



PLANS PANEL (WEST)

Meeting to be held in Civic Hall, Leeds on
Thursday, 3rd February, 2011
at 1.30 pm

MEMBERSHIP

Councillors

N Taggart (Chair) B Chastney P Wadsworth T Leadley
J Akhtar J Matthews R Wood
M Coulson
J Hardy
J Harper

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p>	

Item No	Ward	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which may have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF INTEREST</p> <p>To declare any personal/prejudicial interest for the purpose of Section 81 (3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence</p>	
6			<p>MINUTES</p> <p>To approve the minutes of the last meeting held on 6th January 2011 as a correct record</p> <p>(Copy attached)</p>	3 - 8
7			<p>CORRECTION TO THE SIGNED MINUTES OF PLANS PANEL WEST MEETING HELD 15TH JULY 2010</p> <p>To consider the report of the Assistant Chief Executive (Corporate Governance) requesting approval for a correction to be made to the minutes of the Plans Panel West meeting held 15th July 2010</p> <p>(Report attached)</p>	9 - 10

Item No	Ward	Item Not Open		Page No
8	Farnley and Wortley;		<p>APPLICATION 09/05553/OT - OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT AT LAND OFF ROYDS LANE, LOWER WORTLEY, LEEDS</p> <p>To consider the report of the Chief Planning Officer on proposals for a residential development on land off Royds Lane, Lower Wortley, Leeds</p> <p>(Report attached)</p>	11 - 20
9	Kirkstall;		<p>APPLICATION 10/04879/EXT - EXTENSION OF TIME PERIOD FOR PLANNING PERMISSION 07/03002/FU (PART 3 AND PART 4 STOREY BLOCK COMPRISING 16 TWO BED FLATS AND 1 STUDIO FLAT WITH 19 CAR PARKING SPACES) - FORMER KIRKSTALL HILL COMMUNITY CENTRE, EDEN MOUNT, KIRKSTALL</p> <p>To consider the report of the Chief Planning Officer on an application seeking an extension of time for a 2008 permission for the development of flats on the site of the former Kirkstall Hill Community Centre, Kirkstall</p> <p>(Report attached)</p>	21 - 32
10	Hyde Park and Woodhouse;		<p>APPLICATION 10/04697/FU - CHANGE OF USE OF VACANT SHOP (USE CLASS A1) TO FINANCIAL AND PROFESSIONAL SERVICES (USE CLASS A2) AT 19 HYDE PARK CORNER, WOODHOUSE, LS6 1AF</p> <p>To consider the report of the Chief Planning Officer setting out a proposed reason to refuse an application for the change of use of a vacant shop</p> <p>(Report attached)</p>	33 - 38
11			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note the date and time of the next meeting as Thursday 3rd March 2011</p>	

Chief Executive's Department
Democratic Services
4th Floor West
Civic Hall
Leeds LS1 1UR

To:

Members of Plans Panel (West)
Plus appropriate Ward Members and
Parish/Town Councils

Contact: Helen Gray
Tel: 0113 247 4355
Fax: 0113 395 1599
helen.gray@leeds.gov.uk
Your reference:
Our reference: ppw/sitevisit/
26 January 2011

Dear Councillor

PLANS PANEL (WEST) – SITE VISITS – THURSDAY 3RD FEBRUARY 2011 AT 1.30 pm

Prior to the next meeting of Plans Panel West there will be site visits in respect of the following;

- 1 10:30 am Application 10/04697/FU – Change of Use of Vacant Shop (Use Class A1) to Financial and Professional Services (Use Class A2) – 19 Hyde Park Corner, Woodhouse. Leave 10.45am (meet on street to front of property if travelling independently).
 - 2 10:55 am Application 10/04879/EXT – Extension of Time Period for Planning Permission 07/03002/FU (Part 3 and Part 4 Storey Block comprising 16 Two Bed Flats and 1 Studio Flat with 19 Car Parking Spaces) – Former Kirkstall Hill Community Centre, Eden Mount, Kirkstall, Leeds. Leave 11.10am (meet on Eden Mount if travelling independently)
 - 3 11:20 am Application 09/05553/OT – Outline Application for Residential Development at land off – Royds Lane, Wortley, Leeds. Leave 11.50am (meet at Royds Lane entrance if travelling independently).
- Return to Civic Hall at 11.30 pm approximately

A minibus will leave the Civic Hall at 10.25 am prompt. Please contact Steve Butler Area Planning Manager (West) Tel: (0113) 2243421 if you are intending to come on the site visits and meet in the Civic Hall Ante Chamber at 10:20 am

Yours sincerely

Helen Gray
Governance Officer

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PLANS PANEL (WEST)

THURSDAY, 6TH JANUARY, 2011

PRESENT: Councillor N Taggart in the Chair

Councillors J Akhtar, B Chastney,
M Coulson, J Hardy, T Leadley,
J Matthews, E Nash, R Wood and
P Wadsworth

88 **Declarations of Interest**

The following Members declared personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct:

Councillors Chastney and Wadsworth – item 9 Little London Regeneration – declared personal interests as Directors of the local West North West Homes ALMO (minute 93 refers)

Councillor Nash – item 10 Clariant site – declared a personal interest as she stated her husband was a member of a cricket team who occasionally played matches on the recreation ground within the development site and made use of the pavilion (minute 94 refers)

89 **Apologies for Absence**

Apologies for absence were received from Councillors Castle and J Harper. The Panel welcomed Councillors Wadsworth and Nash as their substitutes

90 **Minutes**

RESOLVED – That, subject to the amendments below, the minutes of the meeting held on 14th December 2010 be agreed as a correct record

a) minute 76 (November minutes) – to amend to read “minute 66 to show that both Councillors Fox and Leadley required it to be recorded that they abstained from voting on the matter. Councillor Leadley felt that separate votes should be taken on each of the applications”

b) minute 79 Leeds Girls High School – to amend paragraph PPG17 to read as follows:

PPG17 - “... Members commented on the value of this greenspace to the *listed building setting in the Conservation Area* within this dense inner city area ...”

Policy N6 – “ .. this re-provision could be deemed to be acceptable in terms of function as defined by Policy N6 (1). “

91 **Application 10/03747/FU - Part two storey and part single storey side extension at 5 Caythorpe Road, West Park Leeds LS16 5AQ**

The Chief Planning Officer submitted a report setting out a proposed reason to refuse an application for a part two storey and part single storey side extension to a residential dwelling. Members had visited the site prior to the meeting. Site plans and floor plans of the existing dwelling and proposed

extension were displayed at the meeting along with photographs of the dwelling and streetscene.

Officers highlighted the planning history of the site, including the outcome of appeals against refusal of two previous applications for extensions to the same dwelling. The Panel heard from the applicant Mr Simpson and from Mr Roche a local resident who objected to the application and noted their comments.

Members discussed the following matters:

- character of the local area which included a range of dwelling styles
- size of dwelling; proposed extensions and the size of the development plot
- Permitted Development rights and the scale of development which could be erected without the need for a planning application
- distance between the proposed new extension and the boundary
- impact of the extension on the adjacent oak tree and nature of the space around dwellings – a feature of the area highlighted within the Far Headingley, Weetwood and West Park Neighbourhood Design Statement
- the design and size of the extension and roof pitch

Members and officers acknowledged the application was finely balanced.

Officers stated the principle of development had not been agreed and

Members considered the benefits of redeveloping the existing single garage

and 1950's vestibule. The Panel considered whether a more modest

extension would be more acceptable, however it was noted that this would

require a fresh application and re-advertisement. Members were not minded

to support the officer recommendation to refuse the application and following

a vote

RESOLVED –

- a) Not to accept the officer recommendation to refuse the application:
- b) That the application be approved in principle and be deferred and delegated to the Chief Planning Officer for final approval subject to appropriate conditions

92 Application 10/04972/FU - Retrospective application for change of use of Shop (Use Class A1) to Letting Office (Use Class A2) at Victoria House, 1 Stott Road, Headingley, Leeds LS6 1GH

The Chief Planning Officer submitted a report setting out the details of a retrospective application for the change of use of a shop (Use Class A1) to a letting office (Use Class A2). Members had visited the site prior to the meeting

RESOLVED – That the application be granted subject to the specified conditions contained within the report

(Councillor Akhtar withdrew from the meeting at this point)

93 Position Statement - Little London Regeneration Programme

The Panel received a report and presentation setting out the current position with regards to 8 detailed planning applications which had been submitted as part of the Little London Regeneration Programme. Officers anticipated submission of the formal applications in March 2011 and presented slides

containing 3D images, site plans and elevations and concentrated on three main areas relating to:

Carlton Gate – regarded as the gateway to the Little London area, comprising a central open space and green route for pedestrians through to the neighbourhoods to the north. Scheme designed having regard to pedestrians, rather than vehicles, and the 11m level change. The corner block was intended as a sculptural gateway feature with family housing on Carlton Walk and Carlton Carr at 3 storeys along tree lined streets

(Councillor Akhtar resumed his seat in the meeting)

