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**Report of the Chief Planning Officer**

**PLANS PANEL NORTH & EAST**

**Date: 9<sup>th</sup> February 2017**

**Subject: 16/05597/FU – Change of use of vacant first and second floor former offices to three flats (Use Class C3), with new dormer window to rear at 28 Austhorpe Road, Leeds, LS15 8DX**

**APPLICANT**

Mr S Roberts

**DATE VALID**

6th October 2016

**TARGET DATE**

10<sup>th</sup> February 2017

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**Electoral Wards Affected:**

Cross Gates & Whinmoor

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:**

1. Time limit
2. Development to comply with approved plans
3. Details of sound insulation
4. Provision of outdoor amenity space to top floor flat
5. Details of bin/cycle parking provision
6. Dormer materials to match main roof

**1.0 INTRODUCTION**

- 1.1 The application proposes a change of use of vacant first and second floor former offices to three flats (Use Class C3), with new dormer window to rear. The application is reported to Plans Panel at the request of Councillor Peter Gruen on the grounds of highway safety, impact on residential amenity which which will give rise to concerns affecting more than neighbouring properties.
- 1.2 A planning application for the change of use of vacant ground floor offices to hot food

take away also appears on this agenda (16/06524/FU).

## **2.0 PROPOSAL:**

- 2.1 The proposal is to change the use of vacant offices on the first and second floors of the building to three studio flats.
- 2.2 The conversion will involve the removal of the existing small dormer and insertion of a larger dormer window in the rear elevation, the dormer being in hanging slate, with upvc window frames.
- 2.3 An outdoor amenity space to the first floor flat roofed area is proposed and would be served via a door within the proposed new dormer.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site refers to vacant first and second floors which were occupied as offices in association with the use of the ground floor. The ground floor was previously occupied by a building society (Class A2) and is also vacant. The unit is located with a traditional shopping parade comprising in the main of two storey brick built properties fronting Austhorpe Road.
- 3.2 The adjoining property at No. 30 is Costa Coffee, with retail at ground floor with toilets at first floor. On the other side, at No. 26, the ground floor is a bookmakers with offices above. The rear of the property abuts the car park serving the Cross Gates shopping centre, with the applicant having a pedestrian right of way to the rear.
- 3.3 The immediate area is commercial in character, with residential beyond.
- 3.4 The site is located within the Cross Gates P1 town centre boundary (Core Strategy).

## **4.0 RELEVANT PLANNING HISTORY:**

On site:

- 4.1 16/06524/FU - Change of use at ground floor from former Bank (A2) to hot food takeaway (A5), with new shop front and extract flue to rear. Currently undetermined, and appears on this agenda.
- 4.2 09/03414/FU - Installation of cash machine to front of Building Society. Approved 29.09.2009.

Off-site:

- 4.3 54 Austhorpe Road - 16/07317/FU - Variation of condition 4 of approval 15/04497/FU to allow opening hours to be 11:00 - 00:00 hours Sunday - Thursday, 11:00 - 02:00 hours Friday, Saturday and Bank Holidays. Refused 17.01.2017 on the grounds of likely harm to residential amenity.
- 4.4 15/04497/FU - Change of use and alterations of ground floor restaurant (use class A3) to take away hot food shop (use class A5). The opening hours of the premises are restricted to 08.00 to 23.30 hours Monday to Saturday and 12.00 to 23.00 hours on Sundays and Bank Holidays. Approved 22.09.2015.
- 4.5 31 Austhorpe Road - 07/00970/FU - Change of use of shop to hot food take away. The opening hours of the premises are restricted to 0800 hours to 2330 hours

Monday to Saturday, and 1900 hours to 2300 hours on Sundays and Bank Holidays.  
Approved 07.06.2007.

4.6 6 Back Austhorpe Road - 32/12/03/FU - Change of use of shop to take away hot food shop and restaurant. The opening hours of the premises are restricted to 0800 hours to 2330 hours Monday to Saturday, and 1900 hours to 2300 hours on Sundays and Bank Holidays. Approved 01.04.2003.

4.7 26 Austhorpe Road - Change of use from Shops (A1) to Betting Shop (A2). Allowed on appeal. The premises shall not be open for customers outside the following hours:  
- 08:00 to 22:00 on Mondays to Saturdays; 09:00 to 22:00 on Sundays and Bank Holidays.

24 Austhorpe Road  
4.8 16/07509/FU - Change of use and alterations of first and second floor office and storage to one flat including rear dormer window. Approved 17.01.17.

4.9 13/03256/FU - Change of use from Class A1 (shops) to Class A2 (financial and professional services). Refused 05.09.2013 on the grounds of loss of retail frontage.

