. The Friends of Woodhouse Moor have produced two petitions with 51 and 25 objections respectively.

- 6.2 The following issues have been raised:

- 1 The stated history regards the use of this land.
- 2 History of the applicant
- 3 Insufficient parking
- 4 Volume of traffic in a residential area
- 5 Rights of way x 3
- 6 Noise pollution
- 7 Environmental health
- 8 Increase of motor related crime and theft.
- 9 Change to community social structure
- 10 We are supportive of the present local community shops and do not see a need for another similar or larger store.
11. Out of scale with the local area,
12. Overbearing on neighbours
13. The site should be turned into a public garden,
14. Landscaping plan is poor
15. Increase in crime

- 6.3 North Hyde Park Neighbourhood association object to the application on the following grounds.
1. Increase in student numbers will harm community.
 2. No need for a retail store
 3. Family houses are needed, not student flats
 4. Too dense a development

- 6.4 The letters of support make the following comments:
1. The scheme is a great idea
 2. Re-use of the derelict site is good
 3. Upgrading Leslie Terrace footpath and adding lighting is welcome
 4. Re-using the site and improving the surrounding streets will reduce crime
 5. The area will benefit from a convenience store
 6. Benefit to the community
 7. Will create jobs for the local community
 8. Good location for students so close to the city centre and the Universities
 9. Good design to the building

7.0 CONSULTATION RESPONSES:

- 7.1 Highways – no objections subject to conditions.
- 7.2 Mains Drainage – no objections subject to conditions for surface water drainage.
- 7.3 Environmental Health - If planning permission is to be granted this Department would recommend conditions are imposed in order to protect the amenity of the existing residential area regarding noise, delivery hours and construction.
- 7.4 Rights of way - there are claimed footpaths crossing the site. The developer has applied to extinguish this route. There are two other footpaths running parallel to the development site. The Wesley Court footpath will be upgraded and lit which will be funded via a Section 278 Agreement by the developer.
- 7.5 Yorkshire Water – N objection subject to conditions and a diversion order for the existing underground sewer that crosses the site.
- 7.6 Metro – Request a contribution to upgrade a bus stop on Woodhouse Street to provide Real Time Display and a shelter.

8.0 PLANNING POLICIES:

- 8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan consists of the Regional Spatial Strategy for Yorkshire and the Humber adopted in May 2008 and the Leeds Unitary Development Plan Review (2006).
- 8.2 The most relevant Policies in the adopted Leeds Unitary Development Plan are outlined below.

Policy GP5 refers to detailed planning considerations and states that development proposals should seek to avoid loss of amenity.
Policy BD5 refers to new building design
Policy N2 refers to the provision of greenspace

Policies N12 and N13 refer to the good urban design considerations and placing making

Policy H15 refers to proposals for student accommodation.

Policy S2 refers to the protection of the vitality and viability of town centres.

Policy S9 refers to out of centre small scale retail development.

Policies T2 and T24 seek to maintain adequate vehicle access and levels of vehicle parking provision with no undue detriment to other highway users.

Neighbourhoods for Living SPG.

8.3 National Planning Policy Guidance:

The National Planning Policy Framework came into effect on 27th March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development:

“At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.” (para 14).

8.4 The Government’s pursuit of sustainable development involves seeking a wide variety of positive improvements including:

1. making it easier for jobs to be created in cities, towns and villages
2. replacing poor design with better design
3. improving the conditions in which people live, work, travel and take leisure

8.5 Paragraph 24 of the NPPF states:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale”.

Emerging Core Strategy

The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 with the consultation period closing on 12th 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. 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.

8.6 Nearby Hyde Park Corner is designated as a 'Lower Order Local Centre' in the centres hierarchy set out in Policy P1 of the Draft Publication version of the Core Strategy.

- 8.7 Draft Policy P4 sets out development guidelines for shopping parades and small scale standalone food stores serving local neighbourhoods and communities.
- 8.8 Emerging Core Strategy Policy P8 sets out the thresholds above which a sequential assessment and impact assessment are required for retail proposals. The amount of retail floorspace proposed falls below this. Policy P8 indicates that all centres within 500 metres walking distance of the application site should be used for the sequential assessment
- 8.9 Draft Core Strategy Policy H6 refers to proposals for student developments. In particular it states:

B) 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 occupation,*
- iii) To avoid excessive concentrations of student accommodation (in a single development or in combination with existing accommodation) which would 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.*