Oatlands areas – containing the community hub with retail units and community centre with a one way loop road proposed around this area and pedestrian access through to the adjacent school site. The proposed apartment block now included elements of render to the elevations in response to comments made by Panel at an earlier presentation

The refurbishment proposals – the existing tower blocks would be re-clad and the setting of the tower blocks would be improved to allow better management and ownership of the grounds around each block. This would produce defensible and defined spaces, allow for landscaping, car parking and allotments for residents. Existing homes and maisonettes would receive new doors and windows and rendered elevations

(Councillor Akhtar withdrew from the meeting for a short period at this point)

Members made the following comments

- Some Members felt there was insufficient space between dwellings, and that it was not clearly defined to promote a sense of ownership and safety; however some Members felt that gaps could encourage anti social behaviour.
- Members noted comments that public seating in the open spaces could also generate anti social behaviour
- fencing could be appropriate around the public open space as a safety measure for children
- concern that future residents could come to regard the greenspace within the south eastern part of the Carlton Gate site as a permanent feature
- were keen to ensure that future maintenance of all green spaces within the scheme would be undertaken for the length of the PFI agreement
- established trees, as opposed to saplings, should be planted to the streets
- the relationships between the local ALMO and the PFI homes provider required careful management
- local ward Councillors should receive more details on the schemes
- need for high standard future proof homes. Members re-called the relative newness of the development to be demolished
- some Members expressed a preference for pitched roofs to the family housing units

- whether render or coloured bricks should be introduced to elevations. Render was susceptible to age and vandalism
- whether the glazing of the retail units could be protected without the use of shutters

RESOLVED – That the position statement and the comments of the Panel be noted

94 Application 10/04068/OT - Progress report on redevelopment proposals for the Clariant Site, Calverley Lane, Horsforth LS18

The Chief Planning Officer submitted a report on progress assessing the outline planning application for redevelopment of the former Clariant site, Horsforth in conjunction with the following item on the agenda (Riverside Mills, Horsforth - minute 95 refers) as the application sites are adjacent.

The two schemes would provide for a total of 550 new homes, retail unit, allotments, retention of a sports & recreation ground in community use. The developer had offered Section 106 and Section 278 Agreements that could also secure off-site highways improvements including Horsforth And Rodley roundabouts, new bus service to Horsforth, 25% Affordable Housing, footpath and cyclepath link improvements, free metrocards for residents and contributions to primary education.

Officers reported objections from Horsforth Town Council; Horsforth Civic Society and Leeds Civic Trust. Representations had been received from Councillors representing both the Horsforth and Calverley wards, except Councillor R Wood as a Member of the Panel. A total of 85 residents had submitted objections to the Clariant proposals and 72 residents had objected to the Riverside Mills proposals.

The Panel viewed slides showing plans and photographs of the overall site, an indicative site layout plan, associated highways works and proposed treatments of the Horsforth and Rodley roundabouts. Officers stated both applicants had submitted a Concept Masterplan, which was largely agreed, subject to revisions to the extent of 3 storey housing and areas of open space.

Officers confirmed the site comprises a redundant brownfield site, inset within the green belt. There would be problems associated with the continued use of the site for employment in the context of the fall-back position; a residential use may be more acceptable.

Officers reported that the majority of objections referred to potential impact on the highway network, but that this concern should be balanced against the number of trips which could be generated under the existing employment use and fallback position. It was reported that highways officers were generally satisfied with the principle of recent revisions to the proposed off-site highway works, subject to revised modelling and detail design amendments. Works could only be required to mitigate the development rather than resolve the existing problems already experienced through high volume general traffic on the ring road.

Officers concluded that discussions were still ongoing regarding highways, education and sustainability issues in particular:

- provision and timetabling of a bus service through the site
- level of Affordable Housing contribution
- contribution towards secondary education
- level of pedestrian/cycleway contribution
- potential for Code For Sustainable Homes 4
- potential for 10% renewable/low carbon generating energy

Members made the following comments/queries:

Primary school provision

- whether Education Leeds could accurately identify whether the nearest school would be St Wilfred's in Calverley or West End School Horsforth
- whether individual schools could be listed in the S106 for improvement
- that there was no point directing contributions to a Horsforth school when parents could choose to send and transport their child to a Calverley school.
- requested projected pupil figures for the locality

Employment Land

- queried the applicants assessment of local employment land provision which indicated a current surplus in the locality

Highways

- concern at status of the routes through the site and the pressure on Calverley Lane North
- commented that historically, Clariant site traffic operated an informal one way in/one way out system due to the difficult junction with the ring road
- requested accident statistics associated with right turns onto the ring road
- discussed signalisation of the Calverley Lane South junction, but noted this would require expensive bridge strengthening works on the ring road which may be prohibitive
- noted the residents of Calverley Lane North would prefer that route to be closed to general use, however the costs of the associated works to Calverley Lane South made this option prohibitive
- Members commented that no major changes had been made to the highway proposals since pre-application stage and that a more radical highways solution was needed

Numbers

- felt that provision of 550 homes on this site was too many
- the residential area produced a larger footprint than the former pharmaceutical factory
- Members were keen to ensure 30% Affordable Housing provision

Sustainability

- queried likely use of proposed bus, measures to encourage use of the proposed bus and implications of the bus offer not being taken up by residents. Members felt bus use must be encouraged and ensure connectivity with Horsforth and Pudsey to reduce pressure on the highways network
- viability of the bus scheme which would be funded for up to 10 years
- a view that the site could not be supported without major highways works
- provision of only one retail unit would encourage residents to take trips off-site to shop and increase pressure on the road network
- considered viability of a new rail halt although noted rail policy would not support this as this site was close to proposed stations at Apperley Bridge and Kirkstall Forge.
- could money be spent on the pavilion to make it more useable.

Overall Members maintained their earlier concerns regarding the sustainability of the site and some Members felt that no residential development should be approved without extensive highways improvements. The Panel expressed concern about creating a distinct settlement in this location, distant from Horsforth which would require residents to use a car.

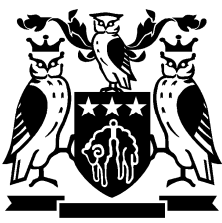
RESOLVED – That the contents of the progress report and the comments of the Panel be noted

95 Application 10/04261/OT - Progress Report on redevelopment proposals for Riverside Mills, Low Hall Road, Horsforth LS18

The progress report submitted by the Chief Planning Officer was considered in conjunction with the report on the Clariant site. Comments made by Members are set out in minute 94 above

96 Date and Time of Next Meeting

RESOLVED – To note the date and time of the next meeting as Thursday 3rd February 2011 at 1.30 pm



Report of the Assistant Chief Executive (Corporate Governance)

Committee: Plans Panel West

Date: 3rd February 2011

Subject: CORRECTION TO THE SIGNED MINUTES OF PLANS PANEL WEST MEETING HELD 15TH JULY 2010

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

This report provides seeks Members approval to a correction being made to the signed minutes of the Plans Panel West meeting held 15th July 2010 regarding the Application 10/0236/OT – a retail food store development, Armley.

1.0 Purpose Of This Report

1.1 This report sets out the request for the correction.

2.0 Background Information

2.1 Plans Panel West considered a position statement on proposals for a new retail food store development in Armley on 15th July 2010 (minute 17 refers). The minutes of the meeting were approved as a correct record on 12th August 2010 and subsequently signed by the Chair.

3.0 Main Issues

3.1 It has recently come to light that a mistake was made in the minute which reads “It was noted the ward Councillors would prefer to delete the petrol station from the scheme if this would improve connectivity with Town Street and preserved buildings in Conservation Area.”

3.2 The Clerk has reviewed the notes of the meeting and can find no evidence of this being reported to the meeting or stated by local ward Councillors; however this was a comment made by the Panel Members.

- 3.3 Local ward Councillor Alison Lowe seeks an amendment to minute 17 to properly reflect the content of the discussions on the proposals. The Panel must approve the amendment as part of the “reference back” process.
- 3.4 The signed minutes will stand as the original record of the meeting held on 15th July 2010. The correction; if approved; will be dealt with as a separate decision of today’s meeting and will be minuted as such. The new minute will refer back to minute 17 of the meeting held 15th July 2010. An annotation will be made on the minutes of 15th July 2010 directing future readers to the subsequent amendment.
- 3.5 The proposed amendment is set out below:
“It was noted the Panel would prefer to delete the petrol station from the scheme if this would improve connectivity with Town Street and preserved buildings in Conservation Area.”

4.0 Implications For Council Policy And Governance

- 4.1 The administration of the reference back can be dealt with through the existing support arrangements for the Panel.

5.0 Legal And Resource Implications

- 5.1 There are no legal or resource implications.

6.0 Recommendations

- 6.1 The Panel is requested to approve the amendment as indicated in paragraph 3.5 above and to authorise the Assistant Chief Executive (Corporate Governance) to make the necessary changes.

Background documents

- Minutes of the meeting held 15th July 2010
- Progress Report: Application 10/02363/OT – Outline Application to erect retail food store, with car parking and petrol filling station; land off Car Crofts, Town Street and Modder Place, Armley.