## **5.0 HISTORY OF NEGOTIATIONS:**

5.1 During the consideration of the planning application the layout of the flats has been revised to improve the level of amenity provided for future occupiers. A small terrace has also been provided to studio flat 3.

## **6.0 CONSULTATIONS:**

6.1 Highways –The proposal will convert Class A2 floor space to 3 x 1 bed flats which have a parking requirement of 1 space per units. The proposal is less intensive from a parking viewpoint, therefore a highway objection would be difficult to justify. Future occupants would not be eligible for on-street parking permits.

6.2 Flood Risk Management – No objection to the application

6.3 Environmental Protection Team– Potential amenity issues associated with the ground floor HFTA use. Conditions recommended to address this impact - no objection subject to conditions.

6.4 Housing Regulation Team – Revised internal layout now show more direct natural daylight will reach the bedroom areas and appears to be satisfactory.

6.5 Health & Safety Executive – site falls within the consultation zone but the HSE do not advice against the granting of planning permission on safety grounds in this case.

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application has been advertised by Site Notice, dated 28<sup>th</sup> October 2016. Revised plans have been advertised by Public Access. The following representations have been received.

Cross Gates Watch

- 7.2 Access to the three proposed flats is via the rear of the premises only which is also very limited. Tandem parking only is available on the site, and even that only with very considerable care.
- 7.3 Parking is an acute and chronic problem in Cross Gates and inadequate provision is made. Access over No. 26 land is not guaranteed.
- 7.4 Entering/leaving the site from the roadway to the rear is very difficult.
- 7.5 Substantial highways changes have taken place to a considerable section of Austhorpe Road at the front of the building including a pelican crossing at No. 20, Austhorpe Road, with associated zig-zag roadway markings either side, the remainder of the roadway being double-yellow lined. Extensive kerbside railings are also in place which prevents unloading. There is no parking, nor any drop-off point for deliveries.
- 7.6 Business at ground floor level will require staff parking at the rear of the building. The business part of the premises will also need its own waste disposal facility. The situation for upper floor tenants will be made even more impossible with everyone competing for the same parking, delivery, waste-storage, collection and amenity space.
- 7.7 Proposed dormer window, which is the only source of natural light into the living/dining/kitchen area of the flat provides a lack of space and natural light. Revised dormer does not address these concerns.
- 7.8 No bin spaces are shown.

One letter of representation from nearby residents:

- 7.9 Objection on very similar grounds to Cross Gates Watch (see above) – unsatisfactory standard of amenity for residents, incompatible with nearby uses, inadequate car parking and wasted disposal arrangements.

**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 currently comprises the adopted Local Development Framework Core Strategy (2014), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Local Plan.
- 8.2 The Local Development Framework Core Strategy was adopted by the Council on 12<sup>th</sup> November 2014. The following policies contained within the Core Strategy are considered to be of relevance to this development proposal:

Core Strategy:

- T2 – accessibility
- P1 – identify town centres
- P2 – acceptable uses in a town centre
- P10 – design considerations
- H2- New housing on non-allocated sites

UDP

The most relevant saved policies from the Leeds Unitary Development Plan Review are outlined below:

GP5 - Development control considerations including impact on amenity

Other Planning Policy:

Street Design Guide Supplementary Planning Document (August 2009) and includes guidance relating to highway safety and design.

SPG 6 – Development of Self-Contained Flats

SPG13 – Neighbourhoods for Living Residential Design Guide

Parking SPD

National Planning Policy

- 8.3 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

## 9.0 MAIN ISSUES

1. Principle of development
2. Impact on visual amenity
3. Impact on residential amenity
4. Highway implications

## 10.0 APPRAISAL

Principle of development:

- 10.1 The site is located within the Cross Gates centre and the proposal is to change the use of vacant offices on the first and second floors of the building into three residential flats. The use of the upper floors of the building as residential accords with Core Strategy Policy P2 , which encourages residential accommodation in town centres, and particularly at upper floors, so that the ground floor can remain in commercial use. The ground floor will remain in commercial use. In principle therefore the use accords with policy and encourages the vitality and viability of the town centre. In principle, the proposed conversion of the offices to residential use is considered appropriate.

Impact on visual amenity

- 10.2 The proposed development incorporates relatively minor external alterations to the original property primarily involving an enlarged dormer within the rear elevation. A means of enclosure for the roof terrace is also proposed comprising of toughened glass supported between stainless steel posts at a height of 1.1m. As the materials proposed for the dormer window are sympathetic and its general design is considered appropriate relative to its context, no visual amenity concerns are raised, particularly as there are no external alterations proposed to the front elevation of the property.
- 10.3 A condition is recommended to ensure the external window detailing/materials for the dormer match those of the existing property and the new bin stores/cycle parking can also be accommodated discretely within the rear yard area.

