



SOUTH AND WEST PLANS PANEL

Meeting to be held in Civic Hall, Leeds on
Thursday, 10th October, 2013
at 1.30 pm

MEMBERSHIP

Councillors

J Akhtar
M Coulson
C Gruen
J McKenna
(Chair)
C Towler
P Truswell
J Walker

J Bentley

A Castle
R Wood

R Finnigan

**Agenda compiled by:
Andy Booth
Governance Services
Civic Hall
Tel: 0113 24 74325**

AGENDA

Item No	Ward	Item Not Open		Page No
1			<p>SITE VISIT LETTER</p> <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 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 Head of Governance Services at least 24 hours before the meeting)</p>	

Item No	Ward	Item Not Open		Page No
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 the following 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, as follows:-</p> <p>No exempt items or information have been identified on the agenda</p>	
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	

Item No	Ward	Item Not Open		Page No
4			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY AND OTHER INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-18 of the Members' Code of Conduct. Also to declare any other significant interests which the Member wishes to declare in the public interest, in accordance with paragraphs 19-20 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES</p> <p>To confirm as a correct record, the minutes of the meeting held on 12 September 2013</p>	3 - 8
7	Headingley		<p>APPLICATION 13/03169/FU - ST MICHAELS COURT, SHIRE OAK STREET, HEADINGLEY, LEEDS, LS6 2AF</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding the change of use of part of ground floor and extension to side of part of medical centre to form restaurant.</p>	9 - 20
8	Weetwood		<p>APPLICATION 13/02893/FU - SANDFIELD HOUSE, SANDFIELD AVENUE, LS6 4DZ</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the change of use and alterations to existing care home to create 13 dwellings</p>	21 - 32
9	Headingley		<p>APPLICATION 13/00868/OT - VICTORIA ROAD, HEADINGLEY</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an outline application for residential development and retail store</p>	33 - 56

Item No	Ward	Item Not Open		Page No
10	Headingley		<p>APPLICATION 13/03717/FU - 55 OTLEY ROAD, HEADINGLEY, LS6 3AB</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the change of use of restaurant (Use Class A3) to bar (Use Class A4)</p>	57 - 68
11	Beeston and Holbeck		<p>APPLICATION 13/02272/FU - UNIT 10A, SUGAR MILLS, 432 DEWSBURY ROAD, HUNSLET, LS11 7DF</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the change of use of former office/warehouse to form children's indoor play area</p>	69 - 76
12	Horsforth		<p>FORMER CLARIANT SITE, HORSFORTH</p> <p>To receive and consider the attached report of the Chief Planning officer regarding an application for the revocation of hazardous substance consents</p>	77 - 84
13			<p>DATE AND TIME OF NEXT MEETING</p> <p>Thursday, 7 November 2013 at 1.30 pm.</p>	

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To:

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

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

Contact: Andy Booth
Tel: 0113 247 4325
Fax: 0113 395 1599
andy.booth@leeds.gov.uk
Your reference:
Our reference: ppw/sitevisit/

Dear Councillor

SOUTH AND WEST PLANS PANEL – SITE VISITS – THURSDAY 10, OCTOBER 2013

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

- 1 10.55 am Application 13/02893/FU – Change of use and alteration to existing care home to create 13 dwellings – Sandfield House, Sandfield Avenue, Headingley – Leave at 11.05 am

View location of Application 13/03717/FU – Change of use of restaurant (Use Class A3) to Bar (Use Class A4) 55 Otley Road, Headingley on way to site visit 2
- 2 11.15 am 13/00868/OT – Outline Application for Residential Development and Retail Store – Swimming Pool Site of Former Leeds Girls High School, Victoria Road, Headingley – Leave at 11.30 am (if travelling independently meet at entrance top site off Victoria Road, adjacent to Back Ash Grove)
- 3 11.40 am 13/02272/FU – Change of use of former office/warehouse to form children's indoor play centre – Unit 10a, Sugar Mills, 432 Dewsbury, Hunslet. Leave at 11.50 am (if travelling independently meet at entrance of site off Oakhurst Avenue)

Return to Civic Hall at 12.00 pm approximately

A minibus will leave the Civic Hall at 10.40 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 10.35 am

Yours sincerely

Andy Booth
Governance Officer

SOUTH AND WEST PLANS PANEL

THURSDAY, 12TH SEPTEMBER, 2013

PRESENT: Councillor J McKenna in the Chair

Councillors J Akhtar, J Bentley, A Castle,
R Finnigan, C Gruen, J Lewis, C Towler,
P Truswell, J Walker and R Wood

47 Apologies for Absence

Apologies of absence were submitted on behalf of Councillor M Coulson. Councillor J Lewis was in attendance as substitute.

48 Minutes

RESOLVED – That the minutes of the meeting held on 15 August 2013 be confirmed as a correct record subject to the following amendment:

That Councillor J Walker's apologies for absence be recorded.

49 Declarations of Disclosable Pecuniary and other Interests

There were no declarations of interest.

50 Application 10/05048/EXT - Land at Temple Green, East Leeds Link Road, LS10

The report of the Chief Planning Officer presented an application for the extension of time for outline planning permission.

The report of the Chief Planning Officer presented an application for the extension of time for outline planning permission for warehouse and distribution development with car parking and landscaping.

Site plans were displayed.

Issues highlighted in relation to the application included the following:

- The site forms part of the Aire Valley Enterprise Zone and is situated at a key strategic site next to the M1.
- Previous planning history of the site and timescales for development.
- The site had continued to be marketed but as yet there had not been any interest.
- The site needed significant investment for remediation works.
- It was requested to extend the time limit for a further two years.
- Requested changes to the draft Section 106 proposal.

Draft minutes to be approved at the meeting
to be held on Thursday, 10th October, 2013

- Reference to ongoing negotiations.

RESOLVED – That the application be approved as per the Officer recommendation outlined in the report. However, the application to be determined at the North and East Plans Panel to be held on 3 October 2013.

51 Application/13/01941/RM - Land at Bruntcliffe Road, Morley, LS27 0QG

The report of the Chief Planning Officer presented a reserved matters application to erect 173 dwellings on land at Bruntcliffe Road, Morley.

Site plans were displayed.

Issues highlighted in relation to the application included the following:

- The site would consist of a mix of 2, 3 and 4 bedroom dwellings with affordable housing mixed throughout the site.
- Open space would be delivered as part of the Section 106 agreement.
- Members were reminded of issues raised at Plans Panel in July 2013 and amendments made to the application.
- Further representations that had been received.
- Reference to meetings with local Ward Members and concerns expressed

A local resident addressed the Panel with objections to the application. These included the following:

- Loss of farm land.
- Pressure on local schools – many were already full or close to capacity.
- Traffic problems – any entrance to the site would cause problems on the A650 which was already too busy.
- There were too many houses proposed for the development.
- Noise monitoring of the motorway had not been carried out correctly.
- In response to Members questions it was further reported that roads between the A650 and Junctions 27 and 28 of the motorway were often congested with no access for emergency service vehicles and that there was a lack of facilities including Doctors in the area.

The Chair of the Panel made it clear that many of the matters raised related to the principle of the development which had already been approved and that Members were considering the detailed reserved matters in this application.

The applicant addressed the meeting. He informed the Panel that concerns raised at the July meeting had been comprehensively addressed with design changes that were sympathetic to the conservation area and agreement to extra conditions. Subject to approval, the development would commence at the earliest opportunity and the use of local labour, including apprenticeships would be sourced. In response to questions from Members' he confirmed that

green space within the site would be maintained via a management agreement and any shared spaces within the site fell within the Council's design guidelines.

In response to Members comments and questions, the following was discussed:

- Removal of permitted development rights.
- Guidelines on footpath requirements where there are shared spaces.
- Access to the Masonic Lodge.

RESOLVED - That the application be approved as per the Officer recommendation outlined in the report subject to the removal of permitted development rights for larger single storey rear extensions.

52 Application 13/00625/FU - Land off Daisy Hill Close, Morley

The report of the Chief Planning Officer referred to Application 13/00625/FU – 14 detached houses with associated car parking and landscaping on land off Daisy Hill Close, Morley.

The application had been considered at the previous meeting of South and West Plans Panel when it had been resolved to defer the decision to allow for a further report to be brought with reasons for refusal, these reasons regarding sustainability issues.

The Panel's attention was drawn to the further sustainability information contained in the report and the need for consistency in decision making. The Head of Planning Services reported on information received from Metro regarding the capacity of rail services on the main commuter lines into the city and a recent appeal decision by the Secretary of State in Dawlish in Devon for 350 homes on farmland outside any defined settlement where the conclusion reached was that the scheme represented "sustainable development". Members were strongly advised that should the application be refused, it was unlikely that the Council would be successful in defending an appeal.

Concern was expressed by Members regarding the grounds upon which they had previously indicated that they would refuse the appeal and that these would not be considered strong enough grounds for refusal.

RESOLVED - That the application be deferred and delegated to the Chief Planning Officer for approval subject to the conditions specified in the August panel report, any other conditions considered necessary including a condition survey pre and post construction of Margaret Close with any damage made good by the developer and the completion of a Section 106 agreement to include an education contribution of £32,736 and a greenspace contribution of £21,156. In the circumstances where the Section 106 agreement has not been completed within 3 months of the resolution to grant planning permission the final determination to be delegated to the Chief Planning Officer.

53 Application 13/02965/OT - Land at Victoria Avenue, Horsforth

The report of the Chief Planning Officer presented an outline application for residential development at Victoria Avenue, Horsforth.

Members attended a site visit prior to the meeting and site plans and photographs were displayed.

Further issues highlighted in relation to the application included the following:

- Whilst the application was in outline only 6 houses were being proposed -tThe indicative layout showed 4 detached houses and a pair of semi-detached houses.
- The application had been brought to Panel at the request of local Ward Councillors due to local interest and concerns regarding access to the site.
- There had been a number of representations received. Concerns included increased traffic and loss of recreation land.
- Concern regarding access to the adjacent SHLAA site.

In response to Members comments and questions, the inclusion of a condition in relation to construction traffic was discussed along with the number of proposed dwellings on the site being restricted to 6 only.

RESOLVED - That the application be approved as per the Officer recommendation outlined in the report with further conditions regarding a construction management plan and restricting the development to 6 dwellings.

54 Application 13/03169/FU - St Michael's court, Shire Oak Street, Headingley

The report of the Chief Planning Officer presented an application for the change of use of part of ground floor and extension to side of part of medical centre to form restaurant at St Michael's Court, Shire Oak Street, Headingley.

Members attended a site visit prior to the meeting and site photographs were displayed.

Issues highlighted in relation to the application included the following;

- The rest of the building was occupied by the Headingley Medical Centre.
- The proposals would include an outdoor seating area and extension.
- There had been a number of objections to the application which included close proximity of residential properties, increased traffic and parking.
- Proximity of the proposed NGT route and Headingley stop.
- The application was recommended for approval.

A local resident addressed the meeting with concerns to the application. These included the following:

- Traffic, parking and pedestrian safety. The premises was near to the most congested area of Otley Road and was also affected by school traffic. It was felt that people would use cars to access the site and the nearby car park at the Arndale Centre closed at 10.00 p.m.
- The building was close to residential properties and many elderly residents lived within an audible distance.
- There had been a tenfold increase of similar businesses in the area over the past ten to fifteen years.

The applicant's agent addressed the meeting. He raised the following issues:

- There had been significant consultation with residents and officers prior to the application.
- The property had been empty for two years and it had not been possible to attract a retail operation.
- The proposal could create up to 30 local jobs.
- Alcohol sales only accounted for approximately 2% of turnover.
- There was some parking available and the Arndale Centre parking was available till 11.00 p.m.
- Conditions had been agreed regarding delivery times.

In response to Members comments and questions, the following was discussed:

- Licensing issues – there would need to be a further change of use should the sale of food no longer be carried out at the premises.
- Concerns over traffic and parking in Headingley, particularly during the daytime.

RESOLVED - That the application be approved as per the Officer recommendation outlined in the report and further to additional conditions regarding a boundary treatment for the outdoor area and local employment.

55 Date and Time of Next Meeting

Thursday, 10 October at 1.30 p.m.

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Originator: Tony Clegg

Tel: 0113 2478020

Report of the Chief Planning Officer

PLANS PANEL SOUTH & WEST

Date: 10th October 2013

Subject: APPLICATION 13/03169/FU- Change of use of part of ground floor and extension to side of part of medical centre to form restaurant at St Michaels Court, Shire Oak Street, Headingley LS6 2AF

APPLICANT	DATE VALID	TARGET DATE
Nando's Chickenland Limited	08.07.2013	20.09.2013

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

RECOMMENDATION:

GRANT PERMISSION subject to the conditions referred to in the report to the 12 September Plans Panel South and West meeting (appended) and to the following additional conditions below

Additional conditions

1. Details of the boundary treatment to the bin store and outdoor seating area to be approved.
2. A scheme for local employment and training shall be approved.

1.0 SUMMARY

- 1.1 Members will recall that this application was considered at the Plans Panel South and West meeting of 12 September 2013 where the Panel resolved to grant planning permission. Prior to the decision being issued, additional

information came to light regarding the availability of car parking in the Arndale shopping centre car park. Members may feel that this information is relevant to their consideration of the application and as a consequence a decision has not been issued and the application is being referred back to the Panel.

- 1.2 The Arndale centre car park is located close to the application premises in Headingley Town Centre and provides useful provision for shoppers in a location where car parking is limited. Free car parking for shoppers is located on the mezzanine level of the building and is accessed via a ramp leading from Alma Street. During shopping hours users can descend to street level via entrances which lead through the Sainsbury's and Wilkinson's stores; outside shop hours pedestrian access is via the ramp. In response to questions about the opening times of this car parking from Members, members may recall that the agent for the application advised that parking in this car park would be available for customers of the proposed restaurant up until 11.00PM Mondays to Saturdays and between 10 and 10.30 PM on Sundays. The agent, who spoke in support of the application, advised members that he also acted for the owners of the Arndale Centre. The agent made reference to the 2010 permission for a Pizza Express restaurant in Units 9 and 10 of the Arndale centre, pointing out that a condition attached to this permission (10/00114/FU) required the Arndale Centre car park to be open to the public up to these times.

- 1.3 The wording of this condition states:

The parking area shown on the approved plan (this plan depicts the mezzanine car parking level of the Arndale Centre) shall remain open between the hours of:

08.00- 2330 Monday to Friday

08.00- 2330 – Saturdays

08.00 – 23.00 Sundays and Bank Holidays

- 1.4 After the September Panel it came to the attention of officers that an application had been recently submitted, not validated at that time (13/04186/FU), which seeks to remove a planning condition which requires short stay car parking spaces at the Arndale Centre to be available to retail users.

This condition (application 07/05896/FU) states that:

Prior to the commencement of development a minimum of 152 short stay (retail users) car parking spaces shall be provided within the curtilage of the Arndale Centre during the construction period and for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority

Following discussion with officers, the applicant decided to vary the form of the applications to vary (as opposed to remove) the condition as follows:

“A minimum of 56 short stay (retail users) car parking spaces shall be provided within the curtilage of the Arndale Centre for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.”

- 1.5 A letter of support written by the agent and dated 30 August 2013 is included with the application documents. Amongst a number of matters stated in support of the application is an assertion that the public spaces are not needed by shoppers, and that the access ramp is unsafe for members of the public to use.
- 1.6 It has subsequently been noted that the prominently displayed opening times of this car park are 10PM on Mondays to Saturdays and 5PM on Sundays, significantly different to the opening hours reported to the Panel by the agent (this does also mean that the condition attached to the Pizza Express permission referred to above is not currently being complied with). The report submitted with the variation of condition application includes a survey of the mezzanine car parking area (56 spaces) which purports to show that there are always spaces available to shoppers, that 152 spaces are not needed, and moreover that if this many spaces were made available to shoppers then the office staff who currently park there (the condition is not being complied with) would be displaced onto surrounding streets. This assertion will of course be tested through that application but the initial assessment of officers is that there may be some merit in this argument as in practice it has been noted that space does tend to be available in the mezzanine parking area during shopping hours and in the evenings.
- 1.7 In 2010 'The Headingley Parking Strategy' was produced by consultant Mouchel on behalf of Leeds City Council, although this has not been adopted formally as Council policy. The Strategy has provided the Council with a suggested approach to improve the parking situation in Headingley, with a view to making visiting and shopping to the centre more attractive". The Council hopes to increase the stock of short stay spaces in central Headingley, both on and off street. They are also looking to provide better located parking for both disabled visitors and cyclists accessing Headingley. The strategy will remain in place into the medium term so that any future changes to parking will be implemented with full consideration of the approaches set out in the strategy document, including future resident parking schemes to include some provision for short stay parking. There are difficulties in achieving the goals of the strategy as Leeds City Council owns no public off street car parks in Headingley which means they do not have direct control over the operation of these spaces.
- 1.8 Notwithstanding the revised information about the availability of car parking in the Arndale Centre, the recommendation remains to grant planning permission. The premises are in a town centre location where it would not normally be expected that each individual business would provide its own car park. The development relates mainly to existing vacant former Health Centre space which has planning permission for retail use and the restaurant use would introduce a viable use for this part of the building which is vacant, adding to the economic wellbeing of Headingley town centre.
- 1.9 It was verbally reported at the September meeting that Councillor Neil Walshaw had objected to the application due to the proximity of residences, disturbance from the outdoor seating area, and traffic generation. If

approved the hours of usage of the outdoor seating area should be restricted and takeaways should be prohibited. Councillor Walshaw asks the Panel to consider whether this is the right location for a food business.

- 1.10 Members are asked to consider this additional information and determine the application.



Report of the Chief Planning Officer

PLANS PANEL SOUTH & WEST

Date: 12th September 2013

Subject: APPLICATION 13/03169/FU- Change of use of part of ground floor and extension to side of part of medical centre to form restaurant at St Michaels Court, Shire Oak Street, Headingley LS6 2AF

APPLICANT	DATE VALID	TARGET DATE
Nando's Chickenland Limited	08.07.2013	20.09.2013

Electoral Wards Affected:

Headingley

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the following conditions.

3. Commencement of development within 3 years.
4. Approval of plans
5. External materials to match the existing
6. 1:10 section details of windows to be submitted to ensure slim profile of window frames
7. Landscape scheme and implementation
8. Hours of opening 11am to 11pm Monday To Saturday and 11am to 10.30pm Sunday and Bank Holidays
9. Hours of use of external seating area restricted to 11am to 10.30pm Monday to Saturday and 11am to 10pm on Sunday and Bank Holidays
10. Servicing deliveries restricted to between 7am-8am and between 7pm-9pm only
11. Delivery vehicles size limited to 7.5metre.
12. Adherence to the Service Management Plan

13. No take away deliveries.
14. No music to be audible outside of the restaurant building or audible from upper floors of the building
15. No drinking outside without meals
16. The combined noise from fixed plant shall not exceed a rating level as defined by BS4142 by more than 5dB(A) below the lowest background (L90) during which the plant will operate.
17. Bin store to be erected and made available prior to first use
18. The external flue and chimney shall be erected and colour treated and made available prior to first use.
19. Maximum number of covers limited to 60 internally and 26 externally.

1.0 INTRODUCTION:

- 1.1 This application is presented to Plans Panel at the request of Ward Councillor Martin Hamilton who objects to the proposal on the cumulative impact of additional A3 uses in Headingley and due to the unsuitability of a restaurant within a medical centre building. Councillor Hamilton also objects on the grounds that the use of the premises would cause harm to neighbouring residents amenity.