Originator: Carol
Cunningham
Tel: 0113 247 8017

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 3rd February 2011

Subject: Application number 09/05553/OT Outline planning application for residential development at Land off Royds Lane, Lower Wortley, Leeds.

APPLICANT
Wortley Green

DATE VALID
23 December 2009

TARGET DATE
24 March 2010

Electoral Wards Affected:

Farnley and Wortley

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 any others which he might consider appropriate) and the completion of a legal agreement to cover

- Greenspace provision
- Education provision
- Highway works
- Green travel Plan
- Financial viability
- Long term management of the open space and habitat corridor

PROPOSED CONDITIONS

1. Time limit for outline application
2. Development shall be line with approved plans
3. Full details of layout, scale, appearance and landscaping to be submitted
4. Samples of walling and roofing materials to be submitted
5. Sample panel of proposed brickwork
6. Details of fencing and boundary treatment to be submitted

7. Scheme for external bin storage to be submitted
8. Landscaping scheme to be submitted
9. Landscaping scheme to be implemented
10. Landscaping maintenance scheme to be submitted
11. All existing trees, shrubs and other natural features shown on approved plans to be retained
12. Preservation of existing trees and vegetation during construction
13. Tree protection during excavations
14. Replacement of landscaping if dies or seriously damaged in first 5 years
15. Existing and proposed levels to be submitted
16. Bat protection/mitigation
17. Submission of details for contamination and remediation
18. Amendment of remediation statement
19. Submission of verification reports
20. Reporting unexpected contamination
21. Importing soil
22. Areas to be used by vehicles to be laid out.
23. Road improvements to be carried out before development occupied
24. Full details of the access to and egress from the site to be submitted
25. Details of cycles and motorcycles parking areas to be submitted
26. Green travel plan to be submitted
27. Vehicle cleansing facilities to be provided during construction works
28. Means of preventing mud on highway during construction
29. Before development commences the flood defences shall be provided
30. Full details of proposed ground floor levels to be submitted
31. Scheme for provision of surface water and ground water drainage works to be submitted
32. Noise protection from railway
33. No building within 3 metres either side of water mains
34. Details of surface and foul water to be submitted
35. No piped discharge of surface water until satisfactory outfall approved and implemented
36. No piped discharge of surface water until approved surface water drainage works submitted
37. Surface water from vehicle areas to pass through an oil interceptor
38. Habitat protection and enhancement

1.0 INTRODUCTION:

- 1.1 The Chief Planning Officer considers that this application should be referred to the Plans Panel for determination as it is considered to be a major scheme.

2.0 PROPOSAL:

- 2.1 The application is an outline application for residential development. The original submission was for principle, means of access and layout. The layout has been withdrawn from the scheme so the application is now for the principle of residential development on the site and the proposed access. There will be one vehicular access to the site and this will be off an existing track off Royds Lane close to the junction of Royds Lane and the service road for Makro. There are a number of highway improvements that will be provided as part of the scheme which are as follows:
 - Improvement of the existing track to the site to adoptable standards with a pavement on each side

- New junction with Royds Lane and the service access with Makro. A stop line on the service access from vehicles leaving the service road for Makro.
- A pavement on one side of Royds Lane (there is an existing pavement on the other side) with dropped kerbs and tactile paving on all the crossing along both sides of Royds Lane
- New pedestrian crossing on the Ring Road, this is located after a left turn from Royds Lane.
- Changes to the Ring Road Roundabout at Ringways to include signalling.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located in Lower Wortley and is approximately 4km to the south west of the city just off the Ring Road next to Makro. The site is 5.7 hectares in size, of triangular shape and slopes upwards towards the southern boundary away from the Ring Road. The site is an old industrial site which has not been used for a number of years and has accommodated employment generating uses since the early 19th century. The northern part of the site previously accommodated a railway sidings, cement works, tyre depot and large car park. This part of the site is now vacant. At the northern part of the site the access road terminates in the tunnel under the railway to the east to the Gelderd Road industrial area. The southern part of the site is also vacant and in appearance is Greenfield as it has become self seeded over the years, following termination of the previous use. The southern part of the site is allocated for employment uses in the adopted UDP (E4:36). The northern boundary is the existing track that will be used for access and beyond this are two storey red brick offices. The eastern boundary has extensive tree coverage and beyond this is the railway line. The southern boundary has tree coverage and beyond this are open fields. The west boundary has vegetation on the boundary and beyond the boundary is Makro access road, building and car park. There is a public footpath which crosses the site and beyond this the land is overgrown with extensive tree coverage. There are extensive changes in levels on site which means that the southern boundary is at a higher level than the northern boundary.
- 3.2 The area is mainly offices except for the Makro store and there is no residential nearby.
- 3.3 The southern portion of the site supports habitats of local value and which provide a valuable wildlife corridor linking the urban area with the adjacent open countryside. There is a small area of acid grassland along the southern boundary of the site. This is a UK habitat of principle important for the conservation of biodiversity. The site also supports developing woodland habitat, scrub and species poor neutral grassland. The disused railways in particular provide valuable habitat corridors which are an important resource for local bat populations.

4.0 RELEVANT PLANNING HISTORY:

24/440/96/OT – Outline application of 5 industrial units approved 16/6/98
 24/217/01/RE – Renewal of outline application for 5 industrial units approved 16/8/2001
 24/334/04/RE – Renewal of outline application for 5 industrial units approved 28/9/04
 06/02324/OT – Outline application for offices, retail and residential approved 1/2/2008

5.0 HISTORY OF NEGOTIATIONS:

5.1 A planning application for residential development was submitted in December 2009. This included a layout for approval which was for 156 houses and 36 flats. This layout has been considered and discussed with the developer and officers. However, a layout which is acceptable to officers is still under negotiation. The developer has decided to withdraw the layout from the scheme and seek an approval from Panel for the principle of development and access. At the same time negotiations are continuing on the details for a Reserved Matters application.

6.0 PUBLIC/LOCAL RESPONSE:

No representations received.

7.0 CONSULTATIONS RESPONSES:

Statutory: None

Ward Members have been consulted on this latest package and comments are awaiting. Councillor Ann Blackburn has previously commented that she would not support residential on the site that failed to provide all the required financial contributions.

Policy – Residential development is acceptable on this site

Highways – Objections, amendments required.

PROW – a public footpath crosses the site which is required to remain open and available for use at all times, otherwise will need a Public Path Order for its closure/diversion.

Metro – Two new 'live' bus information bus stops required plus residential metrocards

Environmental Health – Conditional approval – condition for

- Noise protection from railway
- Control of nuisance during construction

Yorkshire Water – Conditional approval

Environment Agency – Conditional approval

Affordable housing – 30% provision required on site

Greenspace – Allocation required on site

Public transport – Objection as does not comply with SPD on public transport in that a bus stop should be within a 5 minute walk (400M) and this is 600m away.

Transport Policy – Travel plan and residential bus metro cards required as part of section 106 agreement

Education – financial contributions required

8.0 PLANNING POLICIES:

Land allocated for employments uses in the Unitary Development Plan.

PPS1 – Creating sustainable communities.

Relevant UDP policies;

Policy E4 – allocates the site for industrial use

Policy E7 – Gives advice for residential development on allocated employment sites.

BD5 – new buildings design consideration given to own amenity and surroundings.

H3 – details the phasing of allocated sites during the plan period

H4 – gives advice regarding housing development on unallocated sites

N4 – Requirements for greenspace linked with residential development

N12 – priorities for urban design.

N13 – new buildings should be of high quality.
H11 – housing developments require developers to provide appropriate proportion of affordable housing
LD1 – landscape scheme.
T2 – development capable of being served by highway network.
T24 – car parking guidelines.
GP5 – detailed planning considerations should be resolved including design and loss of amenity.
N24 – Landscape buffer required between development and open land

9.0 MAIN ISSUES

1. Principle of development
2. Proposed access and highway improvements
3. Financial Contributions
4. Contamination
5. Public transport
6. Habitat corridor

10 APPRAISAL

10.1 Principle of development

- 10.1.1 The rear part of the site is allocated for employment purposes in the Unitary Development Plan under E4:36. The site employment allocation amounts to 3.2 hectares of the overall 5.7 hectares. The front part of the site is unallocated. Policy E7 of the Unitary Development Plan states that residential development on land no longer needed for employment uses can be developed for residential development subject to a number of criteria. These are the following:
- i) The site is not reserved for specific types of employment referred to in policies E8 and E18. This site is not referred to in either of these two policies.
 - ii) Sufficient alternative employment sites exist district wide and are readily available. This has been assessed and it is considered that there are sufficient sites district wide to allow the release of this site for residential development especially when it is a brownfield site.
 - iii) Within the locality there are sufficient alternative employment sites available. There are a number of sites located nearby which are allocated for employment purposes in the Unitary Development Plan which meet the needs of the locality.
 - iv) Would not result in environmental, amenity or traffic problems. The proposal involves works to the highway network which are required to accommodate the development. These allow for the site to be developed without a detrimental impact on the highway network. Environmental and amenity issues will be assessed when a detailed reserve matters application is submitted.
- 10.1.2 The site also has a current consent which expires on 1 February 2011 for offices, retail and residential. Whilst this consent was outline, an indicative plan was submitted with the application which showed a small element of offices fronting Royds Lane with the majority of the site residential. This approval will have expired by the time the current scheme is assessed at Plans Panel but it does indicate that the principle of the loss of an employment site has been previously assessed and approved.
- 10.1.3 Policy H3 details the delivery of housing land release over the period of the Unitary Development Plan. This site is considered to be brownfield and would supply

housing under the unallocated land (windfall sites) given planning permission under the terms of policy H4 within the main and smaller urban areas.