9.0 MAIN ISSUES:

9.1 The following main issues have been identified:

- Principle of the development
- Design, scale, siting and appearance
- Neighbours amenity
- Amenity of future occupiers.
- Highway considerations
- Landscaping
- Section 106

10.0 APPRAISAL:

10.1 The site comprises previously developed land. Planning policy supports the re-use of brownfield sites in sustainable locations. The proposed retail element of the scheme is assessed against the emerging policies of the Core Strategy which deal with out of centre retail locations. The NPPF recognizes that out of centre food retail can have a positive effect in providing amenities to local communities. The scheme has been assessed against the requirements of UDP policy S9 for small scale out of centre retail development. This UDP policy will be replaced by the emerging core strategy which is in line with the NPPF. It is not envisaged that the proposal would harm the vitality and viability of the Hyde Park Corner local centre in accordance with policy S9 of the adopted UDP. The applicant has satisfactorily addressed the requirements of UDP policy S9 and draft core strategy Policies P4 and P8 in terms of the sequential assessment by demonstrating that there is no sequentially preferable site within a town centre or edge of centre location within 500m walking distance of the site. Whilst being an out of centre location, the site lies within a

relatively accessible location and relates well to other existing retail/town centre uses situated nearby albeit undesignated in terms of NPPF. The convenience store is also well located to serve the nearby residential area.

- 10.2 The principle of student housing is considered acceptable in this location close to the Universities. This would be an infill site and it's redevelopment would be an opportunity for investment and regeneration of the area. The proposal is considered to comply with the relevant provisions of policy H15 and draft Core strategy policy H6. The proposal would make a positive contribution to the stock of housing available for students. The proposal is not in a location where a concentration of purpose built student accommodation already exists. It does not result in the loss of any existing housing suitable for occupation by a family. As will be discussed below the parking provision is acceptable for the level of accommodation being proposed and given its proximity to the universities the site is considered very sustainable. The proposal is not envisaged to harm the living conditions of neighbouring residents by reason of increased comings and goings. The proposed building does have a large footprint but has been designed to fit within the site and respond to local character in terms of detailing and materials and is not considered to be out of keeping with the local area. The design and appearance of the scheme is considered to break up the overall scale and massing of the building. The regeneration benefits to the area and the site in particular are positive.
- 10.2 The site is located in a predominantly residential area and sits between two clear building styles namely, the Victorian terrace rows facing the site on Woodhouse Street and the post war housing across Holborn Approach. The proposal has had regard to this local context in forming its design. The use of pitched roof and dormers which are characteristic of the area are appropriate in this context. The scale of the building at 3 and 4 storeys would be an increase in relation to neighbouring properties but as the scheme is partially sunken into the site there should only be limited views of the four storey element of the building. It is also noted that there are examples in the local area of new build four storey apartments so the development should not appear out of character. In addition the use of brick and render is an appropriate palette of materials given the sites context of red brick terraces and rendered post war housing.
- 10.3 The proposal is considered to provide a good street frontage to Woodhouse Lane. The use of a gable roof design will help the building fit into the street scheme. The pitched roof for the main body of the proposal and for the roof form fronting Holborn approach is considered in keeping with the diminishing scale of the post war housing. The proposed elevation fronting Holborn Approach will appear as a three storey building as the lower ground floor level is sunken and the existing road level of Holborn Approach is higher than the site. This coupled with the proposed boundary treatment should provide screening when viewed from the highway. This proposed elevation is considered in keeping with the street and should provide an attractive new street frontage. The applicant has stated that the development is aiming to deliver a BREEAM 'Excellent' rating. A planning condition to ensure that the development achieves this BREEAM rating has been attached.
- 10.4 The proposed bedrooms above the retail unit fronting Woodhouse Street maintains 15 metres separation distance to the existing windows located on the gable elevation of the end of the terrace rows. This distance is considered sufficient to preserve privacy given the existing windows already look out directly onto the street. The proposal maintains 12 metres separation distance from the proposed bedroom windows to the side boundary of the garden of the flats within 62 Holborn