2.0 PROPOSAL:

- 2.1 The proposal involves the change of use of a vacant part of the ground floor of the building to accommodate a restaurant. The ground floor would be used as the main restaurant with the kitchens and majority of the seating located here. The proposal also includes the erection of a single storey side extension to the elevation facing Wood Lane. The extension would have a flat roof. Its side elevation facing Wood Lane would be a glazed.
- 2.2 The proposals also include the creation of an outdoor seating area adjacent to Wood Lane to provide 7 tables for customers.
- 2.3 The proposal would also include the erection of a rear flue which would be encased in a brick chimney stack to match the existing property.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located within the defined Headingley Town Centre which is characterised by a wide mix of uses, typical of an urban district centre. The existing building is 4 storey's in height and has a mixed-use comprising two doctors surgeries on the upper floors and an Opticians and pharmacy occupy part of the ground floor. There is a car park in front of the site which is used by visitors of the existing health centre and retail unit. Vehicular access to the site will be through this car park which is accessed from Shire Oak Street and exited from Wood Lane.
- 3.2 The site is bound by Shire Oak Street to the south and Wood Lane to the north. There is a terrace row between the site and Otley Road which has ground floor retail and commercial premises and some flats located in the upper floor. Across Wood Lane is the Arndale Centre which is a large 1960s shopping centre. To the rear of

the site is land protected for the NGT route. Beyond this are located residential properties on Shire Oak Street. The site is within the Headingley Conservation Area.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 11/03511/FU - Change of use of part ground floor and single storey extension and alterations to side of proposed medical centre (D1 use) to form restaurant (A3 use) with car parking to rear. Withdrawn.
- 4.2 09/03233/FU - Change of use, including alterations and extension to form lobby and stair tower, of offices (B1) to primary care surgery (D1) and pharmacy (A1) with car parking. Approved 2009
- 4.3 11/03998/FU - Change of use of part ground floor of medical centre (use class D1) to opticians (use class A1) and installation of new entrance door. Approved 2011
- 4.4 12/00086/FU - Change of use of part ground floor medical centre to 2 retail units (A1 use class) from medical centre (D1 use class) and alterations to the front elevation to provide entrance doors to each unit. Approved 2012

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The applicant had pre-application meetings with officers to address the issues around the design, size and appearance of the extension and also around the issues of deliveries and the impact of the proposal on the NGT scheme. The applicant reduced the size of the extension from the previous application and reduced the number of covers from the previous application in response to the comments. The operators of the medical surgeries have met with the applicants. They have not objected to the current application.
- 5.2 The applicant consulted Ward Members and also held a community consultation event in February 2013. 50 people attended and 30 responses were received according to the developer. The developer states 25 were in support, 2 against and 3 neither supported nor were against the proposal.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been publicised by means of site notices. There have been a total of 11 representations received. There have been 7 objections and 3 letters of support. 1 letter making representations has also been received. The following main issues have been raised.
- Wood Lane Court has already been affected by previous developments.
 - Harm from noise and litter and the use of the outdoor seating area
 - No proof local people will be employed.
 - Loss of trees
 - Harm to residential amenity
 - Headingley has far too many restaurants, cafes, takeaways etc but more importantly the proposed fast food type outlet is totally unsuitable in the building that houses a medical centre.
 - The space should be used for medical or allied services.
 - Increased number of cars parking in the existing small car park, and an increase in traffic generally around that area, adding to noise and congestion at the end of Wood Lane
 - Restaurant should go in the Arndale Centre or on North Lane

- There is an objection to the increased traffic from the servicing of the site
- There is a lack of car parking for the restaurant and the interaction of restaurant users with surgery visitors is problematic
- The proposal would remove the green area next to the building which is harmful to the conservation area
- The proposal is contrary to policies in the development plan which seek to protect green areas.

6.2 **Councillor Hamilton:** His main concern is the addition of a further A3 Unit in Headingley Town Centre and the disruption this will cause nearby residents. The Councillor notes that outdoor dining is proposed. He feels that this is inappropriate for this type of outlet in a residential setting, but should the application be approved, he would request that use of the outdoor seating is restricted such that it is not operable after 10pm given the elderly residents living in the area. Would takeaway facilities be included? Can this be conditioned out? Is the closing time to be 11.30? This would mean that patrons could come from the earlier shutting bars at closing time, have food and then continue. This has the effect of extending the night time economy. If approval is granted, He would therefore suggest an 11pm closing time to tie in with the closure of bars such as Arcadia. Could you also confirm that alcohol would only be allowed when accompanied with food and if not could this be conditioned should the application be approved. We have seen in Headingley how A3 use is often a trojan horse to extend the availability of alcohol more generally. In isolation, these applications may seem innocuous but when taken in aggregate do have a negative effect on the overall living environment for residents.

7.0 CONSULTATION RESPONSES:

7.1 Highways – no objections subject to conditions to control servicing arrangements

7.2 Mains Drainage – no objections

7.3 NGT Team: Support the application as it will provide an active frontage to the proposed Headingley NGT stop.

8.0 PLANNING POLICIES:

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

8.2 The most relevant Policies in the adopted Leeds Unitary Development Plan are outlined below.

- GP5 development control considerations
- BD6 Alterations and Extensions should not harm neighbours amenity
- N12, N13 urban design principles
- N19 Alterations and extensions in conservation area should preserve or enhance that part of the conservation area
- LD1 landscape design
- T2, T24 – access and parking requirements
- S2 Town Centres

Neighbourhoods for Living SPG.

8.3 National Planning Policy Guidance:

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

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

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

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

Emerging Core Strategy

The Draft Core Strategy has been submitted for examination by an Inspector. The Draft Core Strategy has passed its first requirement with regards the legal test on the Duty to Cooperate. As the draft Core Strategy is submitted for examination some limited weight can be afforded to it. The weight to be given to policies will depend whether there are any outstanding challenges to them to be considered through the Public Examination in October.

9.0 MAIN ISSUES:

9.1 The following main issues have been identified:

- (1) The principle of the change of use;
- (2) The impact of the development on the conservation area;
- (3) The impact of the development on the neighbouring residents and users of the health centre;
- (4) Servicing and car parking and highway safety

10.0 APPRAISAL:

10.1 The premises are located within Headingley Town centre where A3 uses are an appropriate town centre use. Although the site currently has a medical centre and an opticians within the building the introduction of a restaurant in part of the ground floor would not conflict with these uses in relation to the operational effectiveness of the surgery or in relation to the retail function of the pharmacy or opticians. The restaurant would be open 11am to 11pm Monday to Saturday and 11am to 10.30pm on Sunday and Bank Holiday. The surgeries are open from 7.45am until 6.45pm. It is considered that the proposed use and the existing uses on site are all Main Town Centre activities that are normally found within a defined town centre and are uses that complement the function of a defined town centre as a destination for a range of services and facilities and retail and leisure activities. In addition the location of the

proposed restaurant entrance is at the opposite end of the building to the entrances to the surgeries which should help reduce any interaction between the two uses further. It is noted that the application premises has an extant consent for an A1 use from 2012. There are no restrictions upon what type of A1 use could operate from this planning permission except for a condition that restricts the premises merging into the other ground floor units to become a small supermarket. Accordingly the site is considered suitable to accommodate a range of mixed use operators.

- 10.2 The proposed single storey side extension has been reduced in height and width from the previous withdrawn application and the size of the outdoor seating area has also been reduced. This means that the existing tree on the boundary of the site can be retained. Overall the side extension is considered well designed and sited and should not have an adverse effect upon this part of the Headingley Conservation area. As the host building is a modern addition to the conservation Area and the site is opposite the Arndale Centre a contemporary design approach for the extension is considered appropriate. The flat roof and use of glazing to provide the outer wall of the extension is considered well designed. The development would take some of the existing grassed landscaped area at the side of the host building however the introduction of an active frontage in this part of the town centre is considered a positive development, especially in light of the potential NGT scheme which would have a stop located at the rear boundary of the site. The proposed rear flue would be encased within a brick chimney to help it blend in with the existing building. Although the flue will 9metres in height, 7.5metres of the flue will be encased in the brick chimney and the remaining 1.5m that projects above the eaves line of the rear roof plane will be powder coated to match the colour of the existing roof. The top of the flue will be visible from along Wood Lane but due to the colour treatment and the brick chimney the proposed flue should not have any significant effect upon the character and appearance of the conservation area.
- 10.3 The proposed servicing arrangements would see deliveries restricted to 7am-8.30am and then 7pm-9pm which are outside of main surgery hours. The Doctors surgery is open from 7.45am but the majority of Doctors do not start until 8.30-9am suggesting parking demand would be low during the morning servicing hour. It is noted that the doctor's surgeries have not objected to this current application. It is considered that this restriction in early morning deliveries should remove any serious conflict with early morning patients arriving for the surgery. The applicant advises that the site will only have 3 deliveries per week. The applicants will use the existing car park in front of the building to service the premises and will have control over 5 car parking spaces which they will use as a layby for the servicing vehicles. The size of the service vehicles will be restricted to 7.5tonne box vans. Once the servicing has been complete the vehicle will exit the site in a forward gear from Wood Lane.
- 10.4 The use of the ground floor as a restaurant is not envisaged to harm the living conditions of neighbouring residents. The nearest residents live in properties along Wood Lane to the rear of the site and are located over 20metres from the outdoor seating area. The nearest property to the site is earmarked for demolition to accommodate the NGT scheme, this property is owned by Metro. Beyond this property the next nearest property is over 40metres from the outdoor seating area. There would be 60 covers inside and about 26 outdoor seats. The previous withdrawn application was for 116 seats inside and 31 outdoor. The restaurant is proposed to be open until 11 pm each evening and until 10.30pm Sunday and Bank Holidays. A condition is proposed that no music speakers should be placed outside of the restaurant and also that any speakers used in restaurant are not audible from outside or from upstairs in the surgery. There is only a small outside seating area

proposed and as such it is not expected that significant problems would arise from the use of the area, however to ensure residential amenity is protected it is proposed to condition the closing off of this outside area 30 minutes before the main restaurant closes. The proposed restaurant would only provide 1 car parking space for a member of staff and one disabled bay for a customer. As the site is located within the town centre where public transport is available and there is also short stay free car parking in the Arndale Centre, for example a low car parking requirement is acceptable. The car park facilities for the medical centre therefore should be unaffected which should limit interaction of the proposed use and the existing medical use further.

- 10.5 One of the main areas of concern about this proposal relates to the potential for takeaways and the potential for noise and disturbance and from litter. Nando's does have a take away element. Nando's are set up as a sit in restaurant which can be seen from the layout. They are very similar to Pizza Express in that respect in that they don't have a dedicated takeaway counter and any takeaways are sold at the same price as the restaurant. Members may recall granting planning permission in 2010 for a Pizza Express in the Arndale Centre. Members may recall that Pizza Express had a planning condition attached restricting deliveries but not take away, as it was accepted that this is a restaurant and therefore any take away would be ancillary to the operation of the A3 restaurant. The applicant has agreed to a similar condition in relation to this application. Should the take away aspect of the business go beyond ancillary then a change of use would have taken place which requires planning permission and the Council could review the situation in light of a planning application. As such the condition restricting deliveries is considered sufficient to ameliorate this concern.

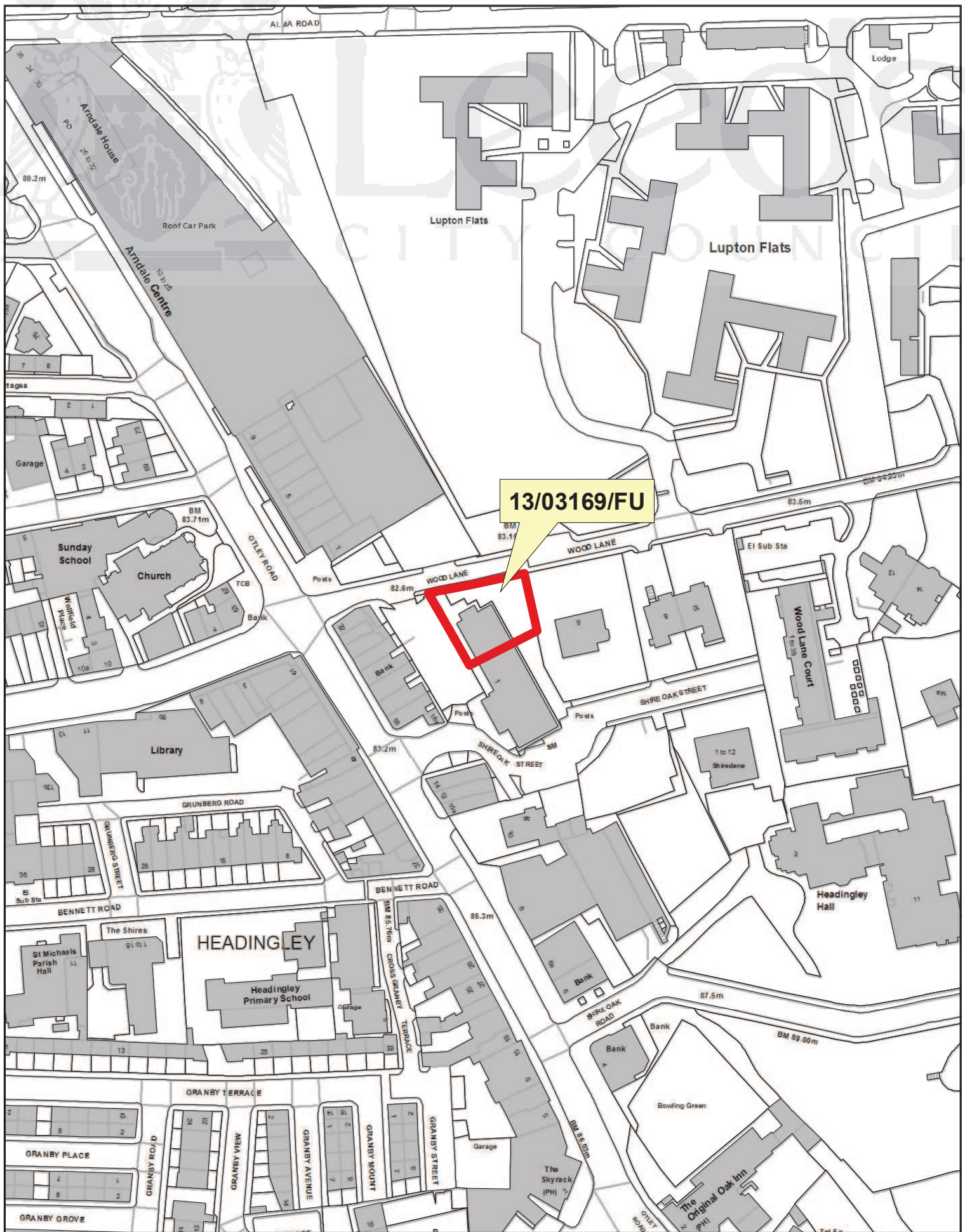
Conclusion

- 10.6 Overall the introduction of a new A3 use within the town centre accords with planning policy. There are no planning reasons why an A3 use cannot be located next to medical and retail uses. The proposed extension, chimney flue and external works are considered well designed and proportioned and should have a positive effect upon the character and appearance of this part of the Headingley Conservation Area. There are no serious concerns arising from the impact of the use on neighbouring residents and appropriate planning conditions have been attached to ensure amenity is maintained.

Background Papers:

Application file;

Certificate of Ownership.



SOUTH AND WEST PLANS PANEL





Originator: Ryan Platten

Tel: 0113 24 75647

Report of the Chief Planning Officer

PLANS PANEL SOUTH & WEST

Date: 10th October 2013

Subject: APPLICATION 13/02893/FU- Change of use and alterations to existing care home to create 13 No. dwellings at Sandfield House, Sandfield Avenue, Leeds, Far Headingley LS6 4DZ

APPLICANT

Mr C W Langton

DATE VALID

20.06.2013

TARGET DATE

19.10.2013

Electoral Wards Affected:

Weetwood

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER AND DELEGATE to the Chief Planning Officer for approval , subject to the further discussion with the applicant in relation to parking arrangements and turning provision, specified conditions and following completion of a Section 106 Agreement to cover the following matters:

- Greenspace contribution of £33,855.84
- Metrocard contribution of £6,006.00
- Restriction of future occupation to prevent occupation by full time students under the age of 22 years old

In the circumstances where the Section 106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application to be delegated to the Chief Planning Officer.

Conditions

1. Commencement of development within 3 years.

2. Approval of plans
3. External materials to match the existing
4. Window detailing to be submitted
5. Landscape scheme and implementation
6. Details of external lighting to be submitted
7. Tree Protection Measures
8. Boundary treatment and acoustic fencing detailing to be submitted
9. Car parking to be laid out before first occupation
10. Car parking to remain unallocated
11. Signposting of access and delivery areas
12. Bin and Cycle Storage details to be submitted
13. Service Management Plan for Bin Storage and Collection
14. Details of drainage and surface water drainage to be submitted
15. Provision for contractors during construction
16. Hours of construction limited to 0800 to 1800 hours Monday to Friday and 0800 to 1300 on Saturdays with no works on Sundays or Bank Holidays
17. Removal of permitted development rights

1.0 INTRODUCTION:

- 1.1 This application is presented to Plans Panel at the request of Ward Councillor Sue Bentley who objects to the application on the basis that the proposal represents an overdevelopment of the site, fails to provide adequate car parking, will create an adverse impact on neighbouring amenity and will create an adverse impact on trees at the site. Cllr Bentley's objections are outlined in full in the below report at paragraph 6.2.

2.0 PROPOSAL:

- 2.1 The applicant seeks planning permission to change the use of a site housing a former care home to create 13 new residential dwellings. The 13 dwellings will consist of six 1 bedroom flats, three 2 bedroom flats, and four 2 bedroom town houses, creating a total of 20 bedrooms. The residential units created will fall within the C3 (dwellinghouses) planning use class. The proposal will involve minimal alteration to the existing building with some limited revisions to window positioning and detailing proposed.
- 2.2 The proposal will involve extensive landscaping works at the site including the creation of hardstanding to create 14 off-street car parking spaces. The rear car park at the site is proposed to be constructed in resin-bonded gravel. In addition to this, the basement of the building will be converted to create a cycle store. New communal landscaped garden areas will be created to the rear of the building with further hard and soft landscaping works proposed to the frontage. An existing access road to School Lane will be blocked off and re-landscaped to provide part of the new communal garden area. A new covered bin store will be provided to the west side of the building.

3.0 SITE AND SURROUNDINGS:

- 3.1 Sandfield House is noted as a positive building within the Far Headingley Conservation Area. The property is a large stone built villa dating from the 19th century. It currently includes large extensions to the rear; the latest of which was

added in the early 1990's. The property was granted planning permission to be converted from a private residential property to a care home in 1988. The property closed as a 27 bedroom dementia care facility in April 2013 and retains a lawful C2 planning use. The site currently accommodates 3 off-street car parking spaces. The care home previously had an additional 7 off-street car parking spaces in a car park to the rear and which was accessed from School Lane. This car park is not included within the application site boundary and does not fall within the applicant's ownership. It is noted that there were no planning conditions attached to the original permission requiring the retention of the car park for the care home use or preventing the subdivision of these plots.

- 3.2 Sandfield House is accessed via Sandfield Avenue to the south. Sandfield Avenue is a residential street including ten properties with a further two properties at Sandfield Cottages also served from Sandfield Avenue. The host site is surrounded to all sides by residential streets with the rear gardens of properties on Sandfield View backing on to the site.
- 3.3 The host site includes an extensive landscaped garden to the rear and includes two mature trees which have significant amenity value within the Conservation Area; a weeping willow and an oak tree.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 H26/415/88 - Change of use of detached house to aged persons home (Approved 1998).
- 4.2 H26/446/89 - Alterations and extension to form 4 bedrooms, entrance lobby and conservatory to side and rear with 5 bedrooms and 2 toilets (Approved 1989).
- 4.3 H26/242/89 - Alterations and extension to form sun lounge to nursing home (Approved 1989).