- 10.1.4 Policy H4 goes on to state that residential development not identified for residential within the Unitary Development Plan can be acceptable if it meets the following criteria.
- Lies within the main and smaller urban areas – This site is located next to built development except for its rear boundary which is open fields. It is considered that the site is within the urban area of Leeds with its rear boundary forming the boundary for the extent of the urban area in this location. The site therefore complies with this criteria.
 - Acceptable in sequential terms. The site is a brownfield site as it has been previously used for industrial development which supports the Government Guidance in PPS3 – Housing.
 - Within the capacity of existing and proposed infrastructure. The proposal does require some changes to the surrounding infrastructure which are to be funded by the developer and are discussed in more detail below. It is considered that once these works have been implemented the scheme complies with this criteria.
- For these reasons the principal of development on the site is considered acceptable.
- 10.2 Proposed access and highway improvement.
- 10.2.1 The proposed access is off a track which branches off Royds Lane at its junction with the service access road to Makro. This track will be widened to accommodate the required width for an adoptable highway along with a footpath on both sides. This widening will be to just after the proposed access onto the site and there will be bollards placed after this junction to prevent vehicular access onto the rest of the existing track which is outside the ownership of the applicant. This access is considered acceptable for a residential development on the site. There are a number of offsite highway works required on the surrounding network to accommodate the traffic generated from residential development. These include new footpaths on Royds Lane, new pedestrian crossing on the Ring Road and signalisation of the 'Ringways' roundabout. These works will be funded by the developer of the site and can be included within the section 106 agreement.
- 10.2.2 Providing these highway works are carried out before the development is brought into use then the development will not have a detrimental impact on the free and safe flow of traffic and there shall be no detriment to highway safety.
- 10.3 Financial contributions
- 10.3.1 There are a number of financial contributions required as part of the development which are as follows.
- i) Affordable housing
 - ii) Greenspace
 - iii) Education
 - iv) Metrocards and bus stops
 - v) Highways works
- 10.3.2 The developer has submitted a financial viability statement to show how much profit is available from developing the site for residential development in the current financial climate. The viability statement showed that there would be a 17.3 % profit on the site if no planning obligations have to be adhered to. Originally the applicant offered to pay a financial contribution to highways works and an element of affordable housing. Officers considered that the payment offered for highway works

would not be sufficient to carry out all the highways works detailed above so the development would have a detrimental impact on highway safety. Officers were also concerned regarding no contributions for other requirements such as education along with the reduced payment for affordable housing. The financial appraisal submitted also stated that if all the contributions were paid in full then the profit from the site would be 7.2 % which leaves the site unviable. These figures have been agreed by our asset management section. The applicant reconsidered their position and have offered the following financial package. The applicant will pay the full costs for the highways works and the requirements for greenspace and education provision. They have not offered to pay anything towards affordable housing, bus stop upgrades and residential metrocards for the occupiers of the proposed residential properties.

10.3.3 The assessment of the various contributions is detailed below.

10.3.4 i) Affordable housing

The site is located within the urban area and has a requirement for 30% of the housing on the site to be affordable housing. If this is the case, along with all the other contributions provided the site would not be viable for residential development. The Government have requested that local planning authorities need to be helpful to the development sector where appropriate in a difficult economic climate. It is agreed that this is in line with the recent DCLG announcements and both the national and local need in Leeds to increase housebuilding development rates, particularly on brownfield sites such as this. It is acknowledged that the economics of provision are a material planning consideration.

A section 106 agreement will be attached to any approval. This S106 would allow for no commitment to affordable housing to be provided immediately when development commences, however, if development is not substantially completed within 2 years, the viability assessment will have to be resubmitted. This will assess if the market has improved and whether provision for affordable housing can then be provided. The two years start from when the S106 agreement is signed and not when development starts on site. If in two years time the financial viability shows that a contribution to affordable housing is able to be provided then this will be the full amount required of affordable housing based on the total number of residential dwellings proposed rather than a percentage of the residential units left to be built.

This assessment has then to be carried out yearly until the development is complete. On this site the provision if required would be on site rather than a commuted sum with there being no other housing provided in the near vicinity. Whilst this request is at odds with current policy guidance it does ensure that development can commence on site as soon as possible with all the economic benefits.

This section 106 agreement allows for development to proceed on site in this difficult financial period and protects the interest of the Council in that the full amount of affordable housing provision may be required and provided before the development is complete.

10.3.5 ii) Greenspace

There will be a requirement to provide greenspace on site. There is a formula for calculating greenspace and this can be within the required Section 106 Agreement. This is considered acceptable for an outline application and ensures that sufficient greenspace is provided on site in line with policy.

10.3.6 iii) Education

There will be a requirement to contribute to both primary and secondary schools. Schools are under pressure at the current time due to an increase in the birth rate at primary school level and increase in school leaving age putting pressure on secondary school level. Therefore, there is no capacity in the local schools to accommodate pupils generated from this development. A formula for this required education contribution can be inserted into the Section 106 Agreement. This is considered to be acceptable and will ensure that the required number of school places will be provided depending on number of pupils generated from this development.

10.3.7 iv) Metrocards and bus stops

There is a requirement for residential development to have metrocards for the occupiers of the new houses and the two nearest bus stops on the Ring Road to be upgraded to accommodate 'live' feeds. In addition the original application provided a shuttle bus from the site to Leed Railway Station which was intended to serve the whole of the site (commercial and residential). The applicant is stating that they are unable to provide these three requirements due to the financial viability of the site and has chosen to fund other contributions for the development which are considered more important to allow the development to proceed. Again this will be tied in with the affordable housing and the financial viability and could be provided if the financial situation improves sufficiently to allow for these along with affordable housing to be provided. It is considered that in the current market, the financial requirements that have to be provided, there is less detriment to the occupiers than if this money was taken from the provision for highway works, greenspace and education.

10.3.8 v) Highway works

Highway works requirement have been discussed above and can be included in a section 106 agreement.

10.4 Contamination

- 10.4.1 The site contains contaminants due to its previous uses on the site. Remediation works will be required to clean the site to a level that is acceptable for a residential development. As this application is outline for the principal of development on the site conditions can be attached to require this information to be submitted with the reserve matters application for consideration

10.5 Public transport

- 10.5.1 Policy T2 of the Unitary Development Plan makes it clear that new development should be capable of being served by public transport and this is amplified in the Public Transport SPD. These all state that residential development within the urban area of Leeds should be located within a five minute walk (400m) of a bus stop offering a 15 minute frequency or more during the day. The nearest 15 minute frequency route is located on the Whitehall Road which is 600m from the site which exceeds this policy. The walking environment also to these bus stops is poor. The highway works proposed as part of this application provide a pavement on either side of Royds Lane and a pedestrian crossing over the Ring Road improving the route for pedestrians to the bus stops. Whilst the distance is more than the policies

request the site is a brownfield site and the benefits of development are considered to outweigh the additional distance it is required to walk to link in with the public transport network.

