



Appeal Decision

Inquiry held on 8 - 10 October 2008

Site visit on 10 October 2008

by **Ahsan U Ghafoor** BSc (Hons) MA
MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
19 November 2008

Appeal Ref: APP/N4720/A/08/2074675

Former Glassworks, Cardigan Road, Leeds LS6 1LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Parklane Properties against the decision of Leeds City Council.
- The application Ref P/07/07439/FU, dated 29 November 2007, was refused by notice dated 27 February 2008.
- The development proposed is described in the application as "residential development of 60 student cluster flats comprising 256 bed spaces in a 5 and 6 storey building along with 52 car parking spaces, landscaping and on-site amenity space".

Decision

1. I dismiss the appeal.

Procedural Matters

2. At the Inquiry, the Council confirmed that it no longer contended access to green space, as stated in its third reason for refusal, but disputed the amount of on-site private amenity space. I have evaluated the appeal on this basis. An executed Section 106 agreement and obligation was submitted providing for contributions towards off site green space, highways improvements, public transport and a green travel plan. Also, illustrative landscape plans showing amenity areas were submitted and I have considered these together with all of the evidence.

Policy context

3. The Development Plan includes the Yorkshire and Humber Regional Spatial Strategy (2008) and policies H1, H2, H5A, YH2, YH4B and YH7¹ are cited. The following policies of the Leeds Unitary Development Plan (2001) as published in the Unitary Development Plan Review 2006 (UDP) are saved by Direction of the Secretary of State; GP5 requirement of proposals, BD5 amenity and new buildings, N4 green space, N12 priorities for urban design and N13 design and new buildings. The UDP review 2006 also includes strategic policies and relevant are policies H15, H15A and R2.
4. The Council's Supplementary Planning Guidance Neighbourhood for Living 2003 (SPG) was adopted after consultation and is also relevant in the determination of this appeal. I will also refer to Planning Policy Statement (PPS) 1: *Delivering Sustainable Development* and PPS3: *Housing*.

¹ Policy H1 relates to provision and distribution of housing; H2 managing, supply and delivery of housing; H5A housing mix; YH2 climate change and resource use; YH4B regional cities and YH7 to location of development

Main issues

5. There are three main issues to consider and these are as follows:
- Firstly, the impact of the development on the character and appearance of the surrounding area, with particular regard to the design of the scheme;
 - Secondly, whether the proposal would be acceptable having regard to local and national planning policies, with regard to the objective of creating balanced communities and the scheme's effect on residents' living conditions and
 - Thirdly, whether the scheme provides adequate and useable private amenity space for future occupiers.

Reasons

6. The principle of residential development of the site is not in dispute. At the time of the Inquiry and inspection, the former Glassworks was being demolished.
7. To the site's south there is a library and contemporary building (known as the Embankment) and beyond that are rows of traditional terraced properties with pitched roofs and gable-end front dormers. To the north of the adjoining public footbridge are a builder's merchants; to the west, the railway line and Burley Park. Most of the dense residential areas are to the site's east. The proposal consists of a U-shaped part 5- and part 6-storey block arranged around a courtyard.

First main issue

8. The former Glassworks building occupied a visually prominent plot in Cardigan Road due to the area's topography and the site's location. The Glassworks formed a hard visual edge adjacent to the railway line. The Council conceded that the site forms a transition between Burley Park and Cardigan Road, which has a tight urban grain. However, although I recognise that a new landmark building would improve the quality of the area, I am unconvinced that the built form of the proposed scheme would positively achieve this aim or contribute to the variety of architectural styles in the street scene.
9. I have considered the proposal in relation to the extant scheme for the erection of part 4-, 5- and 6-storey block of 86 flats (ref: P/24/39/02/FU) and this is a fallback position. However, I find that the extant permission proposes a building that would be materially dissimilar, due to its design, layout and appearance. The approved scheme incorporates a landmark 6-storey tower element. In my view, its built-form would be less dominant than the proposed scheme, due to its height, scale and roof articulation.
10. The proposed buildings would be set back from Cardigan Road and from the public footpath to the site's north, but I consider that the complex would be visually prominent especially from the footbridge, surrounding highway and the wider residential areas, due to the development's height, siting and location. Despite the location and width of the proposed access, the scale of the buildings would dwarf the adjoining library. They would be taller than any immediate property. I disagree that the development would integrate into its surroundings because there would be no similar residential structures of such proportions within this part of the locality. Moreover, the difference in ground levels would further accentuate the bulk and mass of the buildings.
11. The appellant considers that flat roofs are not uncommon in the area. However, I find that buildings with such roof slabs are low in scale, commercial and lack architectural

style. Although the Embankment appears as a flat-roofed building, its built form appears low-scale. I note that the warehouse, library and petrol filling station are all flat-roofed, but most of the conventional houses within the vicinity are mainly pitched-roofed. Like the Council, I consider that the use of flat roofs in such a prominent location would be out of keeping with the prevailing residential character of the area. Unlike the approved scheme, which has a mix of roof-designs, the development would lack articulation and, in spite of the appellant's area assessment, not be attuned to its immediate settings.