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Initial pre-application discussions were held between the applicant and Council officers in April 2013 where the principle of the proposal was discussed. The applicant held an informal meeting before submitting the application on 6th June 2013 which was attended by 13 local residents.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been publicised by means of site notices and a newspaper advert in the local press. Ward Councillors Sue Bentley and Judith Chapman have objected to the scheme. The Far Headingley Village Society, a local residents group, has also objected to the scheme. There have been a total of 18 representations from local residents and members of the public; 16 in objection and 2 in support.
- 6.2 Cllr Sue Bentley and Cllr Judith Chapman have raised the following concerns in their objections:
- The proposal represents an overdevelopment and over intensification of the site.
 - The number of car parking spaces proposed would not be sufficient to accommodate 13 new dwellings at the site and will lead to parking problems on Sandfield Avenue and potential highway safety concerns in the area;

- The proposed development will generate a number of comings and goings to the site which will be to the detriment of local residents on Sandfield Avenue and at Sandfield Cottages;
- The properties on Sandfield View, due to their lower ground level, could be adversely affected by car headlights shining through their windows. The proposed fencing to overcome this would overshadow these gardens;
- The trees felled at the site have left the properties on Sandfield View open to a potentially harmful overlooking impact from the residential units created;
- The trees could suffer damage during the construction stage of the development;
- The proposed amenity space is insufficient for the number of dwellings proposed; and,
- Concerns exist about surface water drainage at the site and its impact on neighbouring sites.

6.3 In addition to the above, other concerns raised by interested parties include:

- The proposed works to the rear of the site could lead to a land slip impacting on neighbouring sites;
- The proposed car parking area would lead to unreasonable pollution in terms of noise, light and fumes which could unreasonably impact on neighbouring properties;
- The proposal may lead to wider parking problems in the area;
- The area suffers from a population imbalance which the proposal would further add to;
- The loss of green space and trees at the site will be detrimental to local wildlife and character;
- The property has not been the subject of vandalism as claimed by the applicant;
- The treatment of window openings proposed is poor;
- The development would provide a poor level of amenity for future occupants;
- The previous care home use benefitted from a large car park to the rear accessed from School Lane and did not generate a large number of trips by car;
- The location of the bin store proposed will lead to impacts on neighbouring amenity in terms of smells and noise with a risk of pests being attracted. There is also a lack of clarity regarding how this bin store will be serviced on collection days;
- The proposal will lead to the overlooking of neighbouring properties;
- The level of public consultation held at the pre-application was insufficient and held at short notice;
- The water and sewerage systems in place may not be able to cope with the new development; and,
- The proposal will lead to unreasonable disturbance during construction.

6.4 The two letters of support received cite a strong demand for housing of this type in the locality and the sympathetic nature of the conversion within the Conservation Area as reasons to support the application.

7.0 CONSULTATION RESPONSES:

7.1 Highways and Access – no objections subject to conditions to control servicing arrangements, car parking layout, bin storage and cycle storage.

7.2 Environmental Protection – no objections subject to a condition controlling hours of construction.

7.3 Mains Drainage – no objections subject to appropriate surface water drainage conditions.

7.4 METRO – have requested a contribution to the Metrocard scheme to provide Metrocards for future occupants.

8.0 PLANNING POLICIES:

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

8.2 The most relevant Policies in the adopted Leeds Unitary Development Plan are outlined below:

- SG4** - To ensure that development is consistent with the principles of sustainable development
- SA7** - To secure a high quality environment
- GP5** - Development control considerations including impact on amenity
- H4** - Residential development on unallocated sites
- H15** - Area of Housing Mix
- BD6** - Alterations and extensions should not harm neighbouring amenity
- N2** - Provision of greenspace
- N12** - Urban design principles
- N19** - Development in Conservation Areas
- N25** - Site boundaries
- BC7** - Materials in Conservation Areas
- LD1** - Landscape design
- T2** - Parking and highway safety
- T24** - Parking
- A4** - Ensuring a safe and secure environment

8.3 Relevant supplementary planning documents and policies are outlined below:

- Neighbourhoods for Living SPG (December 2003)
- Street Design Guide SPD (August 2009)
- Far Headingley, Weetwood and West Park Neighbourhood Design Statement SPG (February 2005)
- Far Headingley Conservation Area Appraisal (November 2008)

8.4 National Planning Policy Guidance:

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

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

8.5 Emerging Local Development Framework Core Strategy:

The Draft Core Strategy has been submitted for examination by an Inspector. The Draft Core Strategy has passed its first requirement with regards the legal test on the Duty to Cooperate. As the draft Core Strategy is submitted for examination some limited weight can be afforded to it. The weight to be given to policies will depend whether there are any outstanding challenges to them to be considered through the Public Examination in October 2013. The following policies are considered relevant to the application:

Spatial Policy 1 – Location of Development

Spatial Policy 6 – Housing Requirements and Allocation of Housing Land

Policy H2 – Housing on Unallocated Sites

Policy H4 – Housing Mix

Policy H6 – HMOs, Student Housing and Flat Conversions

Policy P10 – Design

Policy P11 – Conservation

Policy P12 – Landscape

Policy T2 – Accessibility and New Development

Policy G4 – New Greenspace

Policy EN1 – Climate Change

Policy EN2 – Sustainable Design and Construction

Policy ID2 – Planning Obligations

9.0 MAIN ISSUES:

9.1 The following main issues have been identified:

- (1) The principle of the change of use;
- (2) Design, character, conservation area and landscaping;
- (3) Car parking, servicing and highway safety;
- (4) Amenity of Future Occupants;
- (5) The impact of the development on neighbouring amenity;
- (6) Other material planning considerations

10.0 APPRAISAL:

1. Principle of the Change of Use

10.1 The application site is considered to be appropriate for a residential use under the C3 (dwellinghouses) use class. The site is currently unallocated under the Leeds Unitary Development Plan. Leeds UDP policy H4 states that unallocated sites within the main or smaller urban area as identified within the UDP or are in an otherwise sustainable location will be permitted subject to a number of considerations. The application site falls within the main urban area, is considered to be in a sustainable location in close proximity to good public transport links and local amenities provided at Meanwood Local Centre and will also allow the re-use of a previously developed site. As such the proposal is considered to meet the requirements of policy H4 as suitable for residential development. It is further noted that the Leeds Strategic Housing Market Assessment (SHMA) identifies a particular need for the size of accommodation proposed, one and two bedroom units, in the near future due to a projected demographic change towards an increase in the number of smaller households in Leeds up to 2026.

10.2 The application site falls within the Area of Housing Mix as defined by Leeds UDP policy H15. The Area of Housing Mix is noted as an area with a recognised imbalance between student housing and other forms of housing. Although a development such as that proposed would not be explicitly for students it could be

expected that students could occupy the unit and therefore policy H15 is relevant. In response to local concerns in relation to this housing imbalance the applicant has volunteered to enter into a section 106 agreement with the Council to restrict the occupancy of the residential units so that full time students under 22 years of age would not be able to occupy the units in the future. As such, when based against the criteria of policy H15 and the Council's future aims as expressed in Local Development Framework Core Strategy policy H6, the proposal is considered to be having a positive impact in addressing the housing imbalance in the area.

2. Design, Character, Conservation Area and Landscaping

- 10.3 The Far Headingley Conservation Area Appraisal and Management Plan identifies Sandfield House as a positive building within the Conservation Area. The Appraisal notes that the Conservation Area includes a number of 18th and 19th century stone built villas of which Sandfield House is a prime example of. Unfortunately the property has been the subject of numerous unsympathetic extensions in the past which have significantly altered the appearance and character of the building to the rear. However, the front of the building has remained relatively unaltered and retains much of its original positive character. The building is considered to retain a dominance and sense of place which makes a significantly positive contribution to this part of the Conservation Area.
- 10.4 The proposal involves minimal alterations to the exterior of the existing building. The alterations include the insertion of a small number of windows to the side and rear of the building, the repositioning of a small number of existing windows, and a change to the eaves level on one of the previous extensions to the building. The historic front elevation will remain unaltered and this is considered to be a positive aspect of the proposal. The changes which have been proposed are considered to be in keeping with the character and design of the building with materials and detailing proposed to match those existing. In this respect the character of the building and Conservation Area is considered to be preserved by the proposed development as is required by Leeds UDP policy N19.
- 10.5 At present the hardstanding areas, car parking, and poor quality soft landscape areas to the front of the building are considered to offer little contribution to the setting of the building. It is noted that when first built in the 19th century the building would have included landscaped gardens to the front which would have made a significant contribution to its setting and sense of presence. The building does however benefit from an existing landscaped garden to the rear which makes a positive contribution to its setting, and in particular from the presence of two large mature trees; a weeping willow and an oak tree which represent significant mature specimens. These two trees are considered to make a positive contribution to this part of the Conservation Area.
- 10.6 The proposal will involve the creation of a car park to the rear which will involve the removal of a significant proportion of the existing landscaped garden. The applicant has put forward a landscaping and planting scheme to create a communal garden area to the rear which will include the removal of part of an existing access road. With the imposition of appropriate planning conditions the proposal is not considered to be likely to cause harm the health of the weeping willow and oak trees. The boundary planting and treatment of communal garden areas proposed are also considered to be a positive aspect of the proposal. The proposal will include the creation of a small landscaped garden to the east side of the building and improved hard and soft landscaping to the front of the building in order to improve the setting of the building. Therefore, on balance, the loss of garden space

to the rear of the property to create parking is considered to be offset by the improvements secured to the remainder of the site.

3. Car Parking, Servicing and Highway Safety

- 10.7 At present the site accommodates 3 off street car parking spaces. When planning permission was granted for the original care home use in 1988 a further 7 car parking spaces were provided to the rear of the site. However, the planning permission granted in 1988 did not include any planning conditions requiring the retention of these car parking spaces for the care home use and as such it is noted that if the property were to continue as a care home no further parking would be required to be provided to replace the 7 spaces lost.
- 10.8 The testimonies of local residents note that the last use of the property as a 27 bedroom dementia care home did not generate a significant amount of vehicular trips to the site as many of the occupants did not drive or have access to a car and many of the staff walked to work. Although this may have been the case, it is recognised that the site was not restricted to this use in planning terms and as such the property could be used for alternative, more intensive, uses within the C2 use class (residential institutions) without requiring planning permission which could in turn lead to a significant increase in traffic. Based on trip generation calculations it is estimated that a C2 care home use would be likely to generate an average of 64 two way trips per day. With the limited car parking presently at the site this would in turn lead to significant increases in on-street parking on neighbouring streets. This fallback position is considered relevant to the determination of the current planning application.
- 10.9 The proposal put forward will provide 14 off-street car parking spaces for 13 residential units. The Council's Street Design Guide SPD advises that such a development should provide up to a maximum of 17 or 19 car parking spaces (including visitor spaces). However, the Street Design Guide recognises that where spaces remain unallocated a reduced amount of car parking may be acceptable. Based on trip generation calculations it is estimated that the proposal would be likely to generate an average of 39 to 52 two way trips per day. It is acknowledged that this will be likely to represent an increase over the last use as a 27 bedroom dementia care home which will be likely to create both an increase in vehicular comings and goings, particular on Sandfield Avenue, and an increase in parking pressures on surrounding streets.
- 10.10 However, given the existing lawful use of the site and the potential for a greater impact in terms of trips generated and on-street car parking on surrounding streets as outlined in the fallback position above, alongside the sustainable location of the site, the cycle storage facilities proposed, and the Metrocard contribution put forward by the developer, it is considered that a planning objection on parking or highway safety grounds would be difficult to justify. As such it is considered the proposal complies with the aims of Leeds UDP policy T2.

4. Amenity of Future Occupants

- 10.11 The proposal is considered to provide sufficient levels of amenity for future occupants of the residential units. The internal layout proposed will provide sufficient outlook from main habitable rooms and the communal garden areas proposed are considered to provide a good level of outdoor amenity space. The developer will also provide off-site greenspace monies as outlined above in order to satisfy the requirements of Leeds UDP policies N2.

5. The Impact of the Development on Neighbouring Amenity

- 10.12 The introduction of the new car parking area to the rear will generate vehicular movements in close proximity to neighbouring sites, particularly on Sandfield View. This raises the potential for impacts on neighbouring amenity relating to noise from comings and goings and light pollution from car headlights, particular due to the lower ground level of the rear gardens of the properties on Sandfield View. The applicant has proposed acoustic boundary fencing and planting along the rear boundary in response to this and, subject to appropriate detailing which is considered to be appropriate to be dealt with by relevant planning conditions, it is considered that this would be sufficient to prevent a significantly harmful impact. It is further noted that the comings and goings associated with the proposed development would be unlikely to be of such a level that would be likely to lead to a significant impact on neighbouring amenity in terms of noise and disturbance.
- 10.13 The proposal will include the insertion of new windows in the existing building. However, these windows will not be situated any closer to neighbouring properties than is currently the case with existing windows at the property. It is therefore considered that the proposal would not lead to a significant overlooking impact over surrounding neighbours.
- 10.14 A new enclosed bin store is proposed to the west of the existing building. It is considered that this location is appropriate for an enclosed bin store which would help prevent any pest problems associated with such provision. The applicant has put forward a proposal to manage the bin store on collection days which could be controlled by way of an appropriate planning condition.

6. Other Material Planning Considerations

- 10.15 A number of further concerns have been raised by objectors. Those relating to potential fumes and smells from the bin store and increase in cars at the site, the potential for flooding from increase surface water run-off, and noise and disturbance during the construction phase of the development are appropriate to be addressed by condition. Many of these concerns can be addressed through appropriate planning conditions. The further concerns raised in relation to the potential for a land slip due to vehicular use of the new parking area would not represent material planning reasons to refuse the application.

Conclusion

- 10.16 The proposal represents the redevelopment of a previously developed site in a sustainable location in the main urban area of Leeds, will contribute to meeting future demand for accommodation of this size, and will also make a positive contribution to the housing imbalance in the area. The re-use of a positive building within the Far Headingley Conservation Area with minimal external alteration is also considered to be a positive feature of the development.
- 10.17 The loss of garden space to the rear of the property is considered to be a negative consequence of the proposal. However the new landscaped areas to the rear and protection of the existing weeping willow and oak trees are considered to offset this harm and this part of the development, on balance is considered to be preserving the character and appearance of this part of the Conservation Area. The hard and soft landscaping works proposed to the front of the building are considered to be making a positive contribution to the frontage and setting of the building which is considered to represent an enhancement to the character and appearance of this part of the Conservation Area.
- 10.18 It is considered that the development will be likely to lead to an increase in parking and traffic at the site from the previous use as a dementia care home. This has

potential implications in terms of parking congestion on Sandfield Avenue and nearby residential streets. However, given the potential for an even greater impact through an alternative C2 planning use, which would not require planning permission, it is considered that a planning objection could not be sustained on these grounds.

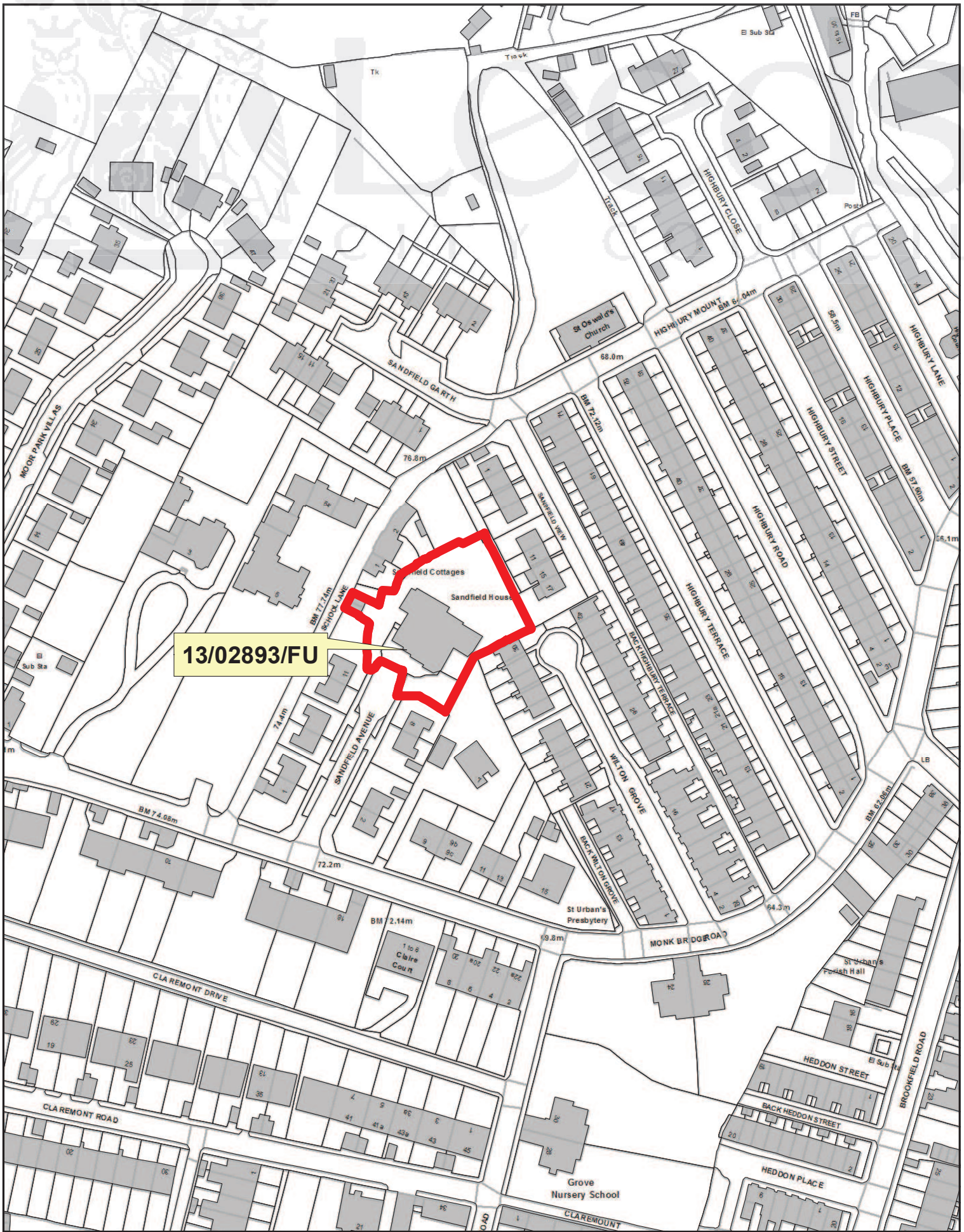
10.19 It is also considered that the development will potentially lead to some impact on neighbouring amenity in terms of comings and goings from the rear car park proposed. However, it is considered that the proposal includes measures which will mitigate these impacts to a level that won't be significantly harmful to neighbouring residential amenity. It is further noted that appropriate planning conditions will help to ensure this is the case.

10.20 Taking the above and all other material planning considerations put forward into account it is considered, on balance, that the proposal should be recommended for a planning approval.

Background Papers:

Application file;

Certificate of Ownership.



13/02893/FU

SOUTH AND WEST PLANS PANEL



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Originator: Mathias Franklin

Tel: 011322 77019

Report of the Chief Planning Officer

PLANS PANEL SOUTH & WEST

Date: 10th October 2013

Subject: APPLICATION 13/00868/OT- Outline application for residential development and retail store at Victoria Road, Headingley

APPLICANT	DATE VALID	TARGET DATE
Chartford Homes And Holbeck Land	12.03.2013	11.06.2013

Electoral Wards Affected:

Headingley & Hyde Park and Woodhouse

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Defer and delegate approval of the application to the Chief Planning Officer subject to the conditions specified and also to the completion of a Legal Agreement within 3 months of the date of resolution of Panel to cover –

1. 5% affordable housing contribution (on site 100% Sub Market or an off-site contribution to go towards bringing vacant properties back into family use in the Headingley/Hyde Park area),
2. On site Greenspace provision and maintenance.
3. Off site Greenspace contribution for children's equipped play equipment- £19,950.14.
4. Residential MetroCard Scheme A – Bus Only. £11,088.00.
5. Contribution towards improving and enhancing sports facilities in the locality £26,777
6. Local employment scheme.