10.6 Habitat corridor

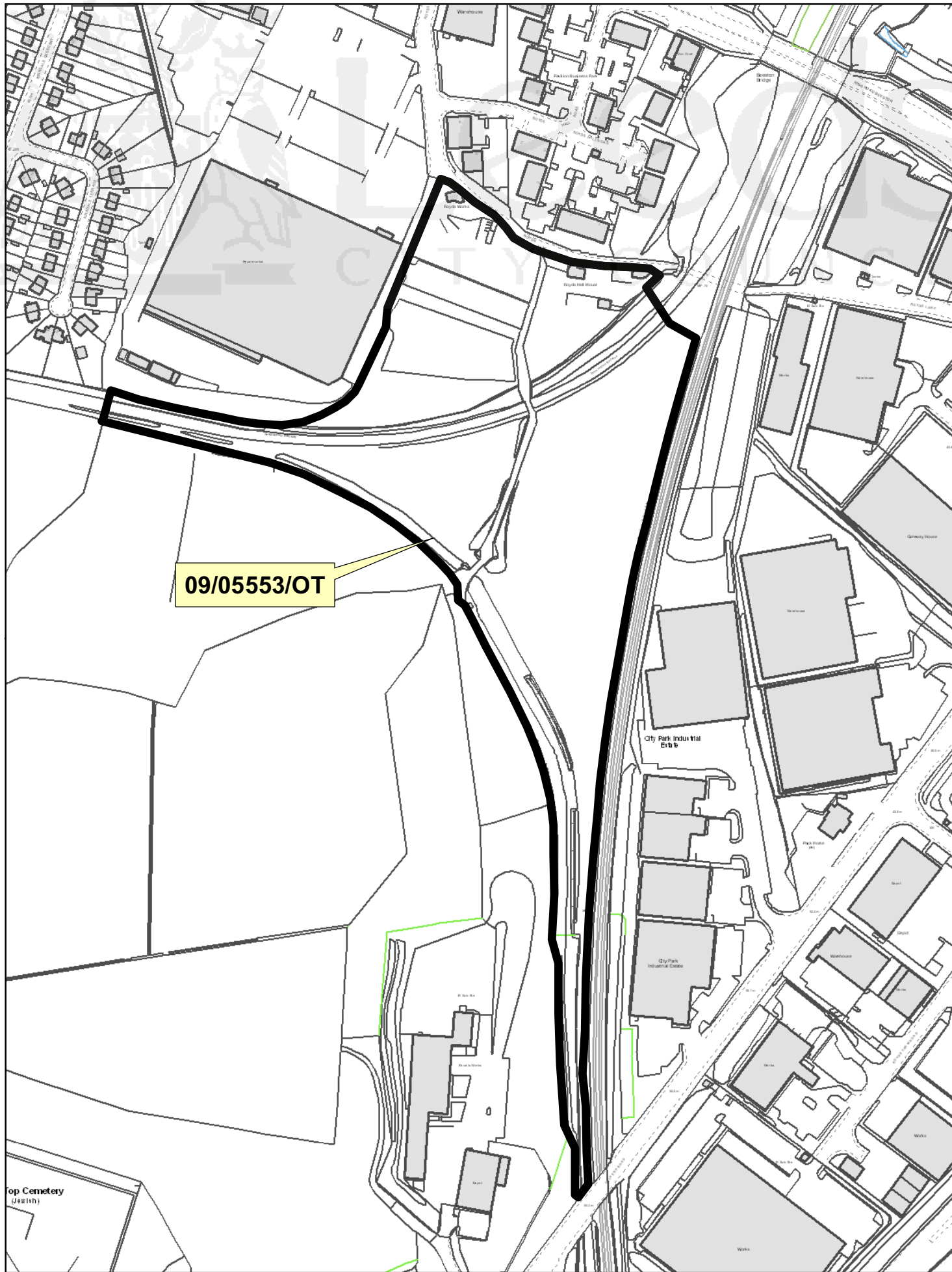
- 10.6.1 The site has been unused for a number of years and this has led to extensive landscaping and established habitats on the site. Officers have been negotiating the retention of a habitat corridor that has been established through the centre of the site. Officers have suggested that the required greenspace on site is located at either side of this habitat corridor to ensure that the built development does not encroach on the ecology within this corridor. Matters in relation to its retention and protection need to be included within the section 106 agreement.

11 CONCLUSION

In conclusion the development of the site for residential development subject to a section 106 agreement and conditions is acceptable. The proposed access arrangements are also considered acceptable and approval is recommended.

Background Papers:

Application file: 09/05553/OT



WEST PLANS PANEL





Originator:Richard Edwards
Tel: 0113 3952107

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 3rd February 2011

Subject: Application 10/04879/EXT – Extension of time period for planning permission 07/03002/FU (Part 3 and part 4 storey block comprising 16 two-bed flats and 1 studio flat with 19 car parking spaces) – Former Kirkstall Hill Community Centre, Eden Mount, Kirkstall.

APPLICANT	DATE VALID	TARGET DATE
Mood Developments Limited	17 th November 2010	16 th February 2011

Electoral Wards Affected:

Kirkstall

N Ward Members consulted (referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION for extension of time subject to the following conditions:

1. Time limit 3 years.
2. All external walling materials to be approved.
3. Surfacing materials to be approved.
4. Design and finish of balcony railings to be approved
5. Boundary treatment to be approved.
6. Noise attenuation scheme on northern elevation to be approved.
7. Details of landscaping scheme to be approved.
8. Implementation / maintenance of landscaping scheme.
9. Lighting scheme to be submitted and approved.
10. Area to be used by vehicles to be laid out.
11. No gates to primary access.
12. Parking to be unallocated and maintained in perpetuity.
13. Retention of cycle parking
14. Retention of disabled parking.
15. City Services to be consulted over footpath crossing.
16. Methods of foul and surface drainage to be approved.
17. Specification of sustainable drainage system
18. No discharges of surface water until drainage works carried out.
19. Submission of contaminated land reports and site investigation methodology.
20. Validation of site remediation.

1.0 INTRODUCTION:

- 1.1 This application for the extension of time of a 2008 permission for the erection of a part three storey, part four storey block of 17 flats with car parking to a vacant site is brought before the Plans Panel at the request of Councillor John Illingworth. There have been no material changes in circumstance that would affect the acceptability of the proposal, which was originally approved by the Panel following negotiations with Ward members and amendments to the design and intensity of the scheme, and the application for extension of time is recommended for approval subject to conditions.

2.0 PROPOSAL:

- 2.1 This application follows the granting of outline consent for residential development on this site in April 2006, and the approval at a meeting of West Plans Panel on January 24th 2008 of a part three-storey, part four storey block of 17 flats. This was in turn reduced from the initial submission of a five-storey block of 19 flats during a process of negotiation.
- 2.2 The building will occupy the central and western portion of the site, with parking to the east and an area of lawned amenity space to the northern section adjacent to the rear of the public house.

- 2.3 21 car spaces will be laid out including one disabled space, whilst ground floor storage for cycles and bins will be provided at ground floor level to the north of the main building.
- 2.4 Each of the 16 two-bed flats will be of similar layout with a combined kitchen and living area, two bedrooms (one to include an en-suite) and a separate bathroom. Those flats to the first floor and above will be accessed via a central stairwell and lift and a partially-enclosed network of walkways.
- 2.5 The external design is modern and includes areas of brick and render to all elevations and flat roofs with overhanging eaves. Fenestration is of a regular pattern with inset brick panels to add visual interest. To the southern elevation the windows to main living areas are generally of full height sliding design with 'Juliet balconies', whilst to the northern side they are set back within the partially enclosed access walkways to this side of the building.
- 2.6 The building is finished in a mixture of rendered blockwork and brickwork (exact details to be agreed at conditions discharge stage by the Authority).
- 2.7 The site will be enclosed by a mixture of 1.8m timber fencing to the north (fitted to the existing dwarf wall on this side), 1.8m railings to the south and west, and a free-standing 1.8m timber fence to the eastern boundary with No. 48 Eden Mount. The current position of the vehicle access is to be retained and improved, and a grassed area to the south-west which forms a visibility splay for the adjacent garage court will also remain undeveloped.
- 2.8 Pedestrian access will be via the southern frontage. Following agreement with the Highways Officer neither this or the vehicle entrance will be gated as was initially proposed. Some indicative landscaping of the site is shown; however it is considered that this will mostly be addressed through the use of conditions.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a vacant site of approximately 0.14 hectares, with primary access from Eden Mount. This site was formerly the location of a single-storey community centre which was in poor condition and demolished in 2005.
- 3.2 The site was then sold at auction by Leeds City Council and has been cleared. It is currently partially enclosed by a 1.8m chainlink fence and a 1.0m dwarf wall to the north. The site is generally level, with no significant trees or other vegetation besides a sycamore to the northern boundary. This tree has an uneven crown spread and is misshapen. There are several mature trees to the adjacent site, separated by a public footpath. Part of the site (comprising the former access drive and parking area of the community centre) is hard surfaced.
- 3.3 The area is predominantly residential in character, with a mixture of inter-war semi-detached properties to the east, and post-war social housing in high-rise blocks to the west and south. The site adjoins the rear of the 'Merry Monk' public house to the north, a two-storey 1950s building in red brickwork. This

establishment has a large car parking area to its eastern side and as a result the proposal site is highly visible from Burley Road to the north. By comparison Eden Mount is a residential side road which sees relatively little traffic. Visibility from the frontage / access point is good in both directions.

- 3.4 Since the original application was considered in 2008 a development of affordable homes has been constructed on a former garage site to the south, and the adjacent multi-storey flats at Grayson Crest and Grayson Heights have been refurbished.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 06/01093/LA – Outline application for residential development – approved 13th April 2006
- 4.2 05/02352/DEM – Demolition of community centre for purposes of site clearance
- 4.3 06/02549/FU – Reserved matters application for the erection of 1 pair of semi detached houses and 15 town house in 4 terraces – Land at Argie Avenue and Eden Mount (located immediately to the South of the site under consideration here).