12. At the Inquiry, the Council confirmed that the development would have no impact on Burley Park Conservation Area. However, I find that like the extant scheme, the west-facing projection of the buildings would be visible from within the recreation ground and nearby public footpath. I consider that the visual impact of the approved scheme would be less dominant due to its height, narrow width and shape of its tallest elements. In comparison however, the projecting west-facing elements would be taller and wider. The fenestration details of these elevations lack any interest. I am unconvinced that the existing boundary vegetation and the proposed embankment would provide all-year round screening to these monotonous elements.
13. I am also concerned about the front elevation. Whilst I acknowledge that the setting back of the main elevation would break up the façade, I take the view that the bland and commercial appearance would be visually obtrusive in the street scene. In contrast, the extant scheme shows balconies which help to add character to the frontage. In my view, the development would not provide a quality transition from the open suburban aspect to the more dense residential area to the east.
14. In addition, I consider that public views of mature trees in Burley Park from Cardigan Road and the wider area are pleasant and give the area a landscaped backdrop. However, the proposed scale of the buildings would virtually diminish these views. In my view, additional landscaping to the frontage and perimeter would not reduce the building's towering and over-dominant effect on the street scene.
15. Contrary to the appellant's arguments, I find that the development would be too big for this site. The over-intensive use of the plot would be reflected in the building's form. In my view, the scheme would not respond to its locally distinctive context. Whilst design is a subjective matter, I find that the scheme fails to comply with UDP Policies GP5, N12, N13 and criterion (iv) of Policy H15. The development would not satisfy the main objectives of the Council's SPG and PPS1.
16. For these reasons, I conclude that the development would be materially harmful to the character and appearance of surrounding area due to its size, scale, dominance, height and design.

Second main issue

17. The site is situated in a designated Area of Housing Mix (AHM) where UDP Policy H15 applies. Relying on the social-demographic profile report, the appellant considers that the proposal would not have a significant effect on the area's student population, and the increase would be marginal representing about 1.3%. However, in its completed form the development would accommodate 256 students. I consider that such a large concentration of students in one location would be a material increase in the AHM.
18. The appellant told me that there is a deficiency of purpose-built student housing in the area, but I saw flats at Royal Park Road which are nearby. I also note Inspector

Crookes' decision letter², which relates to a site within the AHM. In addition, Dr Tyler told me that a high proportion of existing houses in the AHM are occupied by students as homes in multiple occupation (HMO). This is due to the locality's historic connection with the main universities, closeness to the city centre and students' own familiarity with the area.

19. The appellant contends that the proposal would improve the quality of student housing and release private properties in the AHM. I was told about the popularity of purpose-built accommodation close to the city centre and that students have relocated from HMOs. In addition, despite the reference to the University of Leeds housing update report³, there is limited evidence to support the view that these flats have been instrumental in releasing local housing in the AHM, and whether or not the HMOs were left empty or re-occupied.
20. Moreover, I note Parklane's letter submitted at the Inquiry, as well as Mr Grundy's discussions with a local estate agent, but I find that the evidence does not demonstrate an up-to-date position of market trends within the area, nor does it prove that demand for HMOs within the AHM is actually declining. Whilst there may well be properties in the appellant's ownership that could be released, there are no details showing what proportion of the portfolio would be put on the market.
21. I accept that UDP Policy H15 is permissive of purpose-built student housing in the AHM, but not at all costs. Its criterion (ii) seeks to ensure that such schemes would not have unacceptable effect on neighbours' living conditions including through increased activity, or noise and disturbance, either from the proposal itself or combined with existing similar accommodation. I find that the criterion does not distinguish between HMOs and purpose-built student accommodation, and it requires a general assessment of the development's cumulative effect on residents' living condition.
22. The appellant argued that there is no quantifiable evidence to prove that existing residents are harmed by students, but at the Inquiry it was acknowledged by all parties that those impacts described in the Department for Communities and Local Government report⁴ are identified as effects on people's living conditions where there is a high concentration of students. In addition, as well as written objections from local residents and from what I heard, there is a genuine concern about the development's impact on people's quality of life. I heard directly from Ms Buckle who stated that the level of disturbance and problems are noticeably greater during term-time, which reflects the transient nature of the student community. In addition, the appellant recognises that 256 students are bound to have some effect on the neighbourhood.
23. I do not dispute that managed student accommodation goes some way in controlling on-site noise and nuisance. However, I understand concerns that the lifestyle choices of some students can, at times, give rise to unneighbourliness and anti-social behaviour off-site. In my view, the proposed development would be a source of annoyance because of its location within a residential area. Contrary to the appellant's arguments, I find that the over-concentration of students in this part of

² Appeal ref: APP/N4720/A/06/2028013 allowed 21 February 2007 for 3 and 4 storey block of 3, 5 and 6 bed apartments (47 beds in 11 clusters) at 45 St Michael's Lane Headingley.