### Impact on residential amenity

- 10.4 The proposed conversion of offices to residential use raises no fundamental concerns from a residential amenity perspective. Any potential impact will be limited given the minor nature of the external alterations proposed, which involve the insertion of new window and door openings within the rear elevation.
- 10.5 Whilst the total size of each flat is modest, it is considered the proposed living areas are a reasonable size and the habitable rooms are all served by prominent windows which will allow adequate natural light and ventilation into the main living areas. Therefore, the standard of living proposed for the future occupants of each flat is considered reasonable and does not raise significant residential amenity concerns. Furthermore, the property places the living area and bedroom at first floor level directly over the living and bedroom area of the ground floor flat, with the juxtaposition of rooms arranged in a logical and acceptable manner, thereby reducing the potential for noise and disturbances between flats.
- 10.6 The revised plans show the first floor flat roofed area would be accessible to the top floor flat and can be used as an outdoor amenity space, with a safety balustrade provided. This would provide a sitting out and amenity space for the top floor flat, and is considered acceptable and appropriate for the intended use. Other neighbouring flats roofs also show signs of being used as amenity spaces also.
- 10.7 The rear dormer overlooks commercial properties (car park) therefore no overlooking issues occur. The rear dormer serves the kitchen and living area to the top floor flat. The immediate outlook is across the flat roof to the first floor of this property. The flue that is proposed as part of the planning application for the hot food take-away (see paragraph 4.1 above) is attached to the rear elevation of the property and is shown to project above this area of flat roof by approximately 2.8m. The flue is shown on the application plans to be set 9.2m away from the face of the dormer and to have a diameter of approximately 50cm. An area of the flat roof immediately adjacent to the dormer is shown to be dedicated as an external terrace. The occupiers of the flat will therefore have the opportunity to carry out some landscaping to the terrace area and this will help filter views of the flue. In light of these factors the outlook is considered to be reasonable for this type of accommodation noting its town centre location. From the proposed terrace views of the rear of neighbouring properties could be gained. However, the rears of these properties are already open to views from public vantage points. Accordingly, it is not considered that the use of the terrace will result in a loss of privacy.
- 10.8 From a practical perspective, the future occupiers of the flats will be able to utilise the yard area to the rear for bin and cycle storage and whilst access is only possible from the rear, this is not unusual for flats positioned above commercial units. In light of the above it is considered that the proposal complies with retained UDP policy GP5 and the guidance set out in SPG6, Self-Contained Flats.

### Highway implications

- 10.9 There are no objections from highways to the proposed flats. The proposal does not provide car parking spaces. The application form states that the proposal will convert 111m<sup>2</sup> of A2 floor space in to three 1 bedroom flats. The parking requirements for A2 uses are 1 space per 10m (Leeds Parking Policy) and this is the equivalent to that required for the proposal (1 parking space per 1 bed flat is required (Street Design

Guide)). With this in mind, the proposal would be less intensive from a parking viewpoint.

- 10.10 It should also be noted that future occupants would not be eligible for on-street parking permits within the existing or any future controlled parking zones in the locality. An informative advising the applicant of this would be attached to any permission granted. Accordingly, the proposal is considered to be consistent with the objectives of the Street Design Guide and Parking SPD.

### CIL

- 10.11 The development is not liable for CIL, as the proposal is a change of use application.