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The application was originally submitted in May 2007 following pre-application discussions with the developer. 19 flats were proposed within a five-storey block with 21 car parking spaces. A number of concerns were raised by internal consultees regarding the design, massing, detailing and parking arrangements and revised plans submitted which included additional fenestration and render detailing to the northern elevation, a reduction in overall height and the deletion of one unit. A gate to the main access was also removed on the advice of the Highways officer.
- 5.2 Following these amendments the proposal was brought before the West Panel on 29th November 2007 at the request of Councillor John Illingworth, who expressed concerns regarding an excess of high-density developments in this area and a lack of public amenity space for the prospective residents, particularly in terms of active recreation for children.
- 5.3 At this meeting Members resolved to defer consideration for one cycle to enable further negotiation over the intensity, height and massing of the scheme, and for Officers to draft reasons for refusal in the event of no progress being made. In the event the applicant agreed to amend the scheme to address the concerns and following a meeting with the then Ward Members (Councillors Minkin, Atha and Illingworth) a revised scheme for 17 apartments and 19 car spaces was approved by the Panel on 24th January 2008.
- 5.4 under the amended scheme 17 units are proposed, which triggers the affordable housing threshold of 15 units. The original application was supported by a viability appraisal to justify non-compliance with this requirement. The

developer's argument was accepted by the Panel and the scheme approved with no affordable housing provision. A developer contribution of £31,617 was originally requested by Local Plans to cover off-site greenspace; this was later reduced to £28,288 to account for the omission of two units. A condition was attached to the original approval to cover this, however due to case law which prevents the securing of financial obligations through condition, a draft Section 106 agreement to cover payment of the greenspace sum has been included with the extension of time application.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 A major site notice was posted on 3rd December 2010, and a newspaper notice published in the Leeds Weekly news on 9th December 2010. No representations have been received from members of the public as a result. Councillor Illingworth has re-stated his original concerns regarding the density of the scheme and requested that the extension of time is determined by Plans Panel.
- 6.2 Two representations were received to the original application in 2007; these focused on the design and density of the scheme, highway / parking concerns and the cumulative impact of a number of approvals within the local area.

7.0 CONSULTATIONS RESPONSES:

- 7.1 No consultations were made on this extension of time application. A full range of requests was carried out in 2007 and the responses can be summarised as follows:

SDU Design – no objections to revised scheme

West Yorkshire Police – no objections, conditions recommended to cover lighting design and boundary treatments

Minerals (Contaminated Land) – recommend conditions to ensure additional information is supplied

Local Plans / Policy – no objections to principle, recommend conditions to secure commuted sum for greenspace

Neighbourhoods and Housing – no objections subject to conditions to cover submission of noise attenuation scheme to elevation facing public house

Highways – no objections to revised plans subject to standard conditions

Mains Drainage – no objections subject to conditions to cover approval of SUDS scheme

City Services Waste Management – no objections

8.0 PLANNING POLICIES:

8.1 National Policy Statements (PPS's)

PPS1: Sustainable Development

PPS3: Housing

8.2 Unitary Development Plan –

Policy GP5: refers to development proposals should seek to avoid loss of amenity.

Policy BD5: new buildings design consideration given to own amenity and surroundings

Policy N12: refers to all development proposals should respect fundamental priorities for urban design.

Policy N13: refers to design of new buildings should be of high quality and have regard to character and appearance of surroundings.

Policy T2: refers to development capable of being served by highway network

Policy T24: refers to parking guidelines for new developments

8.3 Supplementary Planning Documents –

'Neighbourhoods for Living' – a Guide for Residential Design in Leeds

9.0 MAIN ISSUES

1. Principle of use / Extension of time
2. Greenspace and affordable housing
3. Design and appearance
4. Residential amenity
5. Highways considerations
6. Disabled access
7. Drainage
8. Contaminated Land
9. Representations

APPRAISAL

- 9.1 The application seeks to extend by a period of three years the permission granted on 24th January 2008 for a block of 17 flats with car parking. Whilst 'renewal' applications have not been routinely accepted for several years, this further extension of time is permissible under new guidelines which came into effect on 1st October 2009 in response to an increase in the proportion of unimplemented consents as a result of the continuing economic crisis. The

purpose of the changes is to ensure the continued delivery of housing and other development during and immediately after the downturn and to attempt to ameliorate the impact on Authorities of a sudden 'spike' in application numbers if and when the economy eventually leaves recession. These guidelines, issued in a Letter to Chief Planning Officers on 22nd September 2009 by the previous government, permit extant, unimplemented consents approaching expiry to be 'kept alive' (or in essence renewed) by local Planning Authorities without the need for the full range of consultations, provided there have been no significant changes to the underlying policy framework in the interim.

The principle of the residential re-use of this site has been established under a previous outline application (06/01093/LA) and following the amendment of the scheme to address the concerns of Ward members was granted planning permission in 2008. There have been no material changes to local planning policy during the intervening three year period that would affect the acceptability of the proposal. One material change that is worthy of consideration however, is that application 06/02549/FU for the erection of 1 pair of semi detached houses and 15 town houses to be constructed in 4 terraces has been implemented directly to the South of the application considered here.. This approval is of interest as at the time of its consideration Cllr Ilingworth raised concerns that this application would lead to the loss of greenspace in the area. It is worth noting that this application was one of the later phases of a long standing regeneration project for the Argies discussed over a number of years. The site was also a former garage site which although had some trees on the site these were in the main self seeded trees that had grown as the site had lain derelict. During the consideration of the proposal members of Panel were mindful of the loss of the 'public open space' element of the site as a material consideration and gave weight to it but on balance concluded that the benefits arising from the development in terms of affordable housing provision and the moves to enhance existing greenspace provision in the area as part of the regeneration scheme were considered to outweigh the loss of this area of greenspace. Therefore, in view of the aforementioned decision by members of Panel on this decision and that there have been no material changes to local planning policy the recommendation is to support the developer's request for an extension of time, subject to the same conditions as were applied to the 2008 approval and a Section 106 agreement to secure the developer contribution to greenspace improvements. It should also be noted that although Cllr Ilingworth has raised similar concerns regarding this application a commuted sum for the improvement of off site greenspace is being offered.

- 9.2 Policy N2.1 of the UDP sets out the requirements for on-site public greenspace for new residential developments. In this instance there is no on-site public greenspace provision, however it is considered that a developer contribution to off-site provision will be acceptable. There is sufficient existing N2.2 (Local and Recreational) provision in this area, however the proposal fails to provide any N2.3 space (Parks) and a further commuted sum is necessary in order to meet this requirement.

Policies H12, H13 and H14 of the UDPR highlight the requirement outlined in PPS3 to provide affordable housing (socially rented and sub-market purchase)

in order to meet the needs of low-income residents. Until April 2007, developments of 25 units and over triggered the requirement for affordable housing provision; however since then the threshold has been reduced to 15 units under which the developers would be expected to provide 4 affordable units as part of this scheme. A Financial Appraisal was submitted to the Local Planning Authority to support the applicants' case that since the threshold was lowered between the purchase date of the site and submission of the proposal, it would not be financially viable to carry out the development were the requirement for this level of affordable housing to be insisted upon. The financial statement has been independently assessed by Lambert Smith Hampton who agree that the applicants are correct in their assertion that the affordable housing would result in the scheme being unviable and that the costs of the development have not been overstated. It is considered that due to the effects of the financial downturn the situation has continued to worsen and that the constraints discussed in 2008 are likely to have become more, rather than less, of a consideration in the intervening period. As a result it is again not considered appropriate to insist upon the provision of 4 affordable units as part of the development.

- 9.3 The design of the building was largely negotiated and agreed in principle prior to the submission of a formal application and as a result of discussions between the Ward members, developer and officers both before and following consideration by the West Panel in November 2007. This resulted in reduction of the height from five to four storeys and deletion of two apartments in addition to other external modifications to improve the fenestration layout and articulation of the elevations. It is considered that the design of the proposal is appropriate to the mixed character of the surrounding development. The block has been sited toward the western portion of the site, away from the two storey semi-detached dwellings of Eden Mount and Kirkstall Hill, and also relates well to the much taller social housing to the south and west due to its height. Following revisions it is in design terms a well-proportioned building with a good level of elevational detailing and a number of vertical and horizontal articulations which break up what could otherwise be a very bulky and uniform structure. It is set back from the highway junction which helps to mitigate the change in levels between the south-western part of Eden Mount and the site.

Whilst some indication of possible landscaping has been shown on the submitted site plans, it is anticipated that this will be controlled by conditions to ensure the agreement and implementation of a full landscaping scheme on the site.

- 9.4 The site backs onto the grounds of the 'Merry Monk' public house. These premises have a license to open until midnight, and Environmental Health have previously received complaints relating to noise nuisance from local residents. A condition to face any noise sensitive façade away from the public house was attached to the outline permission and this is reflected in the design, which restricts main windows and balconies to the southern side with walkways and bathroom windows dominating the elevation which overlooks the public house. A further condition has been recommended to ensure that a suitable noise attenuation scheme is agreed and implemented to protect future residents of

the development from noise nuisance arising from this establishment, and this will be attached to any approval decision notice.

