



Draft Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 7th October 2010

Subject: APPLICATION NUMBER 10/03603/FU & 10/03604/CA - Part demolition of cinema and erection of mixed use development up to 4 storey's comprising, retail, restaurant, 12 two bedroom apartments and ancillary extension and smoking terrace to the existing Arc Cafe Bar and external works, at the former Lounge Cinema, North Lane, Headingley

APPLICANT

ATC Properties Ltd

DATE VALID

19.08.2010

TARGET DATE

03.11.2010

Electoral Wards Affected:

HEADINGLEY

Y

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

To defer and delegate approval to the Chief Planning Officer subject to the conditions specified (and any others which he might consider appropriate and the completion of a legal agreement within 3 months from the date of the resolution, unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations:

1. Travel plan - £7000 for metro cards and car club contributions
2. Travel plan monitoring fee - £2500
3. Public Transport Contribution - £38,469
4. Green space; £27,706 for off site Greenspace provision in the locality
5. Public car parking to be made available for retail shopper for a 2 hours free parking (subject to detailed method for refunding car park users)

Or, if agreement cannot be reached on the S106 matters, defer and delegate refusal.

Suggested Conditions:

1. Three year time limit on permission.
2. Samples of external materials to be submitted.
3. Samples of surfacing materials to be submitted.
4. Sample panel of all external materials to be approved.
5. Windows details to be submitted and approved prior to commencement of development.
6. Boundary treatments to be approved.

7. Area used by vehicles to be laid out/surfaced/drained.
8. No external storage of plant/materials/products.
9. Submission/approval/implementation of refuse disposal facilities.
10. Prevention of mud/grit/dust being pulled onto highway.
11. Full details of hard/soft landscaping to be submitted.
12. Implementation of landscaping.
13. The landscape details to be submitted shall provide full construction details of tree pits and raised planted areas to be provided in paved areas.
14. Details of a sustainable development statement to be approved.
15. Provision of access and conveniences for disabled.
16. Disabled parking provision.
17. 19 no. spaces in the rear car park to be made available for public use and an associated package of signing and lining to inform motorists that the spaces are for short stay use only.
18. Car Park Management Plan
19. Cycle parking facilities and access to them to be provided.
20. Contamination land conditions
21. Noise attenuation measures to be carried out in accordance with submitted scheme.
22. Details of loading/unloading/servicing provision, including hours, to be agreed.
23. Proposals to minimise dust during construction.
24. Construction management plan
25. One-way route through the site clearly signed.
26. Separate system of drainage along with flow and attenuation details to be approved prior to commencement
27. Prior to the commencement a survey and recording of any historical features within the building to be undertaken and submitted to the LPA for approval. The report will outline the method to retain or protect any identified historical features
28. Details of Lighting to be submitted.
29. No sale of hot food for consumption off the premises for the A3 unit.
30. Restriction on hours of use of external terrace area.
31. No external playing of amplified music.
32. Glazing to west and north side of small business units to be translucent.
33. No physical opening link between A3 use and existing Arc building.
34. A3 and Arc to be operated as separate units.
35. Notwithstanding the information shown on the approved plan. Render shall NOT be used to clad the upper floors of the North Lane façade.
36. Prior to the commencement of development a method statement for the creation of windows in the North Lane facade shall be submitted to and approved in writing by the LPA. The statement will detail the method used for creating the openings and also how the windows will be inserted and the reveal depths etc shall be explained.
37. Off site highway works to be completed prior to the commencement of development.

On balance, the City Council considers the proposal would not give rise to any unjustified consequences for the character and appearance of the conservation area. In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG) and The Development Plan consisting of The Leeds Unitary Development Plan Review 2006 (UDPR).

BC7 , BC8 , BD5, GP5 , N12, N13, N18, N18B, N19, N20, N21, N22, S2-S6, SF8, T2, T5, T6, T24, H15 and H4.