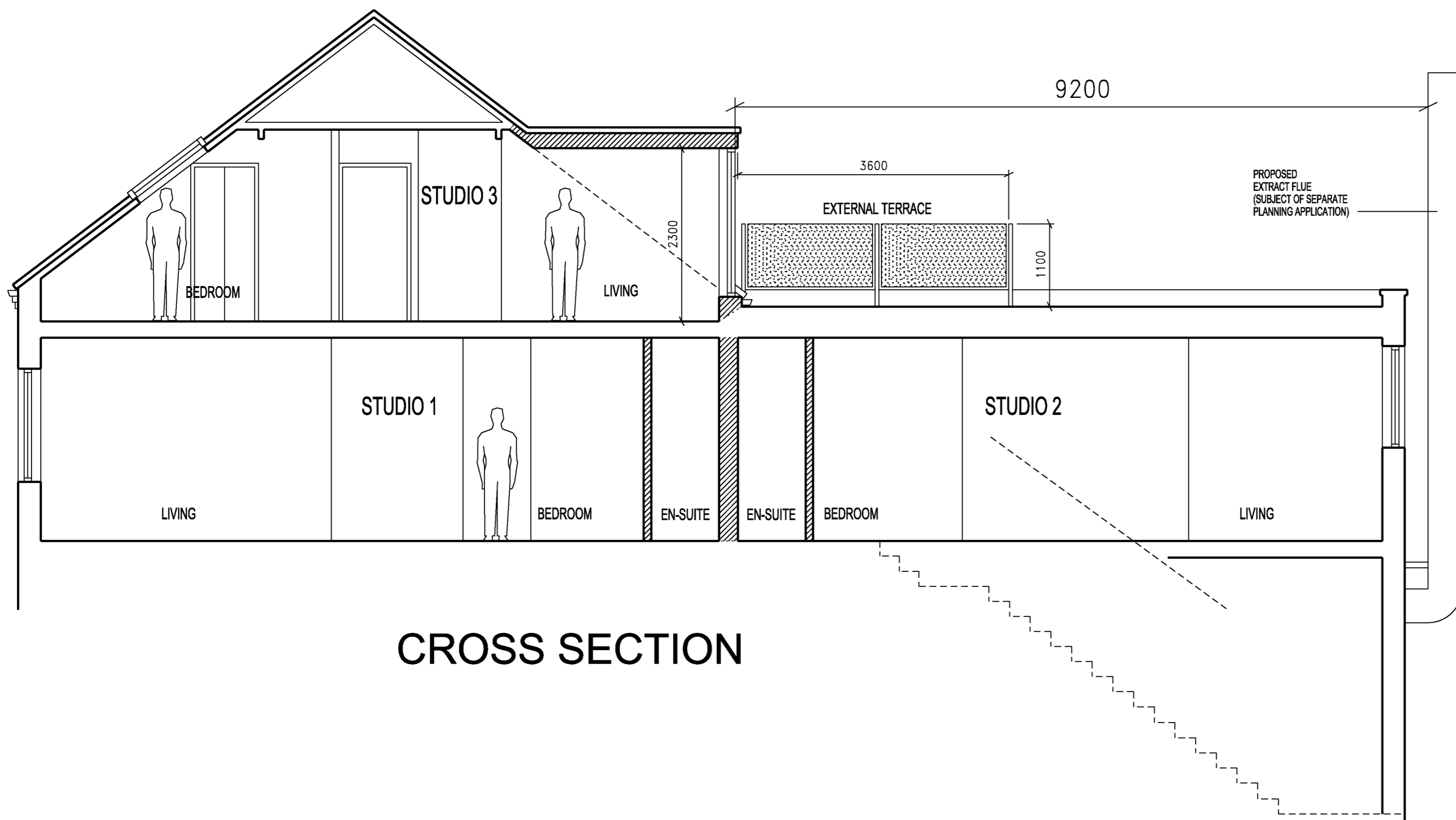
### **11.0 CONCLUSION:**

- 11.1 The proposed change of use and alterations are considered to comply with the relevant planning policies and guidelines and therefore, having regard to all material considerations including representations received, the application it is recommended for approval subject to the conditions listed.