Conditions:

1. Outline relates to Access only. All other matters Reserved.
2. Reserved Matters to be submitted within 3 years.
3. Development to commence within 2 years of approval of last Reserved Matter.
4. Plans to be approved
5. Reserved Matters applications to be submitted in accordance with the contents

of the Victoria Road Design Statement.

6. Surface water drainage details to be approved.
7. Contaminated land conditions
8. Samples of walls, roofing, doors, windows, surfacing material to be approved.
9. Landscape scheme and implantation
10. Retention of existing stone boundary wall to Victoria Road including any necessary making good.
11. Tree protection conditions
12. Tree replacement conditions
13. Access roads and car parking to be complete prior to first use
14. Off site highway works to be completed prior to first use.
15. Retail store to operate 7am to 11pm only
16. No deliveries before 7am or after 7pm.
17. Car park management plan and delivery plan to be approved
18. Details of air conditioning and plant equipment to be approved
19. Refuse, cycle and motorcycle storage details to be approved and laid out.
20. Removal of Permitted Development Rights for dwellings
21. All dwellings to be C3 Use Class.
22. The external footprint of the retail unit building shall not exceed 372square metres.

1.0 INTRODUCTION

- 1.1 This application is brought to Panel at the request of Ward Councillor Martin Hamilton and Councillor Walshaw and also due to the level of community interest in the application.
- 1.2 Members may recall the Panel Report which was published with the agenda for the previous application reference 12/02491/OT on this site in 2012 but was withdrawn prior to the Panel meeting in November 2012. Although the previous withdrawn application was recommended for refusal Members may recall that the recommendation did not suggest refusing the application on the grounds of the loss of the playing pitch or the sports hall or swimming pool buildings. The suggested reasons for refusal of the withdrawn application related to the impact of the retail unit on the neighbouring properties including the setting of the listed building and the harm to the character and appearance of this part of the Headingley conservation area, the impact of the proposed new buildings and the proposed access road on important trees and also the non-compliance with planning policies covering greenspace provision and affordable housing.
- 1.3 The applicants have sought to overcome these previous objections and the indicative masterplan has been revised.

2.0 PROPOSAL:

- 2.1 The application is submitted in Outline with all matters reserved except for access. The proposal is to demolish the existing buildings to enable space for a retail unit to be built on site and also redevelop the playing field for housing.
- 2.2 The indicative masterplan shows 24 new houses arranged in 6 terraced rows. These dwellings would be two storey houses. The masterplan also shows a new building fronting Victoria Road and running parallel to Back Ash Grove. This building would

be 1 storey in height with a car park and service area to the rear. This building would house the retail unit which would not exceed 372 square metres. An area of public open space (1315square metres) is also proposed within the site.

- 2.3 The retail unit and the residential units would access the highway using the existing access from Victoria Road which would be widened and would then connect the residential element to the retail element by an internal estate road.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is the swimming pool, sports hall and playing field of the former Leeds Girls High School. The site is rectangular in shape and is bounded by Victoria Road to the north. To the east and west boundaries of the site are located residential properties which back onto the site. To the south is located a new build block of 3-4 storey flats and a lock up garage compound.

- 3.2 The site is partially within the Headingley Conservation Area. The Headingley conservation area partially projects into the site from Victoria Road and includes the trees on the frontage, the stone boundary wall, the existing access location and the front half of the swimming pool building. The playing field and sports hall building are not within the conservation area. To the north west of the site on Victoria Road is a grade II listed building. This building adjoins the application site. It is currently in residential accommodation as flats. This building is a two storey brick and slate Georgian villa set back from the highway with a modest but attractive frontage curtilage.

- 3.3 There is a substantial change in levels from Victoria Road immediately into the site of approximately 3metres fall within the first 11 metres of the site from Victoria Road. Within the site the playing field slopes away gently to the southern boundary of the site. On the edges of the site adjoining Ash Grove and Back Chestnut Grove are located existing trees which have the benefit of a provisional Tree Preservation Order (TPO).

- 3.4 The character of the area is predominantly residential with dense rows of Victorian terraces as the main defining character, with mature trees and boundary treatments visible along Victoria Road, there are some post war houses and flatted schemes also around the site. There are some commercial uses in the locality and Hyde Park Corner is within 300 metres of the Victoria Road entrance to the site.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 08/04218/OT (current application site) - Outline application for residential use. Withdrawn 2009.
- 4.2 08/04217/CA (main school site) seeks Conservation Area Consent for the demolition of a number of buildings used by Leeds Girls High School on the main school site. Allowed on appeal.
- 4.3 Applications 08/04219/FU and 08/04220/LI (main school site) for full Planning Permission and Listed Building Consent for the conversion and extension of Rose Court to form 12 apartments. Allowed on appeal

- 4.4 Application 08/04216/FU (main school site) for full planning permission for the conversion and extension of the Main School Building to form 32 dwellings and the conversion of the stable block to form 3 dwellings. Dismissed on appeal.
- 4.5 08/04214/OT: (main school site) Outline Application for residential development. Dismissed on appeal.
- 4.6 12/1236/FU: (main school site) Outline application for residential development and Full application for conversion of Main school building to apartments. Approved 2012.
- 4.7 12/02491/OT (current application site) - Outline application for residential development and retail store. This application was withdrawn in November 2012 prior to being presented before Plans Panel. Members may recall the application was recommended for refusal on grounds that the proposed retail store building would harm the character and appearance of the conservation area and the setting of the neighbouring listed building. The application was also likely to result in over bearing and dominance on the neighbours from the size of the retail store. The application was also considered likely to harm important trees.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The previous withdrawn application 12/02491/OT had been the subject of pre-application discussions and presentations with the local community and ward councillors before submission. This current application however, was not subject to any pre-application community consultation. The Local Planning Authority discussed the revised masterplan and proposals with the applicants prior to the resubmission of this current application and invited the applicants to re-engage with the community prior to submission but the applicants choose not to.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been publicised by means of site notices and press advert. Members may recall the extensive planning history associated with this site and the Main School site and also Ford House Gardens. Over 1250 objections were received to the planning applications in 2008. The majority of these objections referred to the loss of this application site to housing. There were 110 letters of objection received to the previous withdrawn application 12/02491/OT. There have been 167 objections received to the current application and 1 further letter of representation.
- 6.2 The following issues have been raised:
- Objection to the loss of N6 protected playing pitches and building.
 - No need for new housing due to vacant properties in the locality
 - Objection to the retail unit due to impact on existing local shops
 - Loss of trees and historic boundary wall
 - Impact on highway safety and car parking
 - Scale of retail building inappropriate for the area
 - Harm to the conservation area and the listed building
 - The community had access to the facilities at this site and their loss would be harmful to health and well being of the community
 - Loss of open space harmful to amenity
 - The site should be compulsory purchased for community use
 - The development does not accord with the Olympic legacy agenda

- 5 local primary schools would like to use the facilities
- Contrary to NPPF (various paragraphs cited)
- Over development of the site
- Too many houses proposed
- Harm to amenity from the comings and going of the retail store
- The existing facilities could be brought back into beneficial use and are not beyond repair.
- Lack of football pitches in the area for local teams to use. Also lack of training facilities. Republica F.C wants to collaborate with community groups to develop the site as a sports facility.
- No community consultation on the application
- Contrary to spirit of Olympic legacy
- Leeds Metropolitan University sport HPOL group's proposal for re-using the site for a community sports facility and would like to partner with HPOL to help deliver this project.

6.3 Councillors Hamilton, Illingworth, Walshaw, Jerry Harper, Mulherin and Atha have all objected to the previous withdrawn application. Councillors Illingworth and Hamilton have reconfirmed their objection to the current application. The following issues have been raised by the Councillors:

- The site is in a densely populated area which has a poor provision of sports and recreation facilities.
- The scheme is contrary to para 74 of the NPPF
- The loss of greenspace is harmful to the area
- The community has had access to the swimming pool, sports hall and the playing pitch.
- The loss of playing facilities is harmful to the local residents and primary schools.
- Contrary to the Olympic Legacy
- Health and Social Care Act 2012 (HaSCA2012) is a new material planning consideration that should be afforded substantial weight in the determination of this application.
- The HaSCA2012 accords with the City Priority Plan to make sure the people who are the poorest improve their health the fastest.
- This area suffers from poor health including high rates of diabetes and obesity.
- Contrary to para 73 of NPPF.
- The development will exacerbate existing highway and accessibility problems
- The retail unit would be harmful to the conservation area.
- There is no housing demand for new build in the area evidenced by a recent study by UNIPOL demonstrating that students are moving out of the old housing stock towards new build accommodation.
- Kings Camp used the facilities in the summer and Easter between 2005-2007. They used the facilities for roughly 29 days per year and had roughly 40-60 children attend per day. They offered sports such as football, hockey, cricket, basketball, benchball, dodgeball as well as arts and crafts activities, drama games, treasure hunt games etc.
- The development is over intensive for the site.
- The greenspace offered is inadequate for the development of this size.
- The convenience store will harm local businesses
- The proposed access is problematic.
- The design of the convenience store is not in keeping with the area.

- The fact the community had access to the facilities prior to them closing is a change in circumstances from the Main School site application and Inquiry. The Inspectors decision does not carry the same weight as previously.

6.4 Hilary Benn MP and Greg Mulholland MP have both objected to the previous withdrawn application. Hillary Benn MP reconfirmed his objection to the current application. They raise the following issues.

- Loss of playing fields and sports hall in an area in which local schools could make good use of them.
- Development is too intensive with too many houses proposed on a small site
- New homes will exacerbate problems in a very densely populated area
- Negative impact on local businesses.
- Already 2 national food retailers in the local area
- UNIPOL report highlights empty properties in the area
- New facilities at Alwoodley Gates has not re-provided for the students. For example the swimming pool has not been replaced.
- The proposal would deprive the area of greenspace.
- The area needs sporting facilities to improve public health. The proposals does not meet this need for the area
- The area has higher than average levels of child obesity
- The swimming pool could be restored as a sports centre at cheaper costs than the figures for repairing the swimming pool.

6.5 The Friends of Woodhouse Moor, Open XS Cluster of schools, Cardigan Triangle Community Association, South Headingley Community Association, North Hyde Park Neighbourhood Association and Leeds Civic Trust have objected to the application and they raise the following issues:

- 5 primary schools in the area need an extra 40,846sq.m of space to comply with School Premises Regulations. 3 of the primary schools are without any playing fields at all.
- Contrary to Olympic spirit and legacy.
- Detrimental to health and improving obesity
- Woodhouse Moor should not be used to compensate for the loss of playing fields from this application. Using Woodhouse Moor would result in a net loss of open recreation space, that according to Council's own 2009 "A Parks and Green Space Strategy for Leeds", is already the most intensively-used urban park in Leeds, and the second-most-visited.
- We are concerned at the increase of housing within this already densely-populated area and the loss of green space and playing space of which there is a shortage within Headingley and is needed by the many families with young children that are moving into the area.
- The development would add to pollution problems
- Increase in traffic on Victoria Road is harmful to highway safety and amenity.
- The retail unit would harm the local shops
- The retail unit is too big and out of character with the conservation area
- The retail unit would cause noise problems in the area
- The loss of playing fields is contrary to para 70 and 74 of NPPF
- 34 objectors voted at the community meeting held by the developers to reject the development of 48 people who attended the meeting
- No pre-application discussions with LPA

- Civic Trust's concerns for this proposal lie in its relationship to the recently approved (May 2012) Conservation Area Appraisal for Headingley Hill, Hyde Park and Woodhouse Moor.
- The Conservation Area Appraisal also makes particular reference to the fact that stone walls and stone gate piers are part of the character of the area and should be retained and restored. It should be noted that there is a stone boundary wall along the Victoria Road frontage which continues in front of the adjoining listed building. It is essential that it be retained and that any building fronting Victoria Road be set back allowing tree planting in front to add to the mature treescape along Victoria Road and to mirror the setting of the adjoining listed building.

6.6 The Leeds HMO Lobby and Headingley Development Trust have made the following representations about the application.

- Since the development goes over the threshold of eligible units, the Trust understands that it will be liable to a contribution to affordable housing provision, under a Section 106 Agreement. The Trust wishes to recommend that that this contribution takes the form of a commuted sum, spent locally in consultation with Ward members.
- a commuted sum is clearly identified as one of three options in the Council's current SPG3 on Affordable Housing and also, more extensively, in the draft SPD on Affordable Housing of 2008. It is also explicitly identified as an option in national policy, in the National Planning Policy Framework, where paragraph 50 says, "To deliver a wide choice of quality homes, widen opportunities for home ownership, and create sustainable, inclusive and mixed communities, local planning authorities should ... where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities." One thing the Area of Housing Mix needs (by definition) is 'more effective use of the existing housing stock' in order to 'create a mixed and balanced community.'
- This approach was agreed at the Main school site in August 2012.
- A condition should be added to ensure the properties are built as C3 dwellings.

7.0 CONSULTATION RESPONSES:

7.1 Highways – No objections in principle to the development, mix of uses or the access arrangements.

7.2 Mains Drainage – In principle no objections. Conditions to cover surface water drainage would be required

7.3 Environmental Health – No objections to residential development. The impact of noise from the surrounding area on the proposed residential dwellings would need to be considered to protect the amenity of future residents. In respect of the retail unit consideration should be given to the siting of plant and machinery and the Development Department may want to condition any permission with regards to opening hours and the hours for delivery, loading and unloading. Consideration should also be given to the proposed scheme for lighting.

- 7.4 Metro – Supports the use of metrocards for the development and request a contribution toward metrocards for future occupiers. This will be included in the S106.
- 7.5 Sport England – No objections to the development proposals. They note the previous appeal decision and consider that the main users of the facilities the students of LGHS have been re-provided for at Alwoodley Gates. They also note that the community had some access to the facilities and Sport England's comments on this matter are as follows:

“The local community action group has however found evidence about the site being used by an organisation called ‘Kings Camps’, who run school holiday activity schemes, and a netball club, who used the sports hall for training.

Firstly dealing with Kings Camps, we understand this organisation operates from a range of sites across Leeds and offers sport and activity sessions during the summer and Easter holidays. It is understood they made use of the playing field at the application site before the school closed. The organisation charges commercial rates for this service which is provided outside local authority support or any support from GSAL or former LGHS. We note that this offered a very limited community use and that children attending would have come from a far wider catchment than that of the local community.

It is interesting to note that the closure of the LGHS site has not stopped this business operating in north Leeds. Not only is the Alwoodley GSAL site listed as a previous venue, Leeds University (0.8 miles from the application site) and Leeds Metropolitan University campus at Beckett's Park in Headingley (2 miles from the application site) are both current venues listed for Kings Camps sessions.

The action group have also made contact with Fusion netball club who used the sports hall on the LGHS site and have records of booking invoices dating from 2008. When the LGHS site closed the club moved to another private school site, Woodhouse Grove, over 7 miles away. While this appears to demonstrate some club competitive sports use of the application site, (as yet not substantiated by the applicant) it does not show entirely that the facilities at GSAL do offer an adequate replacement. It is understood the netball club moved towards Bradford as this is where their members came from. It does not appear the club considered moving to GSAL because of this, even though it is closer at 5.8 miles away.

Conclusion

Therefore we conclude that GSAL has superior facilities and management arrangements compared with LGSH. LGSH site had some very limited community access and this has in two instances been migrated to GSAL. The netball club appear to have migrated to nearer their customer base and Kings Camps have found other sites in the north city area, which questions whether both were meeting local needs in any case.

While local people cannot walk to GSAL as they could LGHS it is evident that they only had very limited access to this site. The vast majority of users of the LGHS site, the pupils, have moved with the facilities to GSAL as previously stated. Other user groups have either migrated to GSAL or found other venues in North Leeds and Bradford.

Outside this application there is evidence of un-met demand in this area of the city, something the council should be planning to resolve strategically. Sport England has offered on various occasions to assist the council in developing solutions to this by building on work produced in the 2008 open space, sport and recreation assessment by working with sport national governing bodies and developing an action plan to resolve the deficits. However it must be acknowledged that this is something outside the scope of this application.

While the planning inspector at the appeal considered the pupils the sole users of the facilities, who moved with the sports provision to the new school; we have considered the nature of the very limited community users and consider that they have found adequate replacement facilities at GSAL or elsewhere.

Taking the above into account we consider this can meet all elements of E4 and Sport England does not raise a statutory objection to this application”.

7.6 Sport England has however requested a developer contribution towards sports facilities of £26,777 in the locality.

7.7 The Director of Public Health Leeds submitted the following comments to the current application:

“The relationship between the availability of sports facilities, exercise and public health is important. Moreover participation in physical activity such as sports and walking is strongly related to household income. There is an association between reducing levels of physical activity and decreasing household income with the potential to increase health inequalities.

The Victoria Road site is situated in a residential area that houses people living with greater socio-economic disadvantage than the average for Leeds. The consequent impact of this disadvantage is to contribute to the physical and mental health problems that affect the local population, and ultimately lead to higher levels of premature mortality.

The presence of the urban green space provided by the playing fields can impact positively on the health of the local population in many ways. Proximity and accessibility of green spaces to residential areas can lead to:

- increased overall levels of physical activity across age groups which contribute to the prevention of many health problems such as cardiovascular disease, diabetes, stroke, some cancers and osteoporosis;*
- improved mental health and well-being providing effective relief from everyday stress, improved self esteem, and alleviation from anxiety and depression;*
- increased opportunities for education, social inclusion and cohesion by supplying space for social mixing, creating networks and relationships. Playing in local green spaces helps children to develop intellectually and learn about social interaction;*
- a contribution in reducing flood risk, reducing atmospheric pollution and traffic/residential noise. The presence of a visible and useable urban green space can contribute to the health and wellbeing of the community. Therefore the availability of the green space provided by Chestnut Avenue/Victoria Rd playing fields is an important consideration in addressing the needs of this community.*

Section 12 of the Health and Social Care Act 2012 provides that each local authority must take steps as it considers appropriate for improving the health of the people in its area. Whilst this will be relevant to planning decisions, it does not alter the fact that planning decisions are still required under the Planning Acts to be made in accordance with the development plan unless material considerations indicate otherwise (including the policies contained in the National Planning Policy Framework)”.

8.0 PLANNING POLICIES:

8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan

unless material considerations indicate otherwise. The development plan consists of the Leeds Unitary Development Plan Review (2006).

8.2 The most relevant Policies in the adopted Leeds Unitary Development Plan are outlined below.

Policy GP5 refers to detailed planning considerations and states that development proposals should seek to avoid loss of amenity.

Policy GP7: Guides the use of planning obligations.

Policy BD5 refers to new building design

Policy N2 refers to the provision of greenspace

Policy N6: Protected Playing Pitches

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

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

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

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

Policy H1: Provision for completion of the annual average housing requirement identified in the Regional Spatial Strategy.

Policy H3: Delivery of housing land release.

Policy H4: Residential development on non-allocated sites.

Policies H11, H12 and H13 Affordable Housing.

Policy LD1: Criteria for landscape design.

Policies N14 to N22: Listed buildings and conservation areas.