Neighbourhoods for Living SPG

Public Transport Contribution SPD

SPG4 Greenspace

Headingley & Hyde Park Neighbourhood Design Statement (draft)

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

10/03604/CA

1. Three year limit on permission.

2. No demolition to occur without the letting of a contract for redevelopment.

In granting Conservation Area Consent the City Council has taken into account all material matters relating to the building's contribution to the architectural or historic interest of the area and the wider effects of demolition, including those arising from the comments of any statutory and other consultees, public representations about the application and Government guidance and policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), and The Development Plan consisting of the Leeds Unitary Development Plan Review 2006 (UDPR).

N18A (UDP)

N18B (UDP)

1.0 INTRODUCTION:

1.1 Members may be aware that the site is covered by two extant permissions which are both also for a mixed use development. The first was approved by Panel on the 9th January 2008 under application number 26/457/05/FU. Consent was also granted for a related application for demolition in a conservation area approved on the 13th July 2006 . The scheme for full consent comprised of a development containing office (B1) and retail (A1) part 3 and part 4 storey with business units to the rear and basement parking of 39 spaces and rear surface parking of 29 spaces as well as a service area.

1.2 The second extant permission is for the partial demolition of the cinema with retention of entrance facade and erection of mixed use development up to 4 storey's comprising of retail, restaurant, offices and extension to Arc café bar to form external smoking area, with basement and surface car parking, application 08/04482/FU was granted planning permission in November 2009.

1.3 The applicants have engaged with officers in pre-application discussions as they have stated that due to the downturn in the economy the commercial office market makes the redevelopment of this site no longer viable. Accordingly a mixed use residential scheme has been discussed with officer and the local community through a pre-application process. Members are asked to consider both the Full Application and the Conservation Area Consent for the partial demolition of the Lounge Cinema.

2.0 PROPOSAL:

2.1 The new proposal will involve the partial demolition of the cinema building with the retention of the entrance façade and the majority of the North Lane frontage and erection of a four storey mixed use development comprising retail, restaurant, twelve two bedroom apartments and an extension, and addition of a smoking terrace, to the existing Arc Café Bar. The current proposal consists of two applications:

10/03603/FU – the full planning application; and,
 10/03604/CA – an application for conservation area consent which is required to demolish part of the existing building. This application is also brought to Panel for a determination with a recommendation to approve.

2.2 The full planning application is an evolution of the previously approved scheme 08/04482/FU. The significant changes include:

- The overall massing and height of the building has been reduced slightly;
- The proposed use of the first, second, and third floors has changed from offices (B1) to residential (C3) use;
- The third floor will also be reduced in size to become a mezzanine floor;
- The removal of the basement car park;
- Alterations to the layout of the surface car park; and
- Retention of the entire North Lane facade.

2.3 A table provided by the applicant showing a comparison between the proposed floor space of the previously approved and currently proposed schemes is shown below:

Approved Office Scheme 08/04482/FU	Residential Scheme 10/03603/FU
343m ² A1 Retail	386m ² A1 Retail
372m ² A3 Restaurant	418m ² A3 Restaurant
1426m ² B1 Offices	975m ² 12 two bedroom apartments
70m ² External Smoking Terrace	70m ² External Smoking Terrace
3m ² ATM	3m ² ATM
95m ² Arc expansion to form storage	47m ² Arc ancillary
88m ² Access corridors and bin stores	55m ² Access corridors and bin stores
520m ² Basement Car Park	-
45 Car Parking Spaces in total	37 Car Parking Spaces in total
2917m² gross internal development	1954m² gross internal development

3.0 SITE AND SURROUNDINGS:

3.1 The application site is located within the defined town centre of Headingley and is partially within the Conservation Area. The principal frontage is North Lane to the south of the site.