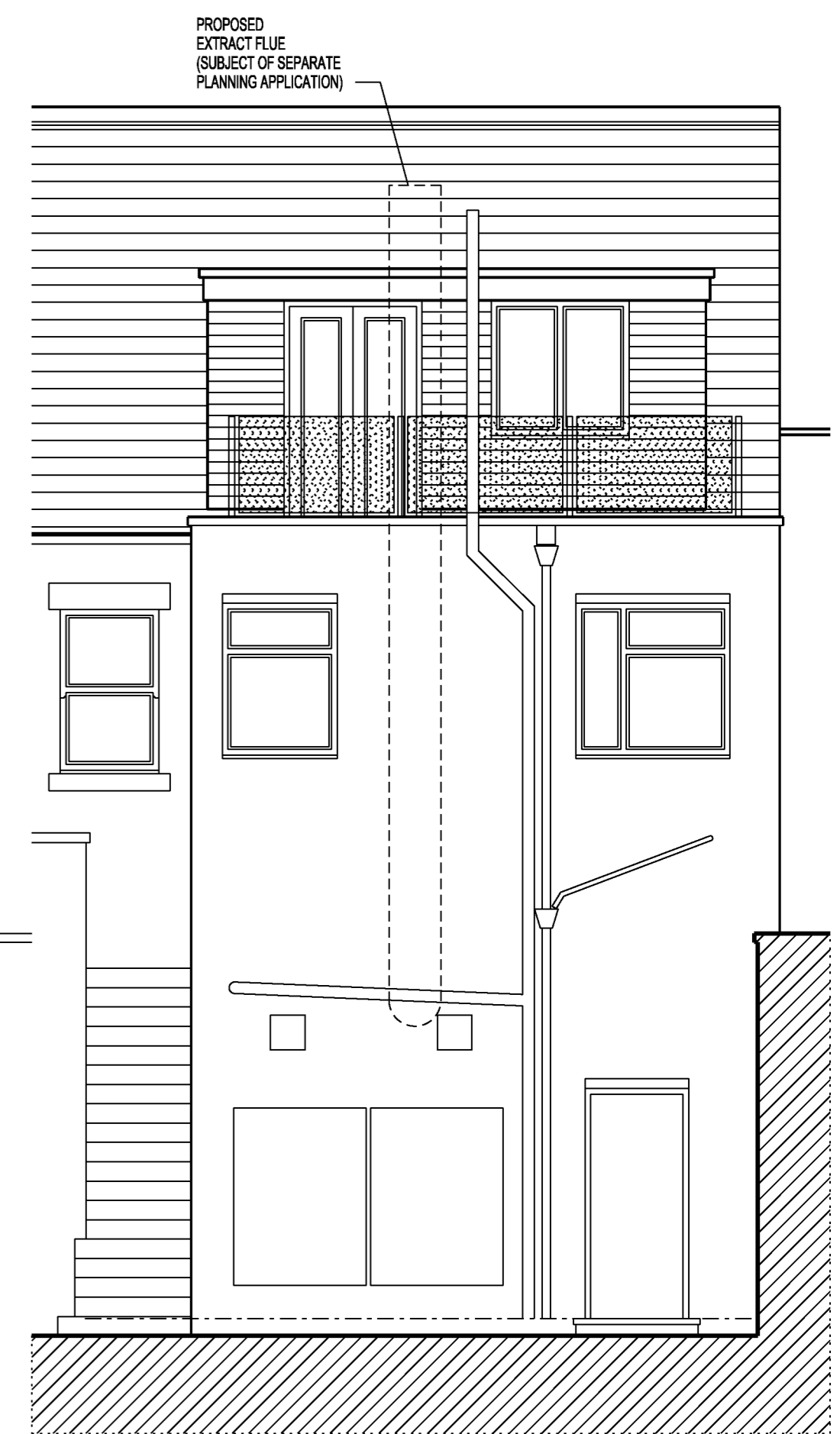
### **Background Papers:**

Application files: 16/05587/FU & 16/06524/FU

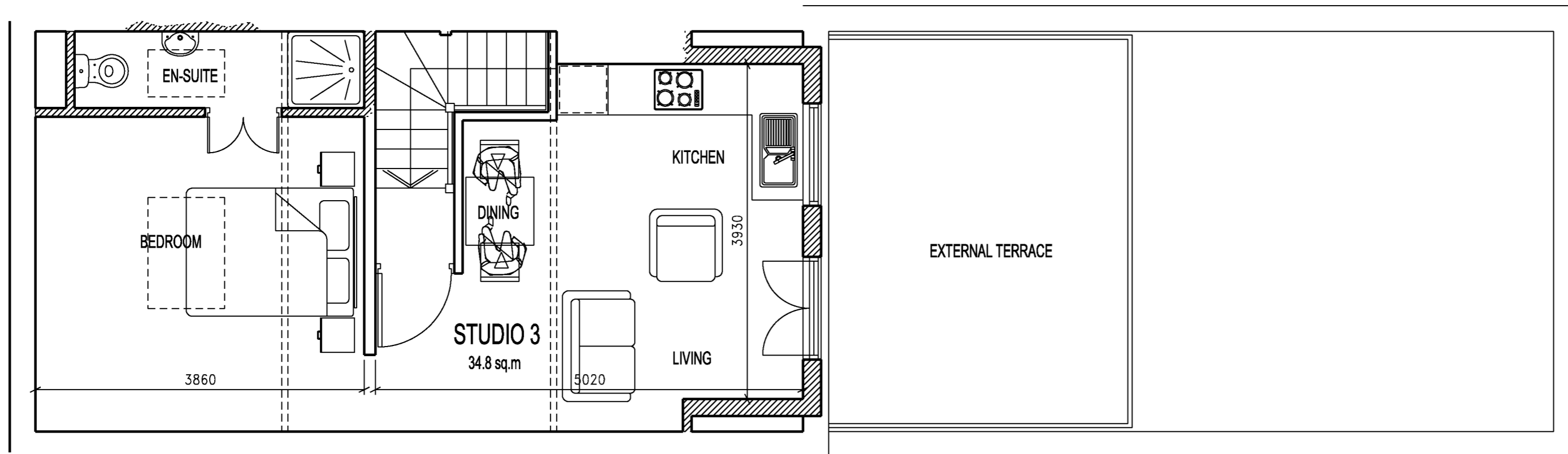