Policy N19, Conservation Area assessment for new build and extensions

SPG3: Affordable Housing;

SPG4: Greenspace Relating to New Housing Development;

SPG13: Neighbourhoods for Living;

Street design guide SPD,

Headingley and Hyde Park NDS

Headingley Hill, Hyde Park and Woodhouse Conservation Area Appraisal

8.3 National Planning Policy Guidance:

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

“At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.” (para 14). Development which fails to give adequate regard to heritage assets and good design is not however considered to be sustainable development.

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

1. making it easier for jobs to be created in cities, towns and villages

2. replacing poor design with better design
3. improving the conditions in which people live, work, travel and take leisure

8.5 Paragraph 24 of the NPPF states:

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

8.6 Paragraph 50 states: *“To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:*

- *plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);*
- *identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and*
- *where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.”*

Paragraph 51 states:-

“Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers.”

8.7 Paragraphs 69 and 74 deal with matters relating to health and well being and existing recreation facilities. Paragraph 74 states that:

8.8 *“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”*

8.9 Paragraph 73 states:

8.10 *“Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or*

qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.”

8.11 Paragraph 204 of the NPPF refers to the CIL tests which all Planning Obligations should be assessed against. Paragraph 56 refers to the impact of good design as being a key aspect of sustainable development. Paragraph 58 bullet point 3 refers to the desire to optimise the potential of the site to accommodate development. Paragraph 131 refers to the requirement of Local Planning Authorities to take account of:

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

Emerging Core Strategy

The Emerging Core Strategy will be examined by an Inspector from October 2013. It is considered that some weight can be attached to the policies contained within the Emerging Core Strategy.

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

8.13 Draft Policy P4 sets out development guidelines for shopping parades and small scale standalone food stores serving local neighbourhoods and communities.

8.14 Emerging Core Strategy Policy P8 sets out the thresholds above which a sequential assessment and impact assessment are required for retail proposals. The amount of retail floorspace proposed falls below this. Policy P8 indicates that all centres within 500 metres walking distance of the application site should be used for the sequential assessment

8.15 Draft Policy P11 refers to the need to preserve the historic environment.

8.16 The draft Core Strategy submitted for examination has been updated to ensure it reflects the requirements of the Health and Social Care Act 2012. The Council has submitted a response to the Inspector on the 16th September 2013 in response to the Inspector's questions on the Strategy chapter which refers to the need to seek to improve Public Health. Although this statement has been submitted in support of the Core Strategy the weight to be attached to this statement is limited as it has not been subject to public consultation.

8.17 The Council's states

“Whilst the health of Leeds has improved overall, the City is performing below the England average. Consequently, the need to tackle health issues and disparities across the District is a major challenge for improvement. In seeking to address these key cross cutting and strategic issues through the Development Plan and in reflecting the duty to improve Public Health (Health & Social Care Act 2012, Section 12), an integral part of the Core Strategy is to improve Public Health and Wellbeing.

In providing a framework to tackle public health issues across the District and a basis to coordinate resources, the Leeds Joint Health and Wellbeing Strategy (a strategy approved by the City Council, the three Clinical Commissioning Groups, Third Sector, Healthwatch and NHS England Area Team jointly) (June 2013), sets out a vision for Leeds to be a healthy and caring city for all ages. Key outcomes of this approach are for people who are the poorest, to have improved health the fastest, with an overarching desire to reduce the differences in life expectancy between communities. Narrowing the health gap within Leeds is therefore a priority within the Leeds City Priority Plan, and the Leeds Health and Well Being Strategy and Best Council Plan 2013 – 17 (July 2013). Despite becoming wealthier as a city over the last 20 years, Leeds still has too many deprived areas, where there is a poor quality of life, low educational performance, too much crime and anti-social behaviour, poor housing, poor health, and families where no one has worked for a few generations. The gap in life expectancy between the most disadvantaged parts of Leeds and the rest of the city remains at around ten twelve years. In seeking to address this key cross cutting issue through the Development Plan and in reflecting the duty to improve Public Health (Health & Social Care Act 2012, Section 12), an integral part a key aspect of the Core Strategy therefore, is to seek to ‘narrow the gap’, through the overall approach and policy framework. In pursuing this priority, the Council will therefore continue to draw on current and future public health guidance relating to planning, from appropriate bodies such as NICE and Public Health England.

The Spatial Development Strategy outlines the key strategic policies which Leeds City Council will implement to promote and deliver development. The intent of the Strategy is to provide the broad parameters in which development will occur, ensuring that future generations are not negatively impacted by decisions made today. The Spatial Development Strategy is expressed through strategic policies which will physically shape and transform the District. It identifies which areas of the District play the key roles in delivering development and ensuring that the distinct character of Leeds is enhanced. It is complemented by the policies found in the thematic section, which provide further detail on how to deliver the Core Strategy. Integral to this approach, the plan reflects the duty to improve public health and well being as a cross cutting issues, incorporated within a number of key policy topic areas, across the Core Strategy. This includes housing (improving the supply and quality of new homes in meeting housing need), the economy (providing opportunities for local employment opportunities and job growth), the role of centres (in proving the facilities and services for the community in accessible locations), regeneration (targeting specific priority areas across the District), transport and accessibility (improving public transport and opportunities for walking and cycling), place making (maintaining and enhancing local character and distinctiveness) and the environment (the protection and enhancement of environmental resources including local greenspace and facilities to promote and encourage participation in sport and physical activity). The focus of this approach is to ensure that the priorities identified as part of the Joint Health and Wellbeing Strategy and Joint Strategic Needs Assessments are addressed consistently throughout the plan and that public health is identified as an important material consideration as part of the planning process”.

9.0 MAIN ISSUES:

9.1 The following main issues have been identified:

- Development of sport facilities and the principle of residential development
- Community use of the site

- Health and Social Care Act 2012
- Retail development
- Impact on the character and appearance of the Headingley Conservation Area and adjacent listed building
- Highway considerations
- Landscaping/trees
- Residential amenity
- Asset of Community Value- Localism Act
- Section 106 contributions

10.0 APPRAISAL:

- 10.1 The site comprises land incorporating buildings (Sports Hall and Swimming Pool) and associated hard standings sited together with an open grassed area (the former hockey practice pitch). The whole site is allocated in the Unitary Development Plan as N6 Protected Playing pitches. The site frontage from Victoria Road up to half of the swimming pool building is also within the Headingley Conservation Area. In assessing the principle of the development there are three main issues to consider. Firstly whether development on protected playing pitches and buildings is acceptable; secondly whether the site is then suitable for redevelopment for residential use and thirdly whether the creation of a retail unit outside of a defined local or town centre is acceptable. Taking each issue in turn:
- 10.2 The site has been offered to Leeds City Council Leeds Metropolitan University and also Leeds University for sale, as a sports facility. At the time (around 2006-7) it was considered that the site could not realistically be brought back into beneficial use due to financial constraints. One of the main issues related to the costs involved in refurbishing the swimming pool. More recently the community group Hyde Park Olympic Legacy (HPOL) has prepared a business case to bring the site back into use as a sporting facility for the community but without using the swimming pool. This plan has been reviewed by Leeds Metropolitan University who have expressed support for this business plan in principle and would be willing to partner with HPOL to deliver the site back into sporting use as it would benefit their students who live locally as well as long term residents. Leeds Metropolitan University however, still have concerns over the costs of the purchase of the site to make the scheme viable. Although this scheme by HPOL and Leeds Metropolitan University has merit and would meet a local sporting need Members are advised they must make a decision on the merits of the current planning application as set out in this report. With this in mind the current application for residential and retail redevelopment should be assessed against the current development plan policies with weight being attached to relevant material planning considerations.
- 10.3 The proposal to redevelop land designated as a protected playing pitch is undoubtedly contentious and has generated considerable public interest. As with the recent application at the main school site across Victoria Road, this site was part of the former Leeds Girls High School (LGHS). The site was privately owned and the main users of the facilities were the pupils of LGHS. It has been demonstrated by the applicant through this and the previous application at the main school site that the pupils of LGHS have had their sporting facilities re-provided and enhanced at the Alwoodley Gates site. The Inspector in the 2011 Public Inquiry relating to the Main School site determined that the first criterion of policy N6 of the Leeds UDP, which states *that Development of playing pitches will not be permitted unless: i)*

There is a demonstrable net gain to overall pitch quality and provision by part redevelopment of a site or suitable relocation within the same locality of the city, consistent with the site's functions and the requirements of PPG17 (now paragraph 74 of the NPPF) had been met and as such the principle of a housing development on the site would be acceptable. The Inspector's position was that there is no requirement for the tennis courts at the Main School site to be protected for public or community use. The Inspector noted that the "tennis courts were not of public value as a sports or recreational facility because there was no public access to them" and that "the recreational function, as it existed, has been satisfactorily replaced elsewhere". On the health issues raised during the Inquiry the Inspector determined that "the tennis courts have never been available to the public and so their potential loss to development of the site cannot in itself be harmful to the health and well-being of the community" Accordingly in light of the above the exceptions test of policy N6 would be considered satisfied. This is the same approach that Leading Counsel advised the Council to adopt during the consideration of the Main School site application.

- 10.4 There are two changes in planning circumstances that are considered material to the determination of this current planning application when compared with the applications at the Main School site. They are that there was public access of the facilities at this site and secondly the registering of the site as an Asset of Community Value under the Localism Act 2011. The relevance of the need to promote public health associated with the enactment of the Health and Social Care Act 2012 was considered as part of the determination of the Outline application at the Main School site in 2012 and will be assessed in this report as a material planning consideration.

Community use of the site

- 10.5 Firstly, there has been limited formal use of the swimming pool, the sports hall and the playing pitch by the community. Most of the community groups who used the facilities and who still operate have relocated to new facilities, e.g., Kings Camp have relocated to the LMU Carnegie and Leeds University facilities, the netball group has have relocated to Woodhouse Grove school at Apperley Bridge and 2 of the 3 swimming groups have relocated to the LGHS school site at Alwoodley. It is also noted that there are formal community access arrangement to use the facilities at Alwoodley Gates which include access to the swimming pool, sport hall and outdoor sports fields at select times which is an improvement on the previous situation at the Victoria Road site were the limited community use of the facilities was essentially ad hoc and not regulated by any formal agreement. However, it is recognised that the distance between the Victoria Road site and the LGHS site at Alwoodley means that the reprovided facilities are not readily available to the residents of Headingley.
- 10.6 Significantly, Sport England's view is that the community use aspect is not sufficient to warrant refusal of the planning application given the limited nature of the community use and also because the previous users have found new facilities.
- 10.7 The PPG17 open space audit carried out by the Council has identified this site as being within an area of the City which has a lack of sporting facilities and outdoor playing pitches. This audit was published after the Public Inquiry at the Main School site but prior to the Outline Planning Permission being granted on the Main School Site. The application site however is private land and in this regard gives rise to

similar issues to those raised in the Main School site appeal in 2011. The Inspector considered that the principle of development on the N6 designated land was justified because the facilities have been re-provided at Alwoodley Gates. This was also the approach taken when Outline Planning Permission for residential development of the Main School site was granted back in 2012 following the Public Inquiry in 2011. Members may recall the Section 106 package that was secured as part of the Main School site application was similar to that being proposed on the current application site.

Health and Social Care Act 2012

10.8 A relevant material consideration in the determination of this application is the Health and Social Care Act 2012 and in particular section 12 of the Act. Section 12 of the Health and Social Care Act 2012 provides that each local authority must take steps as it considers appropriate for improving the health of the people in its area. This does not change the essential test set out in Section 38(6) Planning and Compulsory Purchase Act 2004 that applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

10.9 It is clear that the site is located within a high density area where existing sporting facilities, with the exception of tennis courts, bowls pitches and multi use games areas on Woodhouse Moor, are in short supply. It is also the case that the local population has high rates of obesity and those with South Asian ancestry in the community suffer the effects of obesity, diabetes and cardiovascular disease to a greater degree. Having said this, the Inspector's decision letter for the 2011 appeal at the former Leeds Girls High School site is a material consideration for this current application which attracts a good deal of weight. The Planning Inspector in his findings of the appeals in 2011 stated "*the tennis courts have never been available to the public and so their potential loss to development of the site cannot in itself be harmful to the health and well-being of the community*".

Members may recall that they considered the implications of the Health and Social Care Act 2012 when they determined to grant planning permission for the recent planning application at the Main School site reference 12/01236/FU. In that case the community had not had any formal access to the facilities at the Main School site. Although the application site had some limited community use it was not sufficient to have any real impact upon health considerations for the local community. It is also noted that the sporting community groups have largely relocated to other facilities. Furthermore the creation of on-site public open space will provide the community with continuous and unrestricted access to open space that can have some (albeit limited) benefits for public health. Furthermore the developer contribution towards enhancing children's equipped play equipment and sporting facilities in the locality will have positive health benefits for the local community. In conclusion the development proposals comply with the aims of the emerging Core Strategy and the Council's obligations under Section 12 of the Health and Social Care Act 2012.

10.10 In light of the above the principle of developing the site for a residential use is considered acceptable. The site is within the main urban area and in a location well served by public transport and local amenities. The local character of the area is predominantly residential. The Council has also accepted the principle of development on unallocated small greenfield sites that are located within sustainable locations and are acceptable in all other planning regards as being suitable for development for housing. Clearly the re-use of previously developed land is also acceptable in light of the above.

Retail Development

- 10.11 In terms of retail policy, the site is an 'edge of centre' location. UDP policy S9 refers to out of centre small scale retail development proposals. This policy is the current Development Plan policy for these proposals. The proposed retail development is considered to comply with UDP policy S9 as there are no suitable sites in the Hyde Park Centre that are available and the proposal is not envisaged to have an impact on that centre's vitality or viability. The emerging Core strategy policies that will replace Policy S9 have also been used in the assessment of the current application and are the most up to date policies which conform with the NPPF. However, they only have some weight as the Core Strategy is yet to be examined by an Inspector. Draft Policy P8 of the Core Strategy requires that retail proposals in edge of centre or out of centre locations (200-372 sqm gross floor area) within residential areas should be subject to a sequential assessment with a catchment area of 500 metres walking distance.
- 10.12 The application proposes a gross internal area of 372 sqm (280 sqm net). Hyde Park Corner lies within 500m distance of the site. The applicant undertook a sequential assessment of a 5 minute drive time, significantly in excess of the P8 requirement of the draft Core Strategy policy. None of the sites identified in the assessment were sequentially preferable to the application site. Draft Policy P4 of the Core Strategy relates specifically to stand alone food stores serving local neighbourhoods and communities: *"Proposals for stand alone small scale food stores up to 372 sqm gross within residential areas, will be acceptable in principle where there is no local centre or shopping parade within a 500 metre radius that is capable of accommodating the proposal within or adjacent to it..."* There are no sequentially preferable sites available within either the Hyde Park or the proposed Royal Park Local Centre boundary, however the application site lies adjacent to the proposed Royal Park Centre, which is the next sequentially preferable location after a site within the boundary of a local centre. Accordingly on the basis of draft Policy P4 and adopted UDP policy S9 the retail use within a residential area should be acceptable in principle and should not have an adverse impact on the function of the S2 policy which seeks to protect the defined town and district centres.

Impact on the character and appearance of the Headingley Conservation Area and adjacent listed building

- 10.13 The site is partially within the Headingley Conversation Area (HCA) (the site frontage and access is located within the HCA). No 63 Victoria Road is a grade II listed building and adjoins the site. There are trees on site which have been protected with a Tree Preservation Order. Trees are particularly important in the mature landscape of the area and need positive management both in the public and private green spaces. On 15th February 1984 the Headingley Conservation Area was significantly extended to include Hyde Park Corner, with the terraced houses around St. Augustine's Church and Little Moor, and the area between Headingley Lane and Victoria Road, which had the same characteristics of 'mature trees, stone buildings and stone boundary walls' as the existing Conservation Area to the north of Headingley Lane. In May 2012 the Headingley Hill, Hyde Park and Woodhouse Moor Conservation Area was created by dividing off the southern part of the Headingley Conservation Area and including areas which were not within a CA, notably Woodhouse Moor.
- 10.14 The existing site frontage has a positive impact on Victoria Road due to the dense tree belt and high stone boundary wall which make a positive contribution to the character and appearance of this part of the Conservation Area. The neighbouring

property is a grade II listed building. This building also makes a positive contribution to the street scene and to the character of the area. Its boundary treatments also compliment the application site's boundary treatment.

- 10.15 The previous 2012 withdrawn application would have had a detrimental impact on the street scene by creating a new access and associated road that would have required an 11 metre wide opening into the existing stone boundary wall which would have resulted in the loss of all of the existing trees on the Victoria Road frontage. The current application has sought to address this previous objection to the scheme by re-using the existing site access and slightly widening it to accommodate highways requirements. The reuse of the existing access is a positive change to the previous withdrawn scheme as the existing stone boundary wall will not be lost and the majority of the existing trees fronting Victoria Road will be kept.
- 10.16 The proposed re-use of the existing access road has also resulted in the siting of the retail unit moving from the previous withdrawn scheme. The retail unit is now sited on the footprint of the sports building. This is considered to improve its relationship to the conservation area and the neighbouring listed building. The new retail unit would orientate towards Victoria Road to allow engagement with people using the street. The siting of the retail unit would be on land significantly lower than Victoria Road. There is about a 3 metre level change. It is noted that overall the new retail unit should have a building which is smaller than the current sports hall and swimming pool buildings. The removal of the upper floors from the retail unit that were previously proposed to accommodate flats is also an improvement in relation to the visual impact of the building in the street scheme and upon the setting of the neighbouring listed building. The issue around external appearance of the elevations is a matter Reserved for the detailed stage. The applicant has supplied some ideas of what could be delivered at Reserved Matters stage. These range from a modern design, potentially with a grassed flat roof to a traditional designed pavilion built of timber. The walling of the retail unit could be constructed out of brick. It is likely that any future retailer would want to utilise glazing on the principal elevation facing the internal access road to clearly provide a presence within the street scene. The use of glazing as a contemporary walling material would help to identify the use of the building and could also promote a contemporary appearance to the building. As the retail unit is set at a lower ground level than Victoria Road the roof form will be important as it will be very visible. Overall officers feel that the site can accommodate a single storey retail unit in the location of the former swimming pool and that the external appearance of the building is a matter which can be dealt with at the detail stage. To assist with the detailed design at Reserved Matters stage the Design Statement submitted in support of the current application will be conditioned. The condition will require the future developer to submit the Reserved Matters in accordance with the Design Statement to ensure the new build quality preserves or enhances the setting of this part of the Headingley Conservation Area and also preserves the setting of the neighbouring listed building.
- 10.17 The proposed terraced houses are considered the correct approach. Terraces are the dominant characteristic in the locality. It is likely the terraces would be 2 storeys in height and would have pitched roofs, potentially utilising gables which are a common characteristic of the housing in the area. Again the external appearance of the terraces is a matter Reserved but the use of red brick for the walls and slate for the roof will be a logical choice of materials. Details such as bay windows, vertical emphasis of the elevations and the use of chimneys will help to relate the terraces to the local area. The terraces should have clearly identified front gardens with dwarf walls with copings similar to the existing terraces in the surrounding roads. Overall

the indicative layout of the 24 terraced properties is considered in keeping with the local area. The Reserved Matters applications will be submitted in accordance with the details in the Design Statement. This will ensure the quality of the new build terraces respond positively to area and preserve or enhance the setting of the adjacent Headingley Conservation Area.

Landscaping

- 10.18 The indicative masterplan has been revised from the 2012 withdrawn application to improve the layout and usability of the proposed open space and also to protect the existing trees on the site frontage facing Victoria Road that are worthy of retention.
- 10.19 The two areas of proposed public open space as shown on the previous withdrawn indicative masterplan were considered poorly planned. The current application has amended the area of public open space by creating one single area that is overlooked by the proposed terraces to provide surveillance. In addition the area provided is now large enough in size to meet the policy requirements for a development of 24 houses. Overall the proposed open space is considered usable and will add value to the development and will also be available for members of the local community to come and enjoy. The access to the proposed open space for the local community is an improvement upon the existing and historical situation whereby access to the site was very limited and since the site closed in 2007-8 there has been no formal access to the site for the public.