3.2 The site slopes gently downhill from Ash Rd in the north to North Lane in the south. The car park fills the western half of the site and residential units in Derwentwater Terrace back on to the western boundary and are set approximately 1m higher than the level of the car park. These are 2 storey semi-detached houses with single storey rear additions. There is a 1.8m wooden fence along the boundary with some landscaping on the car-park side. The area immediately to the rear of the Arc and Trio is a continuous run of external refuse storage, air conditioning units, skips and free-standing storage containers which create an unpleasant environment.

- 3.3 The former cinema is within the Headingley Conservation Area, with the car park to the rear being outside the boundary. It has a blank brick ground floor elevation to North Lane with a more decorative upper level containing faience (glazed terracotta) pilaster detailing and eaves line. The cinema was built in 1916 but has had its interior removed and refitted in recent years.
- 3.4 To west and east are mixed commercial parades containing retail use, professional services, food and drink units and take away facilities. The site, therefore, lies within the commercial centre of Headingley which brings with it the benefit of being easily accessible by public transport.

4 RELEVANT PLANNING HISTORY:

- 4.1 08/04482/FU: Demolition of cinema and erection of mixed use development up to 4 storey's comprising of retail, restaurant, offices and extension to Arc café bar to form external smoking area, with basement and surface car parking. Approved November 2009.
- 4.2 26/457/05/FU: Partial demolition of cinema and replacement with a part 3 and part 4 storey building with offices (B1) with ground floor retail units (A1) to North Lane frontage, and attached 2 and 3 storey (B1) building to rear containing small business units. Basement car parking area of 39 spaces and rear surface parking of 29 spaces and service area. Approved 14th January 2008.
- 4.3 26/458/05/CA: Conservation area application to demolish part of cinema and part rear wall of bar / restaurant. Approved 14th January 2008.

5 HISTORY OF NEGOTIATIONS:

- 5.1 The developer engaged with Officer in a formal pre-application process and also undertook community consultation prior to submitting this application. Consisting of pre-application meeting with officers and a community exhibition held by the developer. Ward Members were also briefed during the pre-application process.

6 PUBLIC/LOCAL RESPONSE:

- 6.1 This application was advertised via site notices and also with an advert in the Press. One letter of objection has been received from Councillor Monaghan and 3 letters of objection and one letter of support has been received from a resident.
- 6.2 The grounds for objection are summarised as:
- Design and appearance of the proposed 4 storey building is not in keeping
 - The scale and massing is out of context
 - Windows not in keeping
 - The use of render is not appropriate or the flat roof element
 - The proposal does not accord with the Neighbourhood Design Statement
 - Demolition of the building and in particular the North Lane facade is not supported.
 - No more apartments needed
 - The site should be developed as a multi-storey car park
 - Proliferation of drink establishments

- Litter, noise and anti social behaviour

The letter of support considers that this development will not add to the existing issues in Headingley town centre.

- 6.3 The representations from Councillor Monaghan includes concern over the height of the building and the use of render. Councillor Monaghan is also concerned over another restaurant opening in Headingley and is also concerned regarding the impact of the smoking terrace on the amenity of residents living in the proposed development and nearby. The Councillor suggests conditions that should be attached should the application be approved. The S106 money for greenspace should be spent in the locality not allocated to Rose Park. The Arc balcony should be restricted to a 9pm close time and no speakers should be audible outside and the car park should be publicly available and managed in accordance with the Headingley Car Park Strategy.

7 CONSULTATIONS RESPONSES:

Statutory Consultees

- 7.1 **Highways** – The scheme is acceptable in principle subject to the provision of off-site highway works, the provision of free on-site public car parking and the provision of an acceptable car park management plan.
- 7.2 **Drainage** – Do not object and recommend conditions to ensure drainage discharge from the development is not increased from current levels

Non- Statutory Consultees

- 7.6 **West Yorkshire Metro** - Request contributions towards Metro Cards for future occupiers
- 7.7 **West Yorkshire Archaeological Service** – Objects to the demolition of the building due to the cinema being a rare example of art deco architect constructed during World War 1 but request a condition for archaeological fabric appraisal prior to the demolition of the building should the Council grant planning permission.
- 7.8 **Environmental Health** – Do not object and recommend conditions to cover hours of use, details of the air conditioning units and grease traps and details of the ventilation system

8 PLANNING POLICIES:

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan which consists of the Leeds Unitary Development Plan (Review 2006) unless material considerations indicate otherwise.