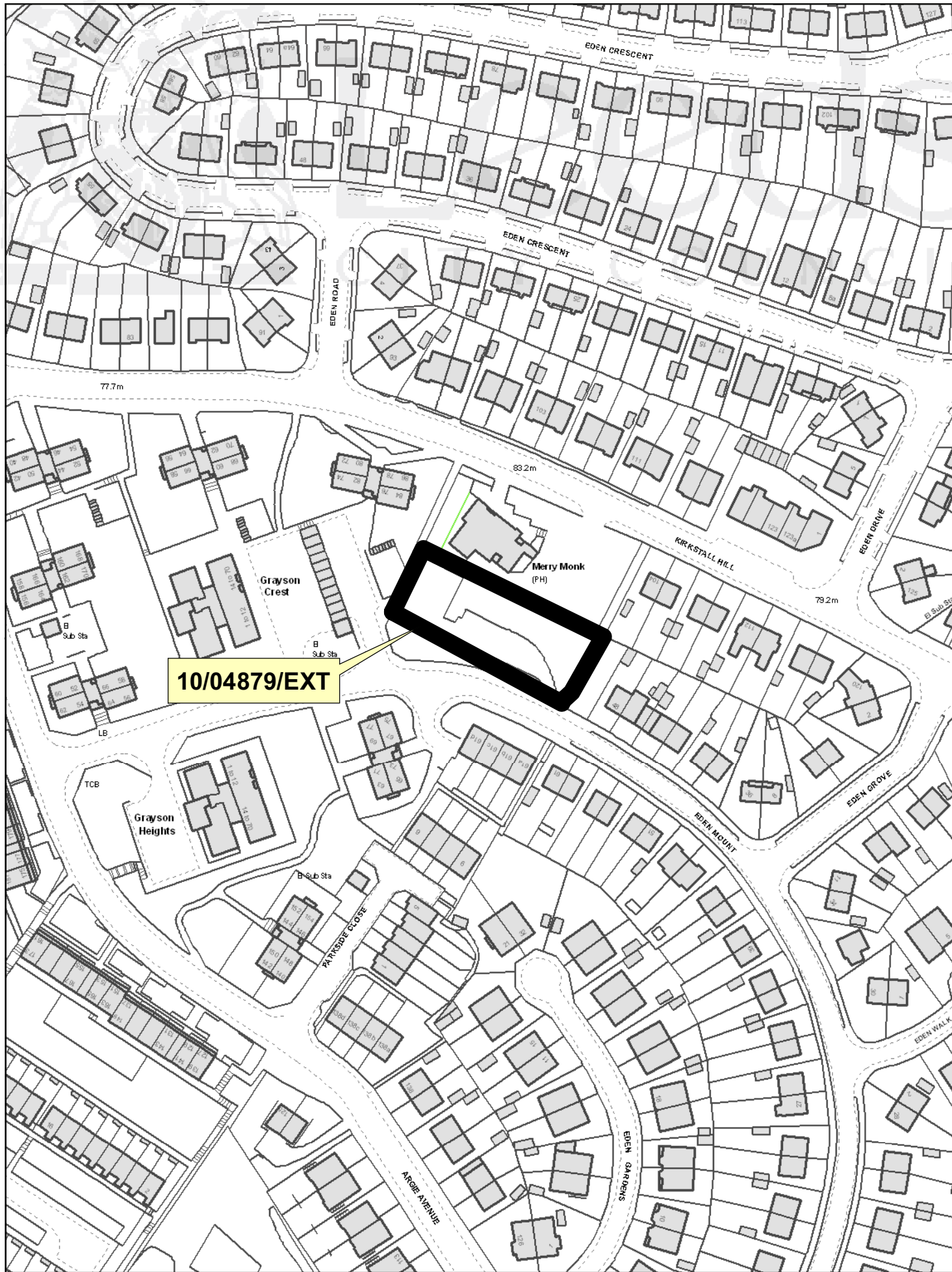
It is not considered that the scheme will result in loss of residential amenity to future occupiers of the units or the residents of existing properties nearby. The building is located sufficiently distant from adjacent dwellings to avoid any overlooking or overshadowing in spite of its four-storey height. An area of shared amenity space has been provided to the north of the property, and the properties will benefit from 'Juliet' style balconies with sliding doors. No public open space has been provided due to the size of the site, however it is considered that a commuted sum of £28,288 to fund nearby greenspace improvements is sufficient. Due to changes in case law which now prevent the conditioning of developer obligations, a Section 106 agreement has been drafted which will commit the applicant to funding improvements to existing off-site greenspace.

- 9.5 There are no objections to the revised scheme on Highways grounds. Eden Mount is a relatively lightly-trafficked residential side street with some on-street capacity. The access is to be improved but its location unchanged as this gives the greatest level of visibility and is generally flat and level. It has been agreed by the Highways Officer that a parking provision of 19 spaces (three below the current UDP guidelines) will be acceptable provided that these remain unallocated and that a previously proposed security gate limiting access to the parking area is removed. Following discussions, further amendments were carried out to the disabled parking, cycle and bin storage areas and the access (which will take the form of a dropped crossing rather than a full junction) in accordance with the comments of the Highways Officer, and again these were supported under the previous approval.
- 9.6 The Mains Drainage Officer recommends that a full drainage scheme be submitted for approval; this should reduce the rate of discharge to the existing public sewer through the use of sustainable methods and be approved prior to the development of the site. A number of conditions to cover the specification and implementation of the drainage system were recommended and these will be attached to the extension of time.
- 9.7 Whilst it is accepted that due to its previous use as a community centre the likelihood of potential contamination on this site is low, the information supplied does not fully address the potential existence of contaminants on the site and more detailed reports will be necessary before construction commences. As previously, it is considered that these can be secured by condition following determination of the proposal.
- 9.8 There have been no objections to the extension of time from local residents or members of the public. The proposal is again brought before the Plans Panel at the request of Councillor Illingworth who raises issues over the cumulative impact of this development and a number of other proposals in the vicinity of the site, particularly with regards to housing densities and a lack of suitable venues for active children's recreation.

Background Papers:

Application files: 10/04879/FU, 07/03002/FU

1.1



WEST PLANS PANEL



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Originator:	Alison Stockdale
Tel:	0113 3952108

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 3rd February 2011

Subject: APPLICATION 10/04697/FU – Change of use of vacant shop (use class A1) to financial and professional services (use class A2) at 19 HYDE PARK CORNER, WOODHOUSE, LS6 1AF

APPLICANT	DATE VALID	TARGET DATE
M Qureshi	15 th October 2010	10 th December 2010

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

REFUSE for the following reason:

The Local Planning Authority considers that the proposed use of the premises would further contribute to the proliferation and dominance of non-retail uses within this shopping parade and the wider Hyde Park Centre. This is considered to result in a significant impact, both individually and cumulatively, on the retail vitality and viability of this parade of shops and the wider defined district centre. The scheme is therefore considered contrary to policies GP5 and SF8 of the Unitary Development Plan and the national planning guidance contained within PPS1: Delivering Sustainable Development and PPS4: Planning for Sustainable Economic Development.

1.0 INTRODUCTION:

1.1 This application is brought to panel at the request of Councillor Gerry Harper .

2.0 PROPOSAL:

2.1 The proposal is to change the unit at 19 Hyde Park Corner to an A2 use.

2.2 The proposed hours of opening are 0800 – 1900 hours daily.

3.0 SITE AND SURROUNDINGS:

3.1 The application site is a double fronted shop unit in a secondary shopping frontage in the Hyde Park designated town centre.

3.2 The building is stone built and single storey above this unit with a first floor above the adjoining unit at No.23. To the other side the adjoining properties are brick built and 3 storey in height.

The site is within the Headingley Conservation Area on a shopping parade on a busy main road out of the city centre.

4.0 RELEVANT PLANNING HISTORY:

4.1 10/02055/FU – Change of use of vacant shop to letting agents - Withdrawn

4.2 26/543/01/FU – Change of use of shop to tanning studio - Approved

5.0 HISTORY OF NEGOTIATIONS:

5.1 Application 10/02055/FU was withdrawn on 18th June 2010. The applicant was advised that if they wished to re-submit they should include some supporting evidence detailing the efforts they had made to market the property as a shop and details of other vacant retail units locally.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Ward Councillor Gerry Harper supports the application and would prefer to see the property in use as an office rather than standing empty. He states that the property has been empty for some time and that the empty unit does more harm to the vitality of the town centre than the proposed A2 use.

6.2 12 letters of objection have been received including 2 from Council Members

6.3 Ward Councillor Penny Ewans states that she objects to use of this property as a Letting Agency “as there are already 14 of these at this location and there are others in the vicinity. At a time when we are hoping to bring more family dwellings into the area, replacing smaller HMOs, what we need are the kinds of shop that families would need. I appreciate that there are some specialist shops and some pavement cafes (extensions to their indoor facilities) but nothing to encourage people to do any day-to-day shopping there”.

6.4 Councillor James Monaghan states that “I object to the application. Hyde park corner is an important and vibrant district centre and replacing retail frontage with A2 usage will have a detrimental effect on the character of the area and the vitality and vibrancy of Hyde Park corner as a shopping location, and I suspect will add to the increasing number of letting agencies in the area of which there is already an overabundance”.