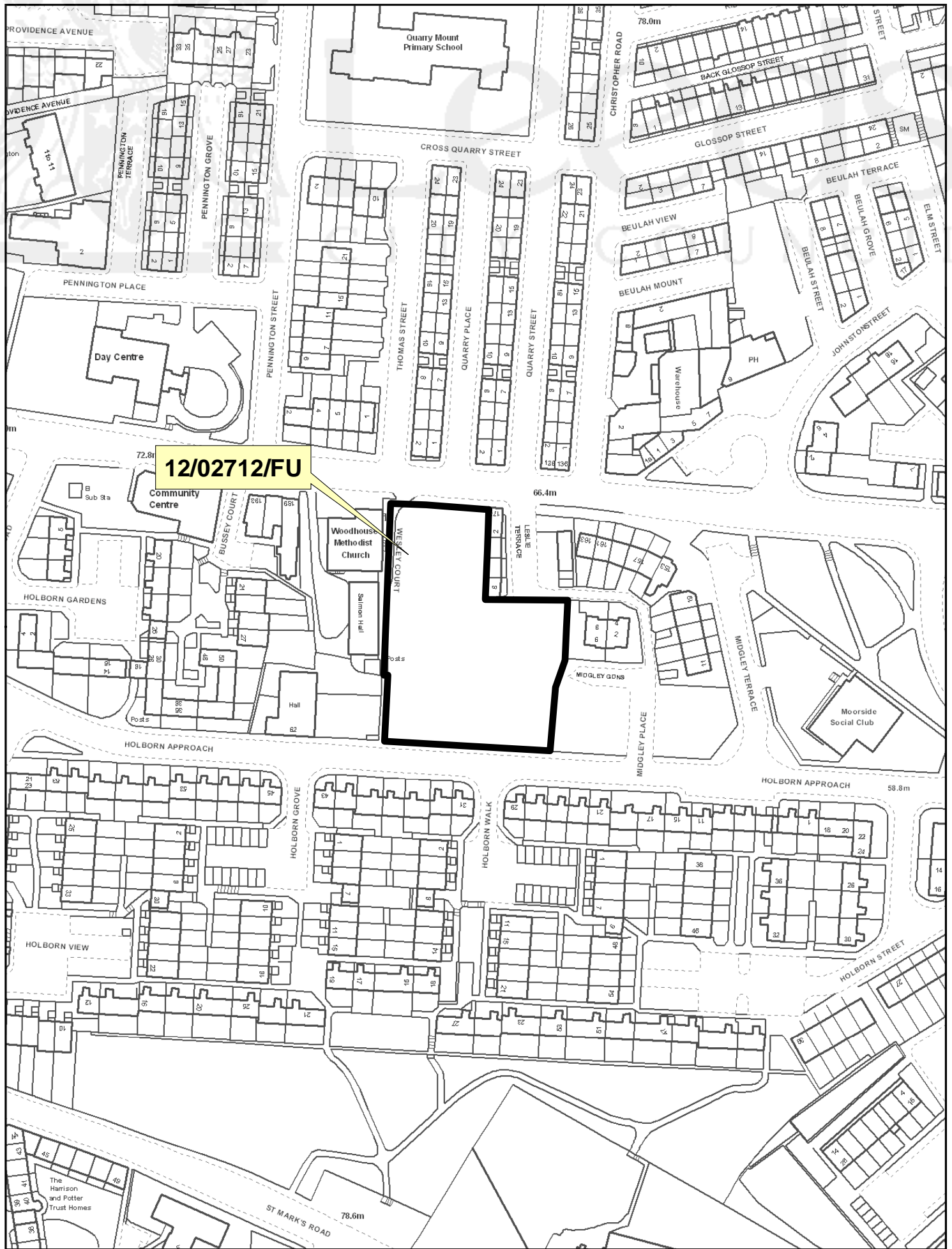
Approach. Again this distance is considered sufficient to ensure that the rear of No.62 Holborn Approach and the garden area of this unit is not over looked. There is approximately 21 metres between the proposed front elevation of the student block and the existing elevation of the post war housing on Holborn Approach. The existing properties on Holborn Approach only have one window on the elevation facing the proposal, this is located at first floor level. As such no serious over looking or loss of privacy from the proposal is envisaged upon the existing neighbours. There is 29 metres from the proposed courtyard elevation to the boundary with Midgley Gardens. Taking account of the size and siting of the proposed development the proposal is not envisaged to result in any serious over looking or loss of privacy to neighbouring residential properties or gardens.