Development Plan:

- 8.1 The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below.

The application site is unallocated within the UDP.
The adopted Leeds UDP (Review 2006) Proposals Map identifies the site within a defined shopping and conservation area. There are a number of relevant policies in the adopted Leeds UDP Review (2006) as follows:

BC7 Development within Conservation Areas will be expected to be in traditional local materials.

BC8 Certain features of buildings may require to be salvaged.

BD5: Seeks to ensure appropriate design.

GP5: Seeks to ensure development proposals resolve detailed planning considerations.

N12: Seek to achieve appropriate urban design.

N13: Seeks to ensure that the design of the buildings is of a high quality and respects urban design.

N18, N18B, N19, N20, N21, N22: all advocate high quality design which, especially in Conservation Areas, respects it's surroundings. N18 seeks to ensure that buildings which contribute to the character of a Conservation Area are retained. N18B requires that plans for replacement buildings are approved prior to consent for demolition of the existing is granted.

N25: Seek to ensure the design of boundary treatments is positive.

S2-S6 Shopping Centre Policies - where retail development will be encouraged and permitted. As the site was originally a cinema it has not been allocated as a retail frontage in the UDP, however the parades to west and east and opposite are primary and secondary frontages.

SF8: Development within secondary shopping frontages.

T2 : Guidance relating to new development and the highway network.

T5: Safe and secure access for pedestrians/cyclists.

T6: Satisfactory access for disabled people and persons with mobility problems.

T24: Seeks to ensure that there is sufficient parking provision.

H15: Area of Housing Mix

H4: Residential development

Relevant supplementary guidance:

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

Neighbourhoods for Living

Street Design Guide

Public Transport Improvements and Developer Contributions

Greenspace relating to new housing development

Supplementary Planning Guidance:

Headingley Renaissance adopted November 2005.

Headingley and Hyde Park NDS (draft)

Government Planning Policy Guidance/Statements:

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

PPS1: Delivering Sustainable Development (2005)

PPS3: Housing (2006)

PPS4: Planning for Sustainable Economic Growth (2009)

PPS5: Planning for the Historic Environment (2010)

9 MAIN ISSUES:

- Principle of the development
- Design
- Impact on the character and appearance of the local area
- Impact on residential amenity and the Area of Housing Mix
- Highways issues
- S106 package

10 APPRAISAL:

- 10.1 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 and also partly within the designated Conservation Area. The site given its proximity to the town centre offers immediate access to public transport provision. The site is regarded as a brownfield site given its former commercial use. PPS4 indicates that in Town Centre locations there is a preference to support mixed use developments in areas which are accessible by a range of public transport modes which encourages the efficient use of land. This is further amplified in PPS1 and PPG13 and UDP policies S2 – S6.
- 10.2 The redevelopment of the site for a mixed use scheme including residential is considered appropriate under the guidance contained within PPS3 Housing. The site as stated is in a highly sustainable location and the proposal makes good reuse of previously developed land. PPS4 supported a range of uses in the town centre including residential. Detailed design and amenity considerations are discussed below but overall the scheme is considered to afford future occupiers of the apartments with a good level of amenity in term of light, outlook, privacy and outdoor amenities, including car parking.
- 10.3 The proposal is considered to comply with the aims and objectives of the policy H15 of the UDP which covers the Area of Housing Mix. The proposal is not specifically aimed at the student market but is not conditioned to exclude them from occupying the apartments. The proposal includes 24 bedspaces in 12 apartments. It is envisaged that the mixed use proposal should contribute to a range of accommodation available within the area. The site is highly sustainable in terms of local amenities and public transport options and also will contribute to the vitality and viability of the town centre. The proposal is not likely to result in increased harm through the cumulative impact of proposals on the amenities on nearby residents. Future occupiers of the apartments will be aware of their surroundings and that the neighbouring uses have a night time dimension which will result in a different level of amenity than would be expected in primarily residential and suburban locations, however the impact of the neighbouring uses is considered compatible with the