Residential amenity

- 10.20 The indicative masterplan shows the proposed new build houses are likely to afford future occupiers with an acceptable level of amenity, outlook, privacy and private garden space. The parking provision for the houses is acceptable as shown on the indicative masterplan.
- 10.21 In the view of officers the amenity effects on neighbouring residents who overlook the site are acceptable. Clearly their outlook will change from what is currently a playing field to a housing development however, this change in outlook is not considered a reason to refuse planning permission. The creation of a small housing development with open space and a retail unit is not out of keeping with the local character of the area and as such the scheme will make a positive contribution to the local area. The neighbours on Ash Grove who are nearest to where the retail unit and its car park will also experience a change in the level of activities of the site. These matters have been covered by conditions, as have the detail of any plant equipment to ensure that the operation of the retail unit does not generate levels of activity that would have a significant detrimental impact upon the living conditions of neighbours.

Asset of Community Value- Localism Act

- 10.22 The second change in circumstance since the Outline planning permission was granted at the Main School site relates to the registering of the Victoria Road site as an Asset of Community Value in accordance with the Part 5 Chapter 3 of the Localism Act 2011 (known as Community Right to Bid) by a local community group.
- 10.23 Local Authorities must keep a list of land that is of community value in their area. The list is known as the List of Assets of Community Value. Land is listed for 5 years. Land is of community value if, in the opinion of the Local Authority, it has a current non-ancillary use that furthers the social interests or social wellbeing of the local community and it is realistic to think it can continue to do so. Land can also be listed if it had an eligible use in the recent past and it is realistic to think it can be

brought back into such use within 5 years. Both public and private land can feature in the list.

- 10.24 Land can only be listed in response to a community nomination. Organisations that can nominate land are: a body designated as a neighbourhood forum; a parish council; an unincorporated body with at least 21 members that does not distribute any surplus to its members; a charity; a company limited by guarantee; an industrial and provident society (IPS); a community interest company (CIC). Such bodies must have a local connection. Public bodies may not nominate land, other than parish councils. In this case the organization that has registered the site as an Asset of Community Value is a registered charity.
- 10.25 If listed the landowner may not dispose of the land (ie sell the freehold or grant a lease of 25 years or more) without complying with the terms of the Act. If the landowner intends to sell, they must write to the Local Authority giving notice of their intention to dispose. This triggers the Interim Moratorium Period. This is a six week period when eligible local groups can come forward and notify of their intention to be treated as a bidder. If no group comes forwards, the landowner can dispose of the property to whoever they wish within 18 months from the date they gave us notice of their intention to dispose. If an eligible group does come forwards, this triggers the Full Moratorium Period. This is a six month period (from the date of the landowners initial notice) where the landowner may only dispose of the land to an eligible community group. At the end of the six month period, the landowner may sell to whoever they wish (for a period of 18 months from the date of their original notice). If they do not dispose within that 18 month timeframe, the protection within the Act applies again.
- 10.26 Currently the landowners are challenging this decision and have requested that a review of the decision to register the site is carried out. The outcome of the review is due after the publication of this report so a verbal update will be brought to Panel on this matter. It would be helpful (but not essential) to obtain clarity on the decision to list or not list the site before the planning application is determined so the decision maker can be clear on the status of this material consideration. Having said this officers are of the opinion that the registering of the site as an Asset of Community Value is a material planning consideration. Whilst the weight to be attached to this material consideration is a matter of judgment for the decision maker, the relative limitations of the procedure will need to be taken into account – not least the fact that there is no compulsion on the landowner to dispose of the property to a community group. In light of the limited influence of the registering of the site as an Asset of Community Value it is not considered that a refusal of planning permission could be sustained on this basis. It is considered that the mechanisms of the Localism Act are not to act as a ‘brake’ on development but rather to give the local community an opportunity to acquire buildings or sites that could benefit the community - but this does not preclude the advancement of other development opportunities. It is also worth noting that by accepting the recommendation to grant planning permission in this case, the period of exclusivity for the community would not be compromised. Whilst the grant of planning permission would confirm the principle of the use of the site for housing purposes the landowner can reasonably be expected to realise a land value for the site reflecting residential use in the absence of such a grant of planning permission given the planning history.

Section 106

- 10.27 The proposal triggers requirements for affordable housing and greenspace contributions and metrocards. Sport England have requested a contribution towards Sport Facilities in the locality. The developer has offered to provide these in their

Heads of Terms submission and the exact figures are shown in the recommendation box on the front page of this report. These contributions have been tested against the CIL Regulations are considered to meet the tests laid out of being necessary to make the development acceptable in planning terms, directly related to the development and fair and reasonably related in scale and kind to the development. It is envisaged a Section 106 Agreement can be drawn up to cover the detail of these heads of terms.

11.0 CONCLUSION:

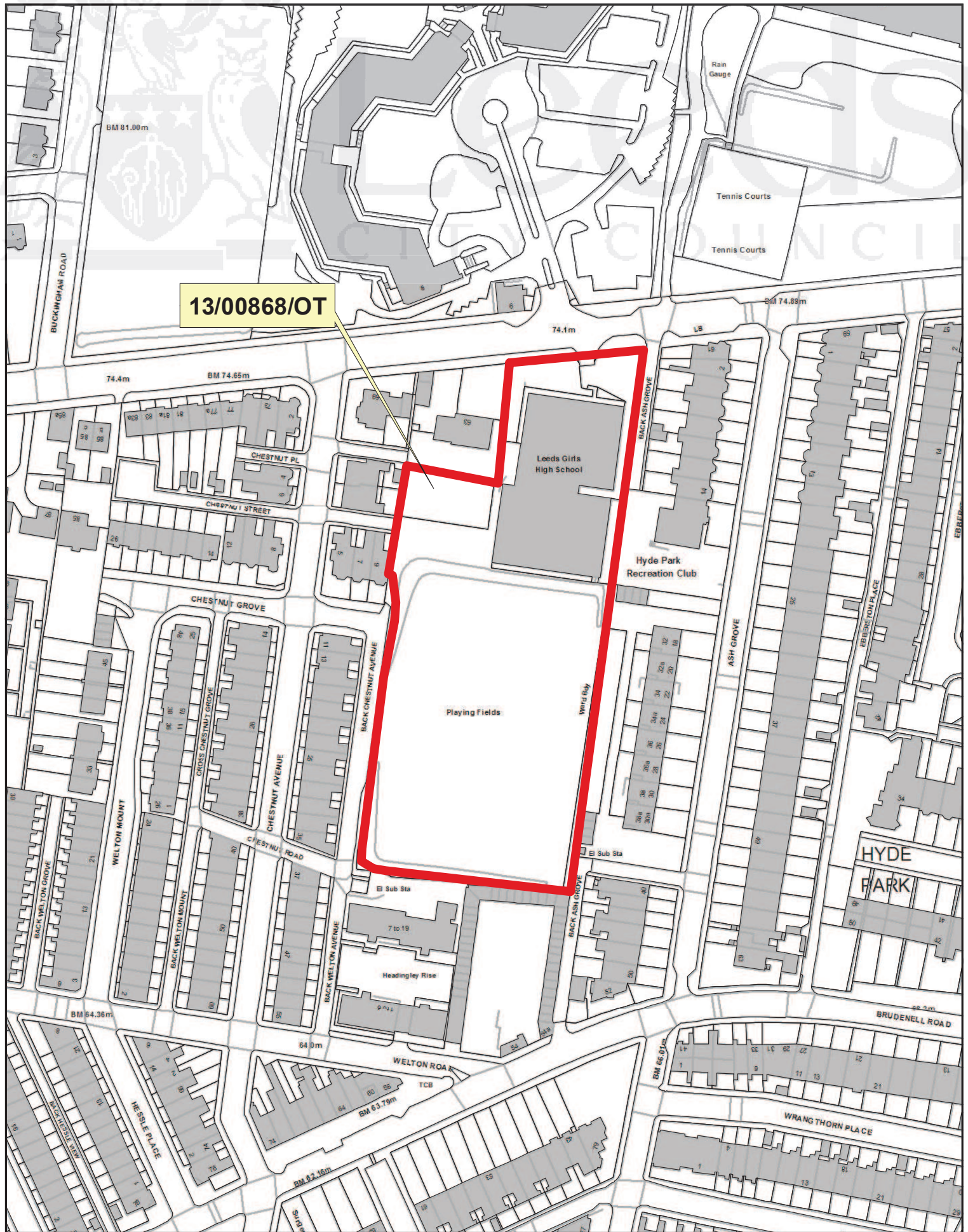
- 11.1 Officers recognise that this application is very sensitive and very important to the local community and very careful consideration has been given as to whether grounds for refusal could be substantiated in relation to the loss of the protected playing pitches and buildings. The principle of an out of centre retail development has similarly been carefully appraised. Officers consider that refusal is not justified on these grounds and could not be defended successfully on appeal. In light of the issues raised within the report that outline the benefits and also the impacts of the proposed development it is clear that the recommendation to grant Outline Planning Permission is an on balanced recommendation.
- 11.2 Section 149 of the Equality Act 2010 provides that the Council must, in the exercise of its functions, have due regard to the need to (amongst other things), advance equality of opportunity between people who share ethnic or national origins and those who do not and to foster good relations between people who share these origins and those who do not. Whilst the particular health problems associated with the South Asian population have already been highlighted in this report, the limited impact that these development proposals will have on the health of the local population means that there are no issues relating to the general duty that arise from the application.
- 11.3 The creation of on-site public open space to which the local community will have access is a positive outcome from the redevelopment of the site that goes some way to helping to provide access to leisure and recreation space in this part of the City. In addition the S106 contributions towards equipped children's play equipment and sport facilities also go some way in providing opportunities to improve the health and well-being of the local community in accordance with the aims of the draft Core Strategy and the requirements of the Health and Social Care Act 2012. The creation of modern well designed family housing in the area also meets with an identified need of providing housing across the City. The provision of affordable housing either on site or via a commuted sum that can be spent on bringing vacant properties in the locality back into affordable family use is also a positive outcome from the application.
- 11.4 The proposed development is considered to have overcome the concerns relating to the withdrawn application in relation to the setting of the neighbouring listed building and the character of the wider conservation area. The Design Statement will guide developers on the form of Reserved Matters applications. Officers believe the redevelopment of the site can enhance the character and appearance of this part of the adjacent Headingley Conservation Area and will also preserve the setting of the neighbouring listed building.
- 11.5 The removal of the upper floors from the retail unit and the re-use of the existing access road have addressed the concerns over the impact on the neighbouring properties and also the impact on the existing trees. The benefits of the development

are considered to outweigh any harm that may arise from the redevelopment of the site.

11.6 The development complies with the relevant provisions of the development plan.

Background Papers:

Application file and previous withdrawn application;
Certificate of Ownership.



SOUTH AND WEST PLANS PANEL



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Originator: Terry Moran

Tel: 0113 3952110

Report of the Chief Planning Officer

PLANS PANEL SOUTH & WEST

Date: 10th October, 2013

Subject: APPLICATION 13/03717/FU - Change of use of restaurant (use class A3) to bar (use class A4) at 55 Otley Road, Headingley, Leeds. LS6 3AB

APPLICANT	DATE VALID	TARGET DATE
Mr D Groom.	09.08.2013	14.10.2013

<p>Electoral Wards Affected:</p> <p>Headingley</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:

1. Defer and delegate approval subject to the conditions specified and the completion of a Legal Agreement to cover:
 - 1) Personal consent
 - 2) No fancy dress or groups larger than 6;
 - 3) Both floors to have tables and chairs laid out in accordance with the approved layout plan;
 - 4) No more than 2 patrons allowed outside at any one time to smoke.

List of planning conditions 13/03717/FU:

1. Commencement of development within 3 years.
2. Approval of plans
3. No external drinking
4. Signage to provided to ensure no large groups or Fancy Dress
5. Noise insulation scheme to be implemented prior to occupation of the flats above the premises if those flats are built.
6. No amplified music outside the premises

7. Hours of opening to be:
10:30 – 23:00 Sunday to Wednesday
10:30 – 00:00 Thursday to Saturday
8. Any delivery vehicles shall not exceed the capacity of a Rigid Van with a maximum capacity of between 7.5 and 17 tonnes GVW.
9. Floorspace of the A4 use shall not exceed 152 square metres.

1.0 INTRODUCTION:

- 1.1 This application is presented to Plans Panel at the request of Ward Councillor Neil Walshaw who objects on the grounds that the Cumulative Impact Area should be protected as he considers that once licensed the premises will then become a Vertical Drinking establishment, and also that the premises has too narrow a pavement which will result in smokers congregating and thereby reducing footfall to adjacent premises.
- 1.2 Some Members may recall a similar development at the adjacent Arndale Centre from 2009, where the Plans Panel approved the change of use of a vacant retail unit to extend the Arcadia Bar on behalf of Market Town Taverns. That scheme was approved subject to a Personal Consent and a S.106 Legal agreement which restricts the activities which can take place within the building.
- 1.3 This application has similarities to the Arcadia proposals and it is therefore proposed to apply similar conditions and restrictions to this application in order to ensure that the proposed Bar does not result in any undue loss of amenity of the area.

2.0 PROPOSAL:

- 2.1 The proposal involves the change of use of an existing restaurant (A3) to a Bar (A4).
- 2.2 The proposal relates to the ground and first floors of the property.
- 2.3 The proposed use will be restricted to within the property, with no external tables or external drinking to take place. A floor plan showing tables and chairs has been produced which relates to both Ground and First floors with a maximum number of seats and covers provided, with this layout to be set out and retained prior to first occupation to reduce vertical drinking areas in the premises.
- 2.4 The proposed use is intended to serve a niche market aimed at the more mature customer. It is intended that the premises will not serve Cocktails, shots or alcopops and will not have any Gaming Machines, neon lights, Cheap Drinks Promotions or Loud Dance music, and will not feature late night opening. The premises will operate a policy of restricting large groups or those in Fancy Dress. Security personnel will be employed at weekends and Bank Holidays to help enforce this policy.
- 2.5 The use is described as having a traditional style, serving craft-beers, wines, spirits and soft drinks, with a range of quality refreshments including speciality teas and coffees, cakes and tarts, seasonal specialities including Mulled wines and featuring an underlying theme of Yorkshire and the traditions of cricket, trading under the name "Sticky Wicket" and having a 50/50 split between food and drink.

2.4 A new shopfront is also proposed as part of the scheme. This will be a glazed aluminium frontage with central doors, which is considered acceptable in the context of the wider parade.

3.0 SITE AND SURROUNDINGS:

3.1 The site is currently occupied as a Greek restaurant (A3) and is a compact commercial unit within a Primary Shopping Frontage and is in the Defined Town Centre.

3.2 The existing restaurant operates from the ground floor only. The first floor of the property is used for storage.

3.3 The property is within a parade of shops and offices, which comprises 14 units in a mixture of retail and non-retail uses.

3.5 The site is within the Headingley Conservation Area.

3.4 The site is within an area covered by the Cumulative Impact Policy for Licensed premises.

4.0 RELEVANT PLANNING HISTORY:

4.1 08/06182/FU: Change of use of retail unit at 55a Otley Road to enlarged restaurant. Refused 02/02/2009. This application was subsequently granted permission on Appeal in 2009.

4.2 26/112/04/FU: Refurbishment of shops and new second and third floors to form 14 flats above. This application was approved, and all conditions have been discharged. It has therefore been implemented as works have been commenced, but the construction of the second and third floor to form flats has not yet taken place.

4.3 08/05827/FU : Change of use of retail unit at Unit 35 Arndale Centre to form an enlarged Bar (Arcadia). Approved by Plans Panel subject to a Personal condition and a S.106 agreement restricting the use of the site so as to prevent access by large groups of individuals or persons wearing Fancy Dress, with the internal layout controlled and laid out in accordance with an approved Floor Plan to avoid creating vertical drinking areas.

5.0 HISTORY OF NEGOTIATIONS:

5.1 The applicant submitted a pre-application enquiry in July 2013 and was advised that he should engage with Ward Members and other local community groups prior to submitting an application for Change of Use.

5.2 The applicant consulted the Ward Members and other local groups prior to the submission of the application, and has submitted details of comments received to accompany the current submission. These comments appear to form a very limited response but include positive comments from the Far Headingley Village Society, a

letter of support from the St Chad's Residents' Association but with an objection from the Headingley Network. There is also a response from Ward Councillor Janette Walker in which she has indicated that she would be unable to discuss the scheme at that stage due to her position on the Plans Panel.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been publicised by means of site notices. There have been 6 representations received including one from Ward Councillor Neil Walshaw. These are all objections on the following grounds:

- Cumulative Impact Policy
- Impact on Highway safety caused by patrons congregating outside to smoke
- Impact on pedestrian footfall to adjacent premises caused by patrons congregating outside
- Impact on Highway safety caused by Taxis plying for trade outside
- Harm to residents if the Bar changes operators and adopts a less community-friendly approach
- Increase noise
- Increased litter

7.0 CONSULTATION RESPONSES:

7.1 Highways – no objections.

7.2 Licensing – Observational comments received indicating that applications for new Licensed premises will normally be refused unless the applicant can demonstrate that their application would not add to the cumulative impact of such licensed premises in the area.

7.3 Neighbourhoods and Housing – No objections

7.4 Access Officer – No objection provided that there is no external drinking or seating areas.

8.0 PLANNING POLICIES:

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

8.2 The most relevant Policies in the adopted Leeds Unitary Development Plan are outlined below.

- Policy S2: This seeks to maintain and enhance the vitality and viability of local town centres including that in Headingley. Non-retail development will not normally be permitted where it would reduce significantly the shopping function of a centre. Retail development will be encouraged unless it would undermine the vitality and viability of the centres or adversely affect the range of services and functions within the centres.

Policy SF7: This refers to proposals to change the use of retail to non-retail within primary shopping frontages and imposes strict guidelines on the proportion of retail to non-retail uses. The main aim of the policy is to safeguard the overall retailing characteristics and vitality of primary shopping frontages.

Policy GP5 refers to detailed planning considerations and is intended to avoid any undue loss of amenity.

Policy N22 seeks to protect the special architectural or historical interest of any designated Conservation Area.

Policy A4 refers to the need to ensure free and safe access for all members of society.

8.2 **Supplementary Planning Guidance**

Headingley and Hyde Park Neighbourhood Design Statement. This SPD was adopted in September 2000 and seeks to preserve the character of the area whilst acknowledging its cultural diversity.

8.3 **Emerging Core Strategy**

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

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in October 2013.

As the Council has submitted the Publication Draft Core Strategy for examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

Policy P4 of the Emerging Core Strategy refers to the function of neighbourhood shopping parades. It seeks to avoid negative impacts on the vitality and viability of the range of shops which serve day-to-day needs resulting from changes of use of retail premises to non-retail premises.

Proposals for such uses will be considered against the following criteria:

(i) The cumulative impact of such development, particularly upon the amenity of the area

and traffic generation, especially where concentrations of such uses already exist,

(ii) Where a proposal involves evening opening, account will be taken of the proposal in

relation to the proximity of the premises (and associated parking requirements), to nearby residential accommodation, the nature and character of the neighbourhood parade and existing noise levels;

(iii) The availability of public transport, convenient on/off street car and cycle parking provision and impact on highway safety. Where there is insufficient car parking or where traffic movements are such as to create a traffic hazard, planning consent is likely to be refused.