- 10.5 The introduction of 112 students into the area is not considered likely to have any significant impacts on the local community. The site is self contained and the development would be a managed facility. The future occupiers would likely walk to and from the Universities and potentially into the city centre which may take them through residential streets. These routes however are well defined and given the scale of the development the likely impacts upon the community are not envisaged to be substantial from the comings and goings of the future occupiers. It is noted that some objectors are concerned with a potential increase in crime as a result of the development. The scheme has been designed to ensure that the site is secure. The layout of the scheme provides for new windows overlooking public footpaths and public spaces. Natural surveillance provides a good deterrent to opportunities to crime and in addition the upgrading and lighting of the main footpath link between Woodhouse Street and Holborn Approach is considered positive in reducing the opportunities for crime. A condition has been attached requiring the developer to submit a crime reduction plan prior to the commencement of development. This should ensure that the details of the buildings design and material should take the opportunities to reduce crime.
- 10.6 The proposal is considered to afford future occupiers of the student cluster flats with a good level of accommodation. The bedroom windows have been increased in size and all have a good level of natural light and outlook. The cluster flat arrangements means that future occupiers will have large kitchen/dining rooms to share in addition to en suite bedrooms. The scheme is designed to provide a reasonable amount of communal outdoor amenity space along with secure car parking, cycle and motor cycle facilities. The site is located close to local amenities, good public transport links and is in easy walking distance of the Universities, Woodhouse Moor and the City Centre.
- 10.7 In relation to the retail element the access has been designed to accommodate the customer and service/delivery vehicles that would visit the development. The servicing arrangements are satisfactory subject to restrictions being placed on the size and times of refuse collection and delivery vehicles. This has been covered by a condition requiring a Service Management Plan to be submitted and agreed prior to the store first coming into use. The level of car parking proposed is in line with UDP guidelines at 20 parking spaces for the retail element. In addition secure short stay cycle parking spaces have been provided for customers. Waiting restrictions will be necessary on the Woodhouse Street frontage to restrict parking and thereby ensure safe operation of the access. This has been secured via a condition requiring such works to be completed prior to the store first coming into use. The works themselves will be delivered via a Section 278 Agreement. Autotracking has been used to demonstrate that refuse/delivery vehicles can safely manoeuvre within the site such that they can enter the highway in a forward gear.

- 10.8 In relation to the residential element the access and internal manoeuvring area have been autotracked to clearly demonstrate the refuse and delivery vehicles can safely turn within the site such that they can enter the highway in a forward gear. The site is considered to be in a sustainable location and the level of car parking proposed (16 spaces) is in line with similar developments located in close proximity to the University. In addition the proposals would provide 25 secure cycle parking spaces and 8 motorcycle parking spaces. Existing waiting restrictions are in place on Holborn Approach and surrounding streets which restrict/prevent parking. These will need to be reviewed and amended to accommodate the proposed access and to prevent overspill parking from the site taking place on the highway. The works themselves will be delivered via a Section 278 Agreement. There is a pedestrian link between Holborn Approach and Woodhouse Street (known as Wesley Court). This route is in a poor state of repair and is unlit. Residents of the proposed dwellings would use this route to access local facilities (including the proposed retail unit) and bus services on Woodhouse Street. As part of the development proposals the applicants has agreed to upgrade and light this route this work would be done under a S278 Agreement.
- 10.9 Two claimed footpaths cross the site. The applicant has applied to extinguish the footpaths which run through the site. There is another footpath route which around the site and provide access from Woodhouse street to Holborn Approach. The Wesley Court route will be upgraded and lit as part of this planning application.
- 10.10 The proposal has been amended to ensure that the TPO trees located adjacent to the site on Midgley Gardens will not be harmed by the development. The building has been stepped away at this location to ensure the root protection areas of these trees are not affected. The proposed landscaping scheme has also been enhanced by the provision of dwarf brick boundary walls to the Holborn Approach and Woodhouse Street frontages. Tree planting is proposed on site between the development and Holborn Approach and within the amenity area facing Wesley Court. Overall the proposal is considered to provide a good landscaping scheme which will add to the character of the area.
- 10.11 The proposed development generates a requirement to provide public open space. This requirement has been met via an off site contribution to enhance public open space in the locality. This will be secured via a Section 106 agreement. In addition to the public open space contribution this development will also contribute £20,000.00 towards the upgrading of an existing bus stop on Woodhouse Street. This upgrade will provide a shelter and a real time display. Both these contributions have been considered in light of the CIL regulations and are considered to meet the tests laid out.
- 11.0 CONCLUSION:**
- 11.1 After careful consideration of all relevant planning matters it is considered that the proposed development is acceptable subject to the imposition of suitable conditions and the completion of a Section 106 Agreement. The proposal is therefore recommended for approval.

Background Papers:

Application file;
Certificate of Ownership.



SOUTH AND WEST PLANS PANEL