Certificate of Ownership: Mr S Roberts



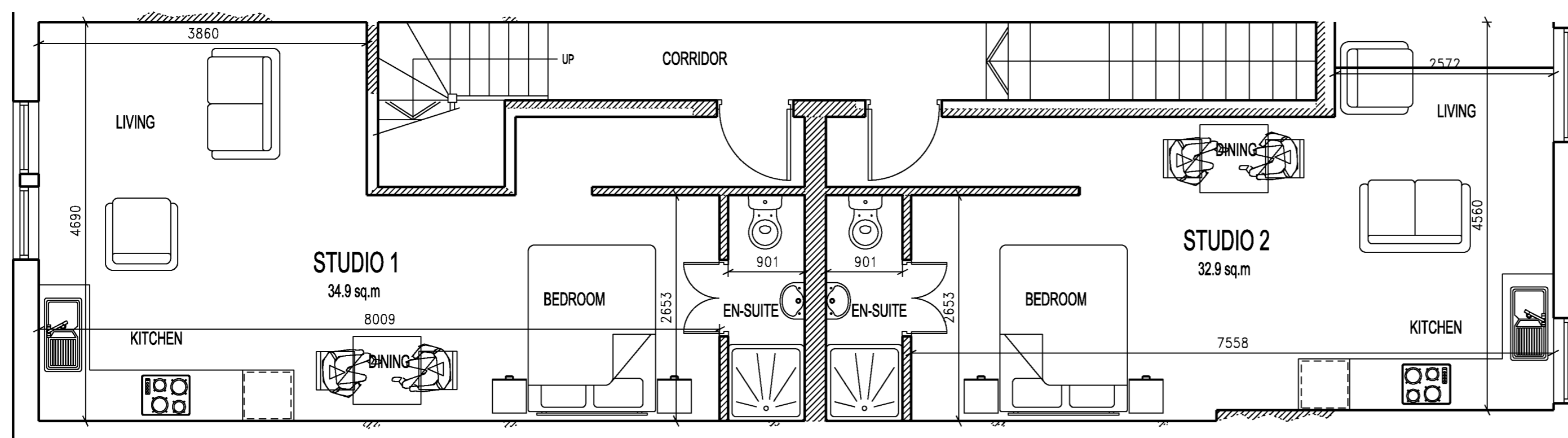
CROSS SECTION