6.5 Letters from the Hyde Park Neighbourhood Association, Leeds HMO Lobby and local residents object to the application on grounds of: -

Reduction in the variety of retail provision at Hyde Park
Growth of letting agencies at Hyde Park
Large numbers of student residents and imbalance in the community
Contrary to local and national policy
No shops to serve long term residents
Negative impact on Conservation Area
Impact on vitality and vibrancy of Hyde Park as a shopping area

7.0 CONSULTATIONS RESPONSES:

7.1 Highways have no objections to the proposal but have recommended that a long stay cycle parking space should be provided.

7.2 Environmental Health have no comments.

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.

SF8 – within secondary shopping frontages proposals for a change of use to non-retail will be determined on their own merits.

T2 – developments need to be adequately served by existing or proposed highways, capable of being served by public transport and have provision for safe and secure cycle use and parking.

T24 - parking provision to reflect the guidelines set out in UDP Appendix 9.

Relevant supplementary guidance:

None relevant

Government Planning Policy Guidance/Statements:

In addition to the principal elements of planning policy other advice contained in Planning Policy Guidance Notes and replacement national Planning Policy Statements (PPS) may be of relevance to the submitted proposal. This includes:-

PPS1: Delivering Sustainable Development (2005)

PPS4: Planning for Sustainable Economic Development (2009)

9.0 MAIN ISSUES:

9.1 The principle of the development.

9.2 Impact on the retail character of Hyde Park

9.3 Assessment of the supporting information submitted by the applicant

10.0 APPRAISAL:

The principle of the development

- 10.1 The Council's policies for identified shopping centres (which include the Hyde Park Corner shopping centre in which the application premises are located) seek to ensure that the shopping function of those centres is not harmed by the introduction of too many 'non retail' uses such as hot food takeaways and the A2 (Financial and Professional services – includes banks, betting offices and property agencies) proposal which is the subject of the current application. Such uses can be appropriate to a shopping centre but where the proportion of them becomes too high they are considered to reduce the attractiveness of the centre to shoppers and potentially contribute to the overall decline of the centre, reducing choice and forcing residents to travel further to meet basic shopping needs.
- 10.2 The policy identifies Primary Frontages (there are three of these in Hyde Park Corner) and Secondary Frontages (there is one of these in Hyde Park Corner which includes the frontage containing the current application property). Within the Primary Frontages Policy SF7 of the UDP states that normally not more than 30% of the shopping frontage should be in non-retail use. Within Secondary Frontages policy SF8 states that proposals will be considered on their own merits bearing in mind the need to safeguard the overall retailing character of the shopping centre.

Impact on retail character

- 10.3 The Secondary Frontage in which the application premises are situated comprises:

1. Barbers (A1 Shop)
2. Application premises (Vacant A1 shop)
3. Vacant unit (A1 shop)
4. Letting agents (A2 use)
5. Hot food takeaway (A5 Use)
6. Letting agents (A2 use)
7. Hot food takeaway (A5 use)
8. Café (A3 Use)

So at present there are 3 'shops', albeit 2 of them vacant, and 5 non retail uses. The proposal would further reduce the number of shops in the parade to 2, or a quarter of the 8 units. It is considered that this would be an over-dominance of non-retail uses which would be harmful to the overall retailing function of this parade within the shopping centre.

- 10.4 Throughout the entire S2 centre of Hyde Park Corner are 42 commercial units. Of these 18 are A1 shops and the remaining 24 are non-retail uses, mainly hot food takeaways, cafes and letting agencies. The balance is such that shops are already in the minority looking at the Hyde Park corner shopping centre overall.
- 10.5 The erosion of the retail aspect of Hyde Park centre increasingly results in residents needing to travel to other town centres for their day to day shopping needs and the potential for further decline of the shopping centre. On balance, it is considered that the loss of a further shop unit to non retail use should be resisted on this occasion. Officers do not suggest that only a change of use to a letting agent is unacceptable here but, more fundamentally, that the loss of the retail unit will significantly harm the retail character of the town centre and as such any other business within the A2 use would also be unacceptable.

Assessment of the supporting information submitted

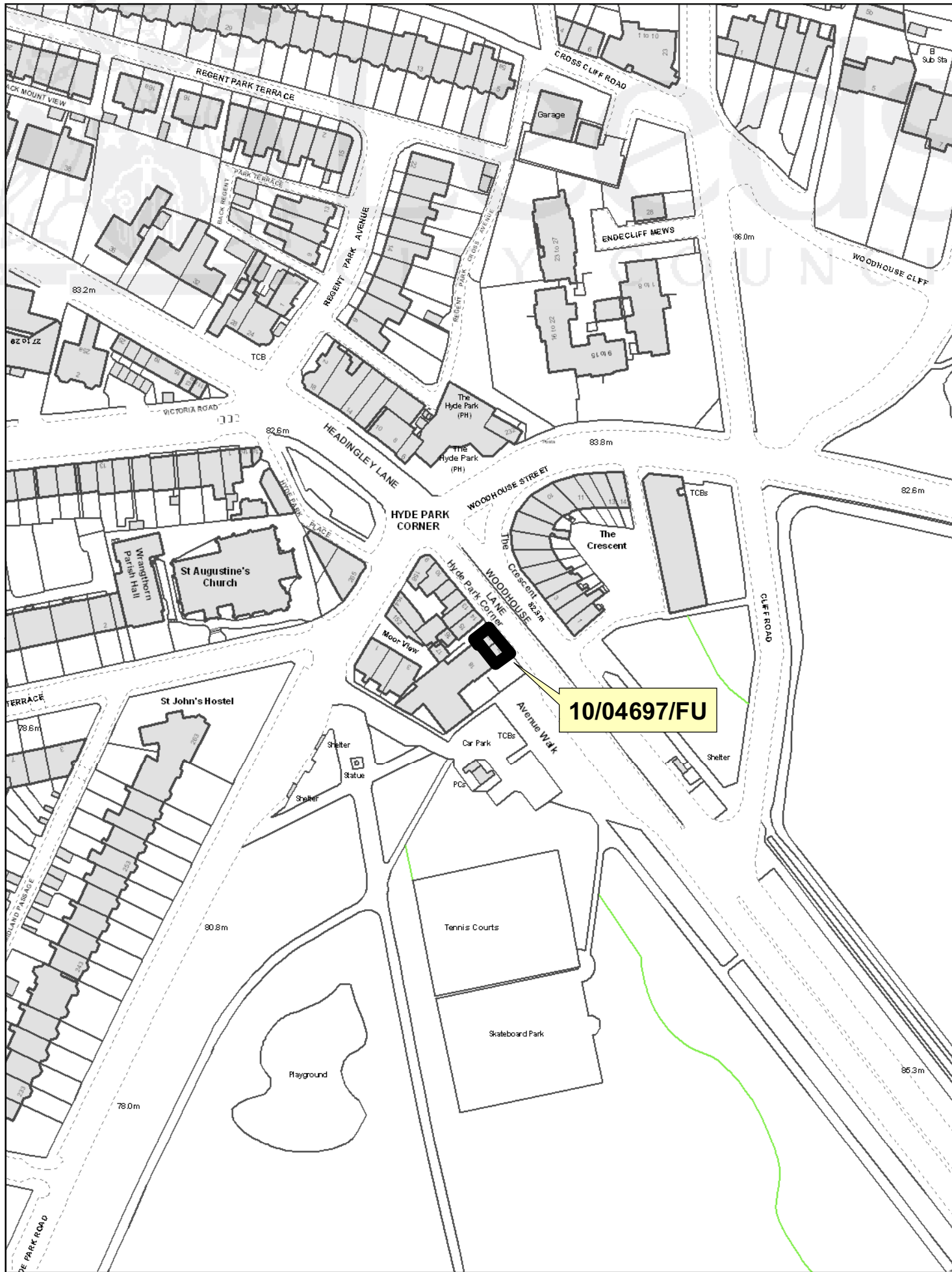
- 10.6 Following a withdrawn application for a similar proposal earlier in the year, the applicant was advised to submit some supporting information with any future application.
- 10.7 A letter from the agents employed to publicise the property has been submitted with this application. This states that they have had no interest in the property since 2nd July 2010 when it was first advertised. They believed this was down to the small size of the unit and its state of repair.
- 10.8 This application was received on 15th October 2010, approximately 3 months after the property was first advertised to let. In the current economic climate this would not seem a very long time to market a property and it would be anticipated that further time should be allowed and additional efforts made before it is accepted that tenants could not be found for a retail unit.
- 10.9 The agent further states that the state of repair of the unit had hampered its chances of finding a new tenant. Lack of upkeep of a property however is not a planning consideration and cannot be used as a reason for supporting the proposed change of use.

11.0 CONCLUSION:

- 11.1 The loss of the retail unit in this secondary frontage will detrimentally impact on the proportion of shop units to the detriment of the vitality and viability of Hyde Park designated town centre. A lack of suitable shops can result in residents needing to travel to nearby town centres and is contrary to the Government's sustainable community policies included in PPS1 and PPS4 and UDP policies GP5 and SF8, consequently the recommendation is for refusal of this proposal.

Background Papers:

Application and history files.



WEST PLANS PANEL