8.4 **National Planning Policy Guidance:**

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

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

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

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

The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

8.6 **Other legislation:**

L.C.C. Statement of Licensing Policy Jan 2005 was produced under Section 5 of the Licensing Act 2003. Whilst not a Planning document officers consider that its contents are of relevance to this application. The document makes the following statement:

‘It is the Licensing Authorities’ policy, on receipt of relevant representations, to refuse applications in Area 2 (which includes North Lane and this part of the Otley Road frontage) for new night clubs and for pubs and clubs which are characterised as large capacity vertical drinking premises (sometimes called high volume vertical drinking establishments) which are premises with high capacity used primarily or exclusively for the sale or consumption of alcohol, and which have little or no seating for patrons. It is also the Licensing Authorities’ policy to refuse applications to materially extend the opening hours of any licensed premises within the area.’

8.7 This is a measure designed specifically to protect the amenity of residents in the area from the impact of negative environmental effects of such establishments through noise, nuisance and other forms of anti-social behaviour.

8.8 The applicant will be required to apply for a separate licence which will be formally assessed under this legislation.

9.0 **MAIN ISSUES:**

9.1 The following main issues have been identified:

(1) Principle of development

- (2) Impact on the vitality of the Headingley Town Centre
- (3) Highway safety and Access for All
- (4) Impact on neighbouring amenity and health
- (5) Cumulative Impact Policy

10.0 APPRAISAL:

10.1 Principle of development

Section 38(6) of the Planning & Compulsory Purchase Act 2004, indicates that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise. The application site lies within the urban area of Headingley. The site lies within the Headingley Town Centre. The site is within the town centre which offers immediate access to public transport provision. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development.

10.2 Headingley Town Centre comprises a mixture of developments of contrasting scale and styles featuring both traditional and contemporary developments. The Town Centre is characterised by its busy and bustling ambience and is historically defined by a mixture of commercial uses but with a retail dominance.

10.3 The National Planning Policy Framework states that Bars and Public Houses are an appropriate Town Centre use.

10.4 In this instance, the site is currently used as a restaurant (A3) which means that there will be no loss of retail use and therefore policy SF7 of the Adopted RUDP is not affected as this policy seeks to protect existing retail premises in shopping parades within the Town Centre. In addition to complying with adopted RUDP policy, the proposal also complies with Emerging Core Strategy P4 as there will be no loss of a retail unit in this case.

10.5 Officers consider that the proposed Bar differs significantly from other drinking establishments and should therefore be viewed more positively. The applicant has indicated that he is prepared to accept a conditions and a Legal Agreement to emphasise this point, and has submitted a detailed business case which indicates that the Bar will not be aimed at, for example, the "Otley Run", instead having a more ambient atmosphere with a more restricted customer base which is intended for the more mature client and not aimed at either Binge Drinkers or large crowds.

10.6 As such, it is considered that the principle of the use as a Bar is therefore acceptable in this instance.

10.7 Impact on the vitality of the Headingley Town Centre

10.8 When assessing the impact on vitality and viability as a starting point it is necessary to assess the Council's policy in relation to development proposals in such areas.

10.9 Significant weight must therefore be given to the requirements of National guidance within the NPPF, which states that Bars and Pubs are appropriate uses within Town Centres and which emphasises in Paragraph 23 the need to ensure that the "needs for . . . leisure are met in full".

10.10 Officers consider therefore that the proposed use can achieve the aims of promoting the leisure and night-time economy needs of the Town Centre provided that activities within the premises are carefully controlled and monitored, as the

applicant has stated in his submission that he does not wish to open 'just another drinking establishment'. The proposal is instead intended to serve a niche market aimed at a more mature audience, with defined drinking areas, no drinks promotions and no late night opening, but instead promoting a more ambient atmosphere based on the history of Yorkshire and cricket, under the Trading Name "Sticky Wicket". The proposal will also incorporate measures to limit the numbers of smokers outside to no more than 2 at any one time, with no external drinking. Given that the applicant has indicated that he will accept conditions and complete a Section 106 Legal agreement, Officers therefore consider that the proposed use can therefore be more readily controlled and monitored.

10.11 On this basis, it is considered that the proposed use will serve to attract a wider range of clientele to the Town Centre and thus serve to promote a more positive and varied environment, provided that appropriate conditions are imposed and a Legal Agreement is entered into to control activities within the premises. Furthermore, although concerns have been raised that the use of the premises is likely to deter footfall to adjacent premises due the congregation of smokers outside the premises, it is not considered that the levels of such activity would be significantly greater than that currently generated by the existing use as a restaurant. The numbers of patrons outside smoking will also be controlled by a S.106 agreement.

10.12 Highway safety and Access for All.

10.13 The application has been assessed by the Highways Officer, who has commented that the proposal would not have a material effect on highway safety, as the site is in a sustainable location with Traffic Regulatory measures in place including Yellow Lines outside the premises and restrictions on loading/unloading which prevent deliveries at peak times. It is noted that concerns have been raised by the Access Officer and local residents that the use would potentially restrict pedestrian movements along the Otley Road frontage due to the narrow nature of the pavement. In light of these concerns, the applicant has agreed that there shall be no drinking or tables outside the property, and has indicated that the proposal is intended to appeal to a more local clientele due to the nature of its business aimed the local community rather than crowds of drinkers. A condition will also be imposed to limit the maximum size of delivery vehicles so as to prevent large or articulated deliveries taking place. This is considered acceptable, and sufficient to ensure that no undue impact to Highway Safety or pedestrian movement ensues.

10.14 Impact on neighbouring amenity

10.15 The site is within a commercial parade, with no residential properties currently above. There are residential properties to the West but these are separated by a highways and more than 20 metres away and there will be no patrons accessing the property from the rear. The site is within a commercial parade, with no residential properties currently above. As such, the levels of noise from the proposed Bar are not likely to result in any significant impact on existing nearby dwellings. The hours of the proposed use are not considered excessive or likely to add to problems of noise and disturbance.

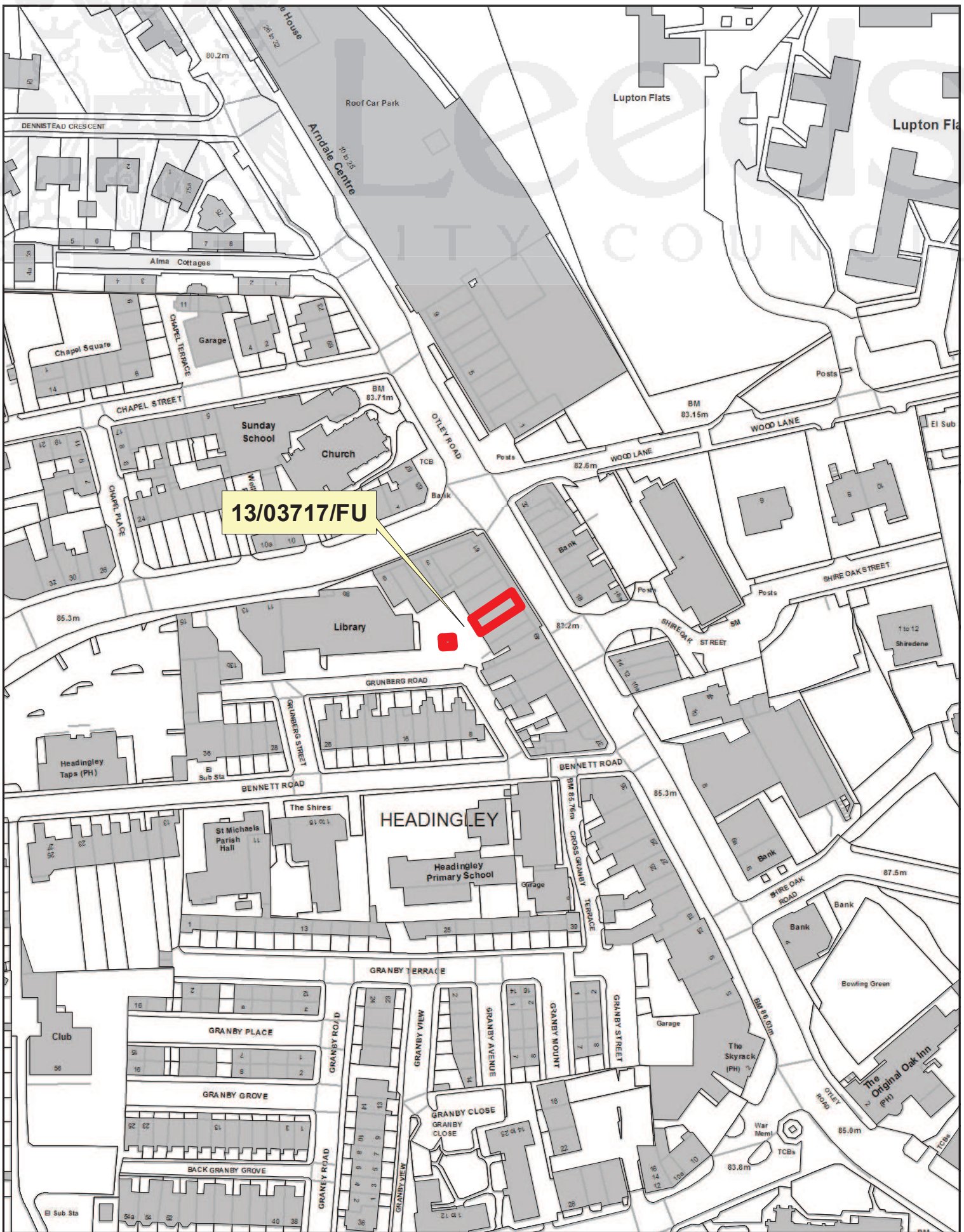
10.16 However, planning permission was recently granted for the creation of 14 new self-contained flats above the parade. As such, it is considered that appropriate measures should be carried out to ensure that no undue levels of noise or other disturbance results from activities within the building.

- 10.17 Subject to such measures, including sound insulation and no late opening, being conditioned, the use of the premises as a Bar is therefore considered to result in no undue loss of residential amenity.
- 10.18 Section 12 of the Health and Social Care Act places a duty upon the Council to consider health matters and to take steps to improve the health of residents. In this case, the change of use of a restaurant to a Bar is not envisaged to have a significant impact upon health considerations given that the existing use has similarities to the proposal in terms of function. It is noted that the current premises has an Alcohol licence. Furthermore, given the stringent planning controls which the applicant is willing to enter into, it is not envisaged that this premises will add to concerns over the proliferation of Bars in the area.
- 10.19 Cumulative Impact Policy
- 10.20 The site is an area covered by the City Council's Cumulative Impact Policy, which was originally adopted in 2005 by the Licensing Department and has been renewed since that time. Although a material consideration, very limited weight can be attached to this policy as it relates to separate legislation to the Town and Country Planning Act and has not been through the consultation processes required by Planning policies.
- 10.21 This policy is a measure designed specifically to protect the amenity of residents in the area from the impact of negative environmental effects of such establishments through noise, nuisance and other forms of anti-social behavior and means that applications for an alcohol licence for new night clubs and for pubs and clubs which are characterised as large capacity vertical drinking premises (sometimes referred to as high volume vertical drinking establishments), i.e. premises with high capacity used primarily or exclusively for the sale or consumption of alcohol in Area 2 (defined as Otley Road and North Lane including the Lounge) will normally be refused. As well as altering the range and balance of uses in the centre the number of such establishments is seen by this policy as resulting in genuine adverse impacts on amenity of the wider area and notably the surrounding close by residential areas.
- 10.22 It is noted that there are no other Bars within this part of the parade. The site is, however, next to an existing Mexican restaurant and is not intended to appeal to large groups or the Otley Run, with conditions being imposed to control this.
- 10.23 In this instance, it is therefore considered that the specialist nature of the proposed Bar is such as to fall outside the category of "vertical drinking establishment". It is described as being aimed at a more mature audience and seeks to provide a focal point for the local community and to also offer meeting facilities for local groups and organisations rather than being just a drinking establishment, having clearly defined seating area and being aimed at a more mature clientele, with a Section 106 Legal agreement proposed to govern activities within the premises. This is considered positive and to therefore accord with the general aims of the aforementioned Policy.
- 10.24 Conclusions and Recommendation
- 10.25 It is considered that the proposed change of use of the existing restaurant to a Bar(A4) is acceptable subject to conditions and a Section 106 agreement to control Opening Hours, seating areas, careful management of customers/clientele and the provision of a Noise insulation scheme prior to first occupation of the flats above the site.

Background Papers:

Application file;

Certificate of Ownership.



SOUTH AND WEST PLANS PANEL

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Originator: Shameem
Hussain
Tel: 0113 2478024

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 10TH October 2013

Subject: APPLICATION 13/02272/FU – Change of Use of former office / warehouse to form children’s indoor play centre at Unit 10A, Sugar Mills, 432 Dewsbury Road, Hunslet

APPLICANT

Little Daisys Leeds Ltd –
Mr Lee Patterson

DATE VALID

10th June 2013

TARGET DATE

5th August 2013

Electoral Wards Affected:

Beeston and Holbeck

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: DEFER AND DELEGATE Approval to the Chief Planning Officer subject to conditions as set out below and any others considered appropriate and the agreeing of the sequential test submission

Conditions

1. Time limit on permission
2. Plans to be approved
3. Construction and refurbishment activity hours
08.00hrs to 18.00hrs Monday to Friday
08.00hrs to 13.00hrs Saturdays
No refurbishment or construction activities on Sundays and Bank holidays
4. Specified opening hours
08.30hrs to 18.00hrs Monday to Friday
09.00hrs to 18.00hrs Saturdays
10.00hrs to 18.00hrs Sundays and Bank Holidays
5. Sound Insulation scheme to be submitted, approved and implemented prior to commencement
6. Submission, approval and implementation of drainage details
7. Details of lighting scheme to be submitted and approved
8. Details of grease trap and waste collection to be submitted and approved

- 9 No outdoor play or seating area
- 10.No vehicular or pedestrian access from Oakhurst Grove
- 11.Details of storage and disposal of litter to be submitted and approved
- 12..Submission and implementation of landscaping details

1.0 INTRODUCTION

- 1.1 The application proposes a change of use of former office/warehouse to a childrens Indoor Play Centre (D2) at Unit 10A, Sugar Mills, 432 Dewsbury Road .
- 1.2 The application is presented to Plans Panel at the request of Local Ward Member Councillor Ogilvie who wants to ensure that the impact of the proposed use on the residential amenities of nearby neighbouring residents is fully considered.

2.0 PROPOSAL

- 2.1 Proposed is the conversion of a former office/warehouse to form a Childrens Indoor Play Centre (D2).
 - The unit has a floor area of 205sqm and proposes to provide an indoor play venue for children up to the age of 8 years old
 - The play area equipment is designed as a soft play centre to accommodate a range of play facilities that allows the inclusion of children with special needs
 - The facility will be available for childrens parties and pay and play sessions, for the benefit of the local community and has a “not for profit” community focus aiming to provide a local play centre for the local community
 - Parking is proposed to the front of the unit in a shared car park which serves all the units within the mills complex. None of the units have allocated parking. The car park has approximately 93 spaces which are accessed from the front of the complex on Oakhurst Road via Dewsbury Road.
 - Maximum capacity of 48 children on the play frame, to be accompanied by adults , therefore having maximum seating capacity of 80 in total.
 - Opening hours proposed are:-
 - 8.30hrs to 18.00hrs – Monday to Friday
 - 09.00hrs to 18.00hrs on Saturdays
 - 10.00hrs to 18.00hrs on Sundays and Bank Holidays
 - Proposal creates 5 full time posts and 10 part time.

3.0 SITE AND SURROUNDINGS

- 3.1 The application site is a red brick built single storey warehouse unit attached to other units that form part of the Sugar Mills complex, and is currently vacant. Access to the unit is from the front of the premises which faces the shared car park. Vehicular and pedestrian access is from Oakhurst Road from the main Dewsbury Road. The complex is located within a residential area surrounded by residential properties. Towards the north of the complex is the residential street of Oakhurst Grove which culminates as a cul- de- sac with residential dwellings adjacent to the complex. The northern elevation of the application site unit 10A is adjacent and forms the common boundary with number 19 Oakhurst Grove. The common boundary is treated with a wire fence of approximately 2m in height with landscaping in the form of conifer trees cut down to approximately the same height as the fencing.

4.0 RELEVANT PLANNING HISTORY

4.1 No relevant planning history

5.0 HISTORY OF NEGOTIATIONS

5.1 Officers have met with the applicant to clarify and assist in the information required for the requested sequential assessment and revisions requested to address the residential amenity concerns. The applicant has agreed to the following revisions

- Remove the outside seating area
- Replace one of the doors next to residential dwelling with window only
- Retain rear sliding access door for staff access to rear only
- Agreement to the conditions requested by Environmental Health (Sound testing planning scheme to be carried out on Tuesday 1st October 2013)

6.0 PUBLIC/LOCAL RESPONSE

6.1 Application advertised by site notice posted on site 21st June 2013 with an expiry date for comments of 12th July 2013. To date the following representations have been received:-

Representations received from residents on Oakhurst Grove

6 households have raised the following concerns:-

- House is next door , bathroom and bedroom windows overlook the site
- There is a soft play facility 500yds down Dewsbury Road and similar facilities in Morley – a further 2 miles away.
- Potential noise everyday will give no peace and be stressful and damaging to health
- Enjoy sitting in garden to enjoy the atmosphere and the peace and quiet
- Play centre is too close to the residents of quiet cul-de –sac, the noise will deteriorate the quality of life and could be for up to 10 hours a day
- Extractor fan will carry noise and cooking smells down the street
- Cars coming in and out and parents with children is an issue and will cause disturbance
- Noise and nuisance in a quiet area
- Opening times , noise and air pollution
- Outside seating area which will cause noise for people living in the street
- House prices affected
- Litter thrown over the fence

Ward Member representation

Local Ward member Councillor Ogilvie has requested that the proposal be presented to Plans Panel for members to take into consideration the impact on the neighbouring residents.

7.0 CONSULTATION RESPONSES

7.1 Highways

No objections to the proposal as located off the main car park for the mills and as such is considered that the existing car park would have the capacity to serve the proposal. In highway terms the proposal is considered acceptable.

7.2 Environmental Protection Team

There are residential premises adjacent and in close proximity to the application site on Oakhurst Grove, approximately 10 to 18 metres from the application building and 4 to 17 metres from the site boundary. There is a potential for loss of amenity to occupants of nearby sensitive premises from noise during construction and refurbishment works, deliveries and collections to/ from the premises, activities of patrons within the building and external areas if used, patrons and their vehicles accessing the site and using the car park, the operation of plant and machinery, entertainment and music during parties and events. There is a barrier in the form of a wall between the application site and residential premises on Oakhurst Grove but it is unknown, what if any noise attenuation this will have. Recommend conditions to restrict delivery hours, opening hours, lighting scheme, sound insulation scheme, sound insulation of plant and machinery, waste collection to be submitted and agreed before commencement of use.

Local plans and policy

A sequential assessment has been submitted to justify the location of the play centre but it does not contain all the information required - further information has been submitted following a meeting with the applicant and is being assessed.

8.0 **PLANNING POLICIES: Development Plan**

8.1 The Development Plan includes the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Waste and Resources DPD. The Local Development Framework will eventually replace the UDP.

8.2 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. The Examination will commence in October 2013.

8.3 As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognizing that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

8.3 Leeds Unitary Development Plan (UDP) Review:

GP5: General planning considerations.

GP11: Sustainable development.

S1/S2/S3 Centres First approach

N12/N13: Urban design principles.

N23/N25: Landscape design and boundary treatment.

N38 (a and b): Prevention of flooding and Flood Risk Assessments.

N39a: Sustainable drainage.

T2 (b, c, d): Accessibility issues.

T5: Consideration of pedestrian and cyclists needs.
T24: Parking guidelines.
LD1: Landscape schemes.