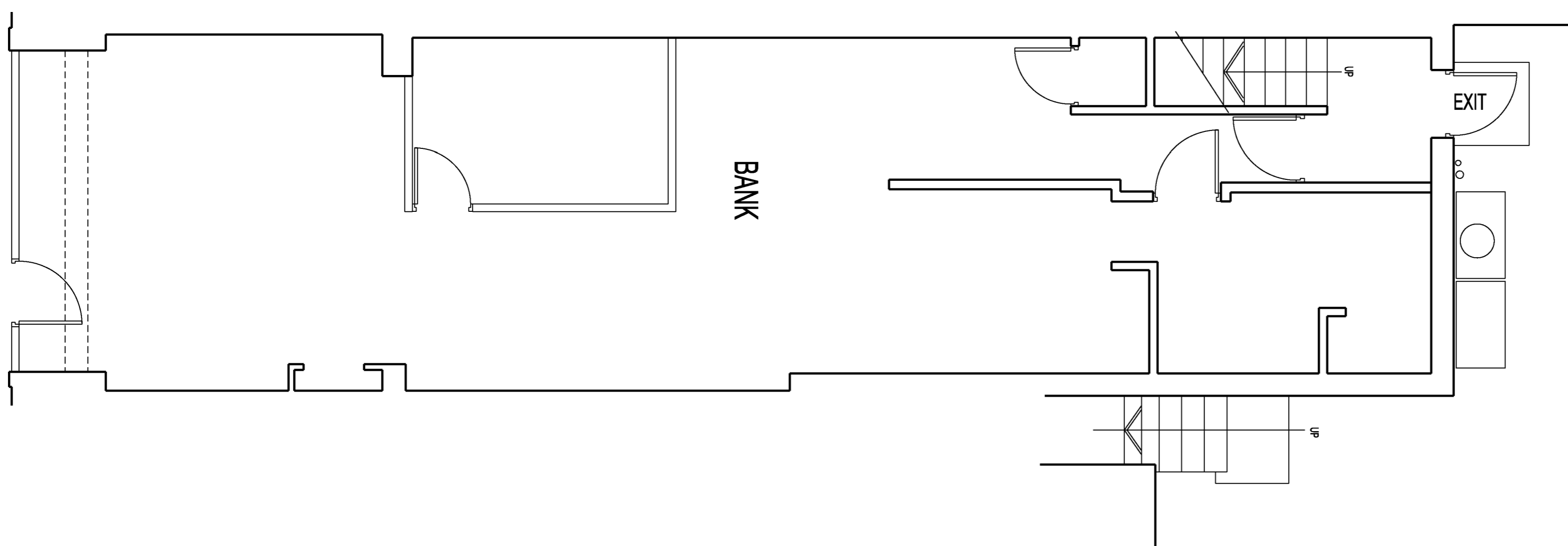
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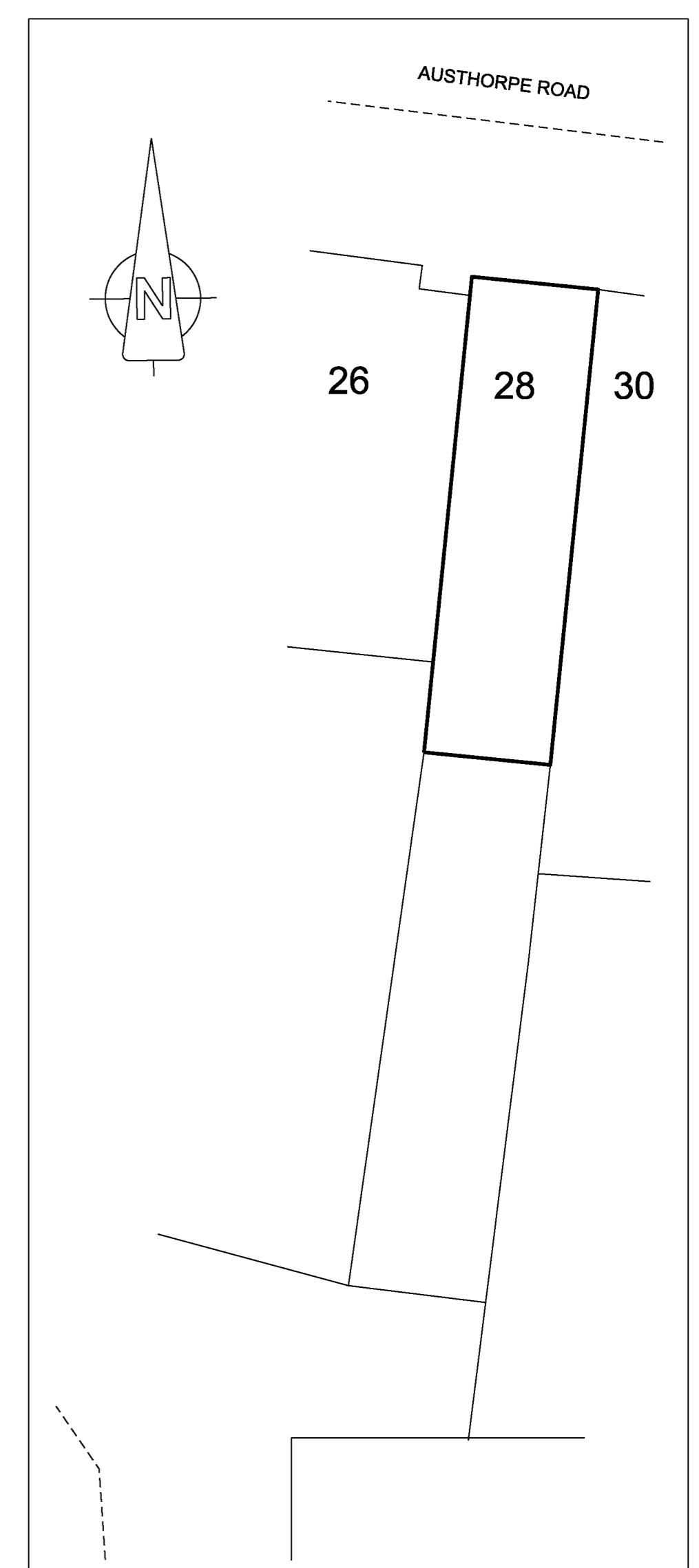
SECOND FLOOR PLAN