³ University of Leeds Housing Strategy Update Report May 2007.

⁴Page 7 Evidence Gathering – Housing in Multiple Occupation and possible planning responses final report by DCLD (2008).

the city would not sit well with the Government's objectives of creating socially cohesive and well-balanced communities as stated in PPS1 and PPS3.

24. The Council states that students residing at the development would be more likely to pass through the surrounding residential streets because of the site's location. In my view, the new residence would generate a high frequency of comings and goings by students including the likelihood of frequent high-spirited late night activity at times when people are normally sleeping, or enjoying the comfort of their own homes. Commonsense suggests that these effects would likely to be long-term. In the wider public interest, I consider that the development would be materially harmful to neighbours' living conditions.
25. I do not dispute that the site is in a sustainable location and within walking and cycling distance of the main city campuses. I also note that the development would not result in the loss of daylight, sunlight and privacy of those residential properties closest to the site. However, on balance I conclude that the proposal would be unacceptable having regard to PPS1, PPS3 and the main thrust of UDP Policy H15.

Third main issue

26. Despite the offer of off-site green space contribution the Council is concerned about the amount of on-site private amenity space, though it failed to demonstrate that there is a specific numerical standard required by UDP Policy. Nonetheless, its SPG indicates that amenity space should be provided at a ratio of a minimum of 25% of the floor area for flats.
27. Mr McCormack's rebuttal proof submitted at the Inquiry indicates that area C and E should be combined generating a useable area of about 1010 square metres. In addition, areas A and B would add 541 totalling about 1,551 square metres of garden space, but the required amount would be around 1,847. Whilst I agree with the Council that students should not expect less favourable conditions than permanent residents, I am not convinced that the required shortfall would be wholly unreasonable considering the development's proximity to Burley Park. I consider that the main private spaces would not be overcrowded due to their size and shape.
28. I acknowledge that this case should be assessed upon its individual merits; however, the appellant cited other developments where the Council has accepted lower standards and I saw the development at Royal Park Road, which has a small area in proportion to its built-form.
29. I agree with the appellant that the proposed scheme's amenity space would not be that untypical of student housing in the city. On this main issue, I conclude that future occupiers' living conditions would not be materially disadvantaged, due to the adequate provision of useable and private on-site amenity space.

Other matters and conclusions

30. I have considered the appeal decisions submitted in Mr Grundy's proof of evidence⁵. Whilst full details of these applications are not before me for consideration, I have determined this appeal on its individual merits. In any event, this appeal site is located within a designated AHM and is situated in a prominent location.

⁵ Appeal references APP/N4720/A/06/2028183, 2039770 and 2016991.

31. The appellant stated that the extant scheme may take some time to come into fruition as opposed to the student accommodation, and that the 86 flats already approved could also be occupied by students. The scheme would be a catalyst for regeneration in this area, but I consider that could be argued in favour of any proposal.
32. In any event, whilst I have found that the development would provide adequate private amenity space, on balance, the proposal would be harmful to the character and appearance of the surrounding area and fails to satisfy both national and local planning policies.
33. For the reasons stated above, and having regard to all other matters raised including the appellant's Design and Access Statement and the discussion on conditions, I conclude that the appeal should not succeed.

Ahsan U Ghafoor

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Martin Carter	Of Counsel
He called	
Andrew Graham BA (Hons), MA	Senior Design Officer, Leeds City Council
Timothy Poupard BA (Hons)	Principal Planner for North-West, Leeds City Council

FOR THE APPELLANT:

Andrew Williamson	Solicitor, Walker Morris LLP Leeds
He called	
David McCormack B.Arch (Hons) RIBA APMP	Studio Map Limited
Simon Grundy BA MRTPI	Barton Willmore

FOR LEEDS HOMES IN MULTIPLE OCCUPATION LOBBY

Dr R Tyler	9 Buckingham Drive, Leeds
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INTERESTED PERSONS:

Sue Buckle	13 Ash Grove, Leeds
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DOCUMENTS HANDED IN AT INQUIRY

Document 1	Letter of notification and notified list
Document 2	Signed Statement of Common Ground
Document 3	Council's opening statement
Document 4	Mr McCormack's rebuttal proof of evidence
Document 5	Summary of proof of evidence of Mr McCormack
Document 6	Evidence Gathering – Housing in Multiple Occupation and possible planning responses final report by DCLD (2008).
Document 7	Email dated 31.10.08
Document 8	Email submitted by Dr Tyler
Document 9	Parklane Properties letter date 25.09.08
Document 10	Unsigned copy of Section 106 Unilateral Undertaking
Document 11	Signed copy of Section 106 agreement and planning obligation
Document 12	List of conditions
Document 13	Council's closing submissions
Document 14	Appellant's closing submissions

PLANS

Plans for planning application ref: P/24/39/02/FU