National Guidance

- 8.4 National Planning Policy Framework (March 2012): Paragraph 24 requires that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date local plan. Paragraph 26 advises that Local Planning Authorities should require an impact assessment if the development is over a proportionate locally set floorspace threshold (if there is no locally set threshold , the default threshold is 2,500sqm)
- 8.5 Paragraphs 18 to 20 advises on building a strong , competitive economy by securing economic growth in order to create jobs and prosperity.

9.0 MAIN ISSUES

- 9.1 Compliance with Development Plan policies
Economic Growth
Highways Issues
Residential Impact
Representations received

9.2 Compliance with Development Plan policies

Both the Development Plan and the NPPF are consistent in advocating a centres first approach in relation to leisure development. This approach is also carried forward into the Draft Core Strategy. The NPPF sets out the governments overarching planning policies on the delivery of sustainable development through the planning system, and seeks to reduce reliance on the private car. It also seeks to promote sustainable economic development and the vitality and viability of town centres. Both National and Local Policy states that leisure type uses should ideally be located in town centre locations and if not then an impact and sequential assessment may be required to indicate the impact on centres and whether any more suitable sequentially preferable sites are available. An impact assessment for the proposed use is not required in this instance given its limited size.

The supporting statement submitted indicates a site selection process but this did not satisfactorily discount sequentially preferable alternative sites. The application involves the reuse of a building of 205sqm and is located on the edge of the Tommy Wass Centre - the applicant was therefore requested to consider a 10 minute inbound drive time map involving the following centres:-

- Morley
- Tommy Wass Centre, Beeston
- Holbeck
- Middleton
- Hunslet
- Dewsbury Road

The applicant has carried out more work which looks at sites within the above centres. This information is being assessed - appropriate alternatives have been assessed. Should the sequential assessment be found to be acceptable then the proposal will be in accordance with both national and local policy.

9.3 Economic Growth

The following paragraphs of the NPPF are relevant:

Paragraph 18

“The government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths , and to meeting the twin challenges of global competition and of a low carbon future”

Paragraph 19

“The government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable economic growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 20

“To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century”

The proposal is creating five full time posts and 10 part time posts. The business is bringing a currently vacant unit into use . This all contributes towards economic growth in accordance with the advice given in the NPPF and is a consideration which is given significant weight in this decision.

9.4 Highway Issues

Highways have not raised any objections as the proposal is located off the main road car park for the mills and as such it is considered that the existing car park would have the capacity to serve the proposal. The car park serves the occupants of the mill complex on a shared basis , none of the units on the complex have allocated parking. The proposal therefore raises no specific road safety concerns.

9.5 Residential Impact

There is the potential for noise and disturbance to residents on Oakhurst Grove, in particular the adjacent premises at number 19. The applicant has revised the scheme by :-

- Removing the outdoor seating area
- Replacing the door adjacent to the common boundary with Number 19 with a window
- One sliding door remains which provides rear staff access only
- Submission of a sound insulation scheme on the elevations adjacent to residential dwellings
- The applicant has agreed to the conditions and submission of information requested by Environmental Health.

The initial scheme proposed an outdoor seating area and possible play area adjacent to the neighbouring garden area of the dwelling at number 19 Oakhurst Grove. Removing the outdoor seating reduces the noise and general disturbance that could potentially impact on the neighbouring dwellings. Similarly the replacement of the adjacent door assists in retaining the privacy of the neighbouring occupants. It is considered that the measures recommended by Environmental Health assist in mitigating the impact of the proposed use on

neighbouring residents. In addition a condition is to be attached for no pedestrian access to take place from Oakhurst Grove.

9.6 Representations received

The above section addresses the concerns raised by the local representations.

The concerns raised in section Public/ Local Response (paragraph 6.1) revolve around the impact the proposed Indoor Play centre will have on the neighbouring residents at Oakworth Grove. The unit previously operated as an office/ warehouse and is currently vacant. The proposed use is for an Indoor play centre and will operate within sociable hours, that are to be conditioned as specified. The layout of the scheme has been revised removing the outdoor seating and activity area. The play activities and the use is wholly accommodated within the building which is to be sound insulated along the elevations that face the neighbouring dwelling. The access points to the rear elevation of the building have been revised to one door only which provides staff access only to the rear. The second door proposed adjacent to the common boundary is to be replaced with a window only.

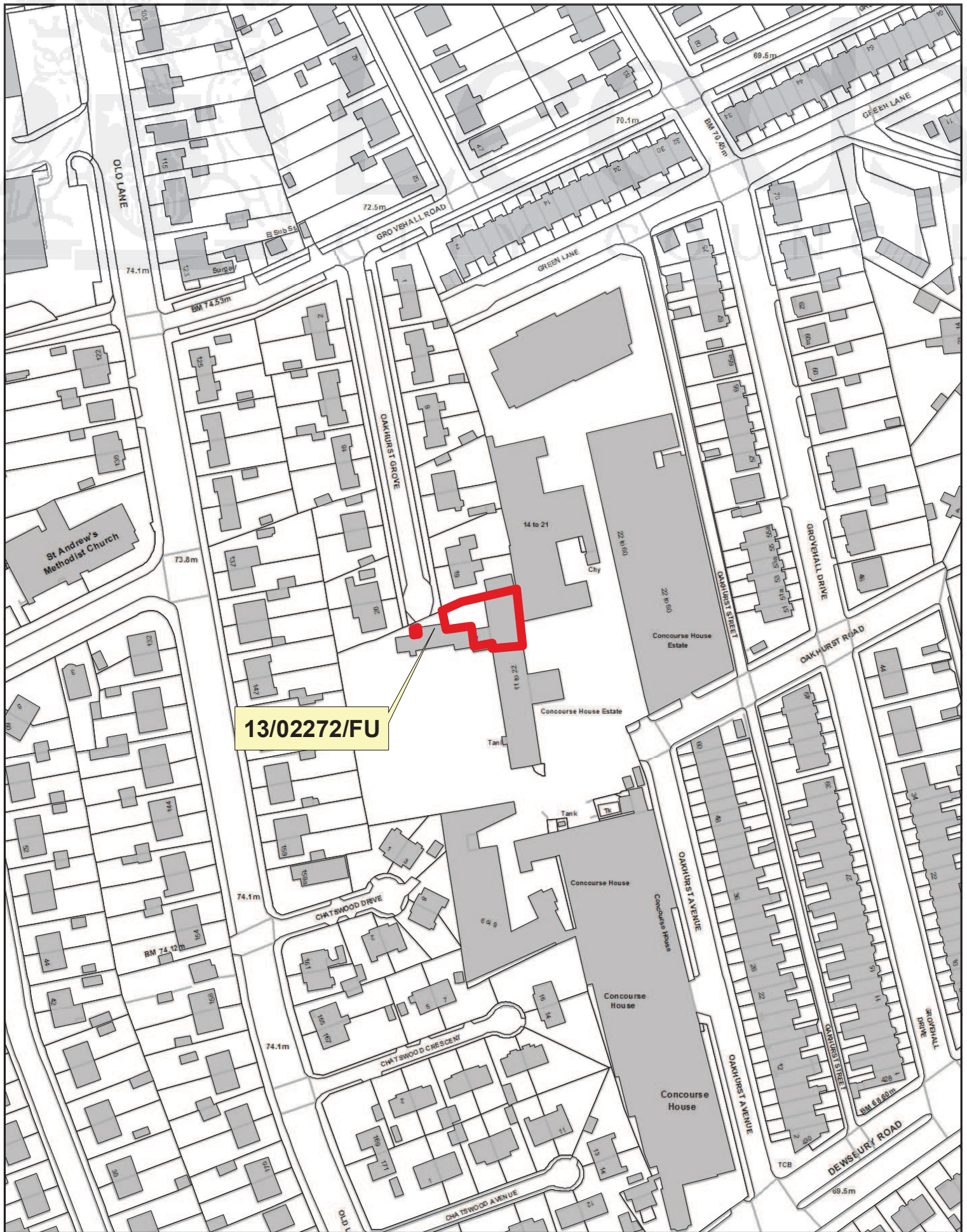
The play centre will be accessed by the local public from the main entrance to the front having vehicular access from the car park to the front. The maximum capacity is 48 children on the play frame, with children accompanied by an adult the maximum seating capacity is 80. The applicant expects maximum capacity on Saturdays and school holidays and anticipates that as the play centre has a “not for profit “community focus the majority of clients will be from the locality either walking or using public transport . It is generally considered that the comings and goings of visitors and the general activity that this use will generate with the suggested conditions will not lead to a significant loss of amenity for local residents, recognising that the use of the premises as an office/ warehouse would also generate comings and goings..

10.0 **CONCLUSION**

In terms of the overall balance it is considered that the application can be supported. The sequential analysis has been undertaken and subject to the conclusions being acceptable the proposal will meet the policy test for this type of leisure use. The building does not have a substantial floorspace and will result in some jobs locally and this is given significant weight. The unit was previously used as an office/warehouse and will have generated activity close to adjoining housing. It is accepted that the proposed use will result in activity over a longer period, particularly at weekends but it is considered that with the safeguards built into the planning conditions then mitigation has been provided to ensure that the impact on local residents has been adequately controlled. Without these controls it is considered that the proposal would have had an unacceptable impact on residents amenity sufficient to warrant refusal. With the changes and suggested conditions it is considered that on balance the proposal should be recommended for approval subject to the specified conditions.

Background papers

Certificate of ownership ; signed by applicant
Planning Application file



SOUTH AND WEST PLANS PANEL





Originator: Clive Saul
Tel: 0113 2478159

Report of the Chief Planning Officer

PLANS PANEL SOUTH & WEST

Date: 10th October 2013

Subject: Revocation of Hazardous Substance Consents at former Clariant site, Horsforth

APPLICANT	DATE VALID	TARGET DATE
N/A	N/A	N/A

<p>Electoral Wards Affected:</p> <p>Horsforth</p> <div style="border: 1px solid black; display: inline-block; width: 20px; height: 15px; vertical-align: middle;"></div> Ward Members consulted (referred to in report)	<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:

GRANT AUTHORITY TO PURSUE A REVOCATION ORDER UNDER SECTION 14(1) OF THE PLANNING (HAZARDOUS SUBSTANCES) ACT 1990 (AS AMENDED) FOR ALL EXTANT HAZARDOUS SUBSTANCE CONSENTS AT THE FORMER CLARIANT SITE, HORSFORTH

1.0 INTRODUCTION:

- 1.1 This report is presented to Plans Panel as the Council's scheme of delegation does not grant the Chief Planning Officer authority to revoke hazardous substance consents.
- 1.2 The current owners of the site are supporting the Council in the revocation of the consents because, until the consents have been formally revoked, a significant Health and Safety Executive (HSE) consultation zone will remain which may result in any future development proposals within the zone receiving a formal objection from the HSE.

2.0 PROPOSAL:

- 2.1 The Council wishes to pursue a revocation of the extant hazardous substance consents associated with the former Clariant site in Horsforth. The ownership of the site has changed since the consents were issued and the use for which the consents were issued has ceased and the buildings have been demolished. The site is to be redeveloped following the grant of permission 10/04068/OT (granted on appeal in 2012) and 12/04929/RM (granted on 3 May 2013) for the construction of 331 dwellings and 2 retail units.
- 2.2 If Members are minded to approve the issuing of the draft Revocation Order, this will then be sent to the Secretary of State for formal determination. Assuming no objections are received, the hazardous substance consents will then be formally revoked. The Council will then advise the HSE of the revocation and the HSE will remove their consultation zones associated with the site.
- 2.3 A copy of the draft Revocation Order is provided with this report at appendix 1.

3.0 LEGAL AND FINANCIAL IMPLICATIONS:

- 3.1 The Planning (Hazardous Substances) Act 1990 sets out the ways in which hazardous substances consents may be revoked. Section 14 provides a general power to revoke consents by way of order to be confirmed by the Secretary of State. Compensation is generally payable but in this case a Section 106 obligation has been signed which provides that no claim for compensation may be made.
- 3.2 The current owners have agreed to assist the council with the legal fees incurred with the revocation process.

APPENDIX 1 – DRAFT REVOCATION ORDER

**THE LEEDS CITY COUNCIL REVOCATION OF HAZARDOUS
SUBSTANCES CONSENT ORDER (NO.1) 2013**

CALVERLEY LANE, HORSFORTH, LEEDS

Catherine Witham
City Solicitor
Leeds City Council
Civic Hall
Leeds,
LS1 1UR

THE LEEDS CITY COUNCIL REVOCATION OF HAZARDOUS SUBSTANCES CONSENT ORDER (NO.1) 2013

LAND AT CALVERLEY LANE, HORSFORTH, LEEDS

PLANNING (HAZARDOUS SUBSTANCES) ACT 1990, SECTION 14(1)

RECITALS

1. The hazardous substance consents (“the Consents” which definition includes the Deemed Consent) as listed below were granted or deemed to have been granted by Leeds City Council (“the Authority”) being the hazardous substances authority and in pursuance of their powers under the Planning (Hazardous Substances) Act 1990 (“the Act”) for the presence of hazardous substances in respect of the land described in Schedule 1 (the “Land”).

<u>Reference</u>	<u>Date Issued</u>
06/01747/HAZ	12 July 2007
06/01761/HAZ	11 July 2007
27/225/05/HZ	12 July 2007
27/177/03/HZ	24 May 2004
27/176/03/HZ	24 May 2004
27/14/00/HZ	29 September 2000
27/163/99/HZ	15 December 1999 (“Deemed Consent”)

2. The freehold interest in the Land has been transferred to a new owner who wishes to develop the Land for the construction of 331 dwellings and 2 retail units.
3. The revocation of the Consents means that the Health and Safety Executive is unlikely to continue to have any objection to future planning applications to develop the Land because the existing consultation zones would be removed.
4. The Council’s Plans Panel on xxx resolved that the Consents should be revoked.
5. It appears to the Authority, having regard to material considerations, that it is expedient to revoke the Consents.
6. The ground on which the Order is made is as follows:

The Council considers it expedient to revoke the Consents because planning permission was granted on appeal by the Secretary of State under reference 10/04068/OT on 19 March 2012 for the redevelopment of the Land for the construction of 331 dwellings and 2 retail units.

NOW THEREFORE the Authority as hazardous substances authority and in pursuance of section 14(1)) of the Act and of all other powers enabling hereby make the following order:-

1. The Consents are revoked in their entirety.
2. This Order shall be cited as the Leeds City Council Revocation of Hazardous Substances Consent Order (No.1) 2013.

SCHEDULE 1

The land at Calverley Lane, Horsforth, Leeds shown edged red on the plan attached to this Order.

SCHEDULE 2

Category of chemicals for which Deemed Consent was given:

Very Toxic: Part B, 1

Toxic: Part B, 2

Any person wishing to object to this Order must do so by writing to the Secretary of State for Communities and Local Government ("Secretary of State") before xxxx 2013 at the following address:

National Planning Casework Unit
5 St Philips Place
Colmore Row
Birmingham
B3 2PW

Any such objector to this Order may require an opportunity of appearing before and being heard by a person appointed by the Secretary of State for that purpose

Notice of this Order is to be served on:

Bridgemere Land PLC
Bridgemere House
Chester Road
Preston Brook
Runcorn
Cheshire
WA7 3BD

Harrow Estates PLC
Bridgemere House
Chester Road
Preston Brook
Runcorn
Cheshire
WA7 3BD

Redrow Homes Limited
Redrow House
St Davids Park
Flintshire
CH55 3RX

Horsforth Riverside Nominee Limited and Horsforth
Riverside Second Nominee Limited
Whittington Hall
Whittington Road
Worcester
WR5 2ZX

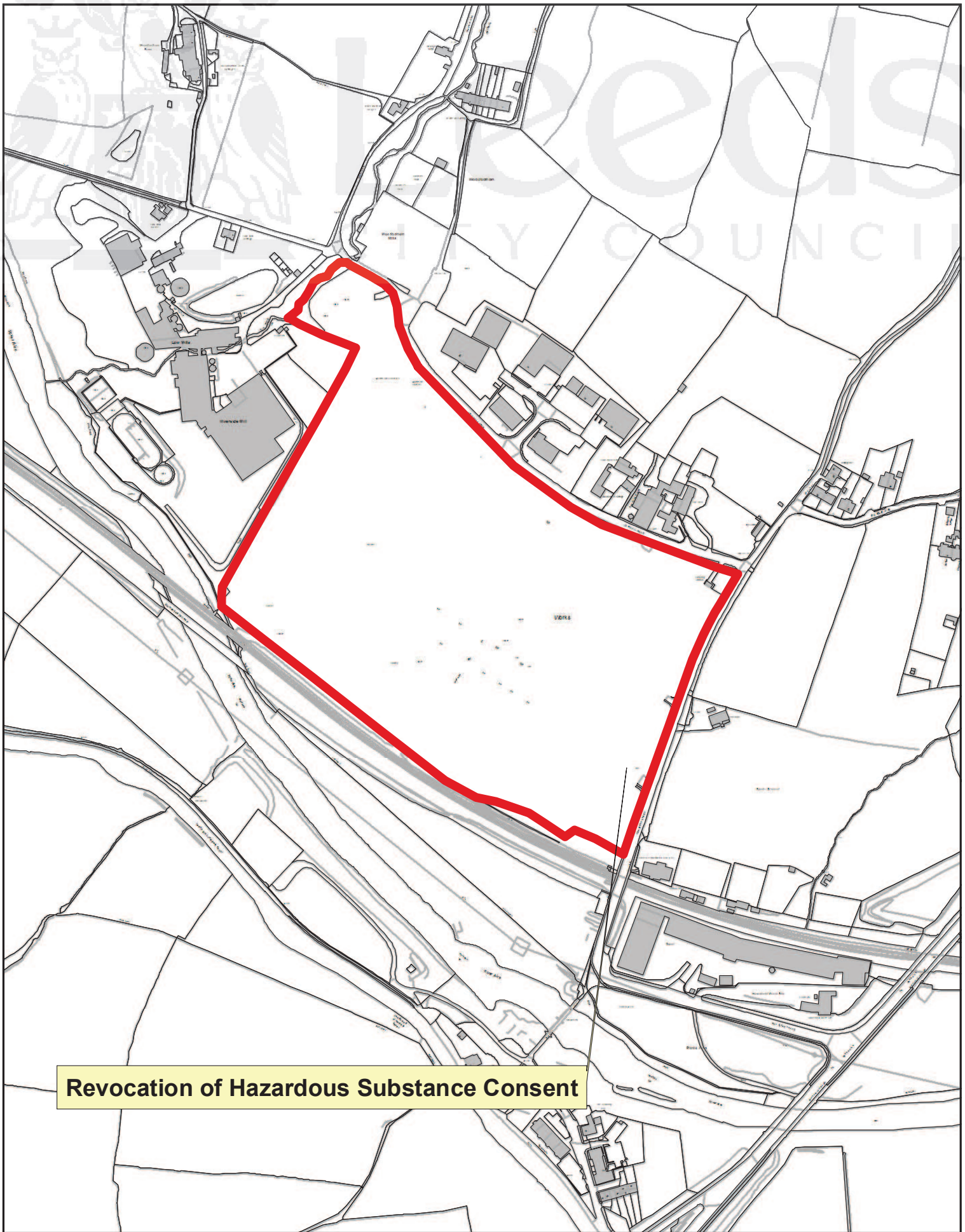
This Order shall not take effect until it has been confirmed by the Secretary of State.

GIVEN under the Corporate Common Seal of Leeds City Council this xx day of two thousand and thirteen

THE CORPORATE COMMON SEAL of)
LEEDS CITY COUNCIL was hereunto affixed)
in the presence of:-)

Authorised Signatory

Dated XX 2013



Revocation of Hazardous Substance Consent

SOUTH AND WEST PLANS PANEL

