



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.

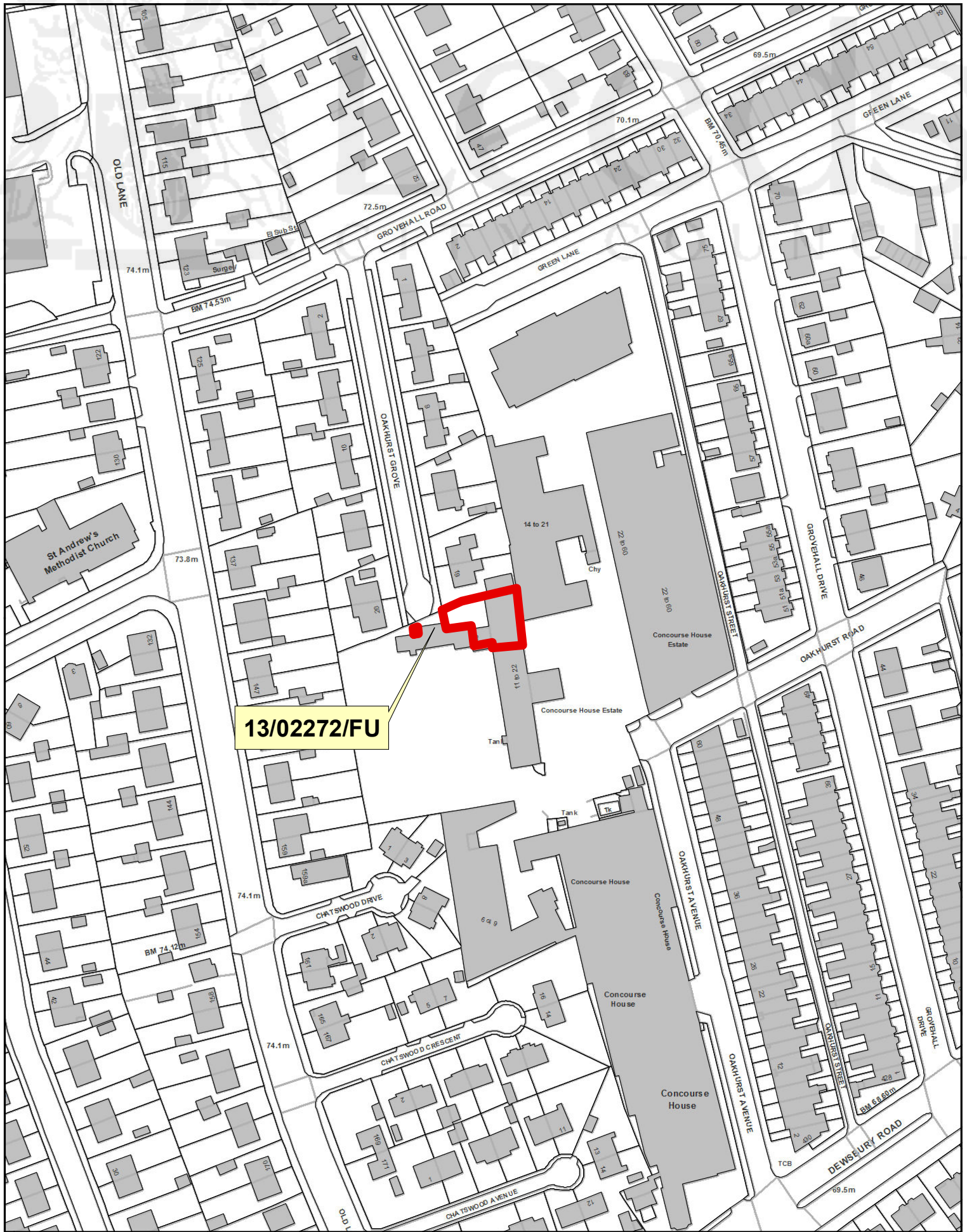
The play centre will be accessed by the local public from the main entrance to the front having vehicular access from the car park to the front. The maximum capacity is 48 children on the play frame, with children accompanied by an adult the maximum seating capacity is 80. The applicant expects maximum 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



13/02272/FU

SOUTH AND WEST PLANS PANEL