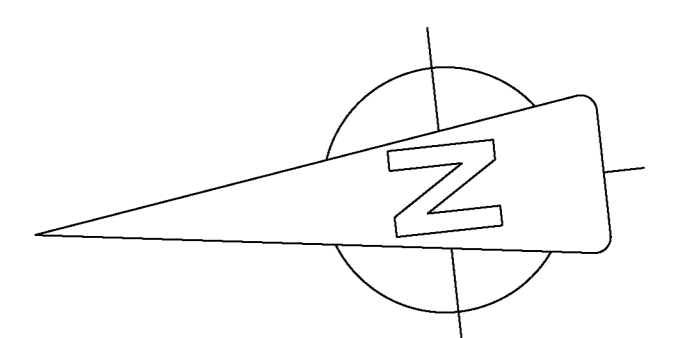
FIRST FLOOR PLAN



GROUND FLOOR PLAN



BLOCK PLAN - 1:200

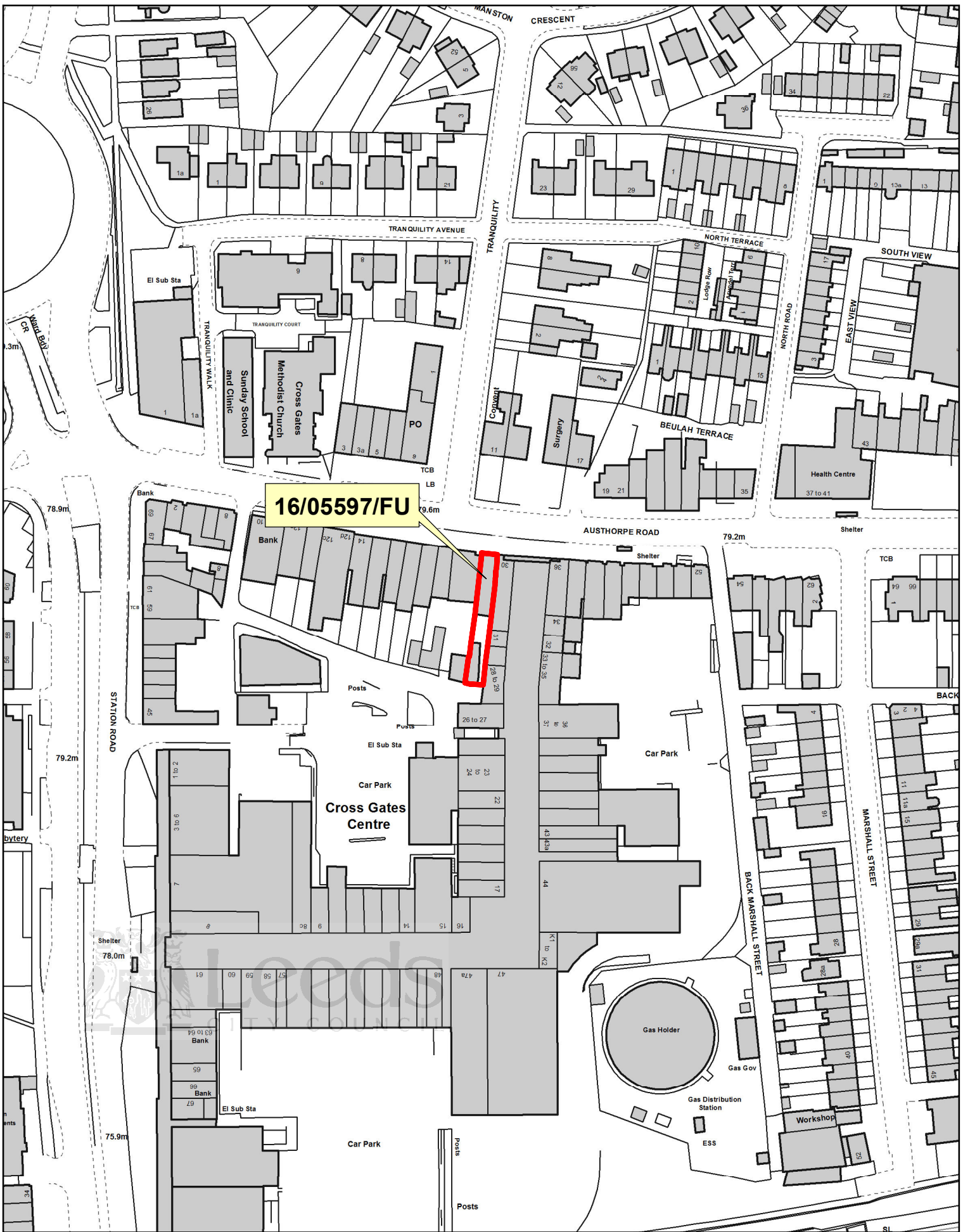


REVISION C

**PROPOSED**

SCALE 1:50 @ A1 1:100@A3





# NORTH AND EAST PLANS PANEL

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SCALE : 1/1500