proposed residential element in terms of noise and disturbance considerations. Accordingly the proposed residential element of the scheme is appropriate in principle.

- 10.4 Headingly Town centre is characterised by a mixture of developments of contrasting scale and styles featuring both traditional and contemporary developments. It has a busy and bustling ambience and is historically defined by a mixture of commercial uses but with a retail dominance which is also an important characteristic of the Conservation Area. The former cinema building in particular with its decorative faience is an imposing and noticeable landmark within the streetscene and indeed referred to in the community statement Headingly Renaissance (2005) as a key feature.
- 10.5 The principle of redeveloping this site has already been accepted in general terms, including with an A3 (restaurant/café) use and rear smoking area, the current application is considered an improvement upon the design and appearance of the previous approvals and in particular the retention of the entire North Lane facade is welcome for a conservation point of view. The context for previously supporting a development on this site was on the basis of providing a quality design, safeguarding the remaining façade and at the same time ensuring that the development contributed towards the regeneration needs of the area. This application is considered to develop this aspiration further and the overall package including the S106 contributions, mix of use and design of the current application is considered positive.
- Impact upon the vitality and viability of the town centre
- 10.6 The current application retains both the retail and restaurant elements proposed in the previous applications which were approved. The restaurant area however is proposed to be enlarged by approximately 100sqm. It is still proposed to keep this unit separate from the existing Arc use. Whilst this increase in floor area for the A3 element would result in an increased intensity of this element of the proposal it is considered that the enlargement is not substantial or likely to harm the objectives of creating balanced mixed and sustainable communities within the defined town centre.
- 10.7 Given that there is an existing night time economy characterised by the presence of bars, restaurants, hot food takeaways and other food establishments, it is clear that the area is sensitive to change and any further material expansion of an A3 use needs to be carefully balanced to ensure that the overall mix of development does not contribute further towards unbalancing the retail and commercial function of the area.
- 10.8 Headingly Town centre has been historically defined as containing a mixture of uses but with a retail dominance and that this feature is a key and important characteristic of the Conservation Area. In recent times the development trend has leaned towards non food retailing and as a consequence the general current situation is one which appears weighted towards the service sector rather than the retail sector. A well proportioned scheme which introduces a mixed used development weighted towards both retail and restaurant and residential uses should therefore be welcomed as an opportunity to redress this imbalance.
- 10.9 The reduction in the overall scheme floor area of this application as apposed to the mixed use commercial and retail scheme previously approved is derived essentially from the loss of the office space units. This is considered to have a neutral effect upon the vitality and viability of the town centre.

- 10.10 It is accepted that the general area is dominated by A5 (hot food take aways) and A4 (bars and pubs) uses and that the historic character of the area, as a retail and commercial centre has diminished over time. Whilst this proposal will sit in between other A4 uses, it is important to recognise that the introduction of retail uses and a restaurant will assist in 'breaking up' this frontage away from A5 and A4 dominated uses and help create a more diverse day time economy along this particular stretch of North Lane. At the same time it will also secure the retention of the entrance façade and entire North Lane frontage which, given the recent history, has been at risk. In planning policy terms, the introduction of mixed use commercial developments is consistent with the approach set out in PPS4 and Revised UDP policy S2 which seeks to retain the vitality and viability of town centres by securing a wide range of forms of retailing and other related services. It is not therefore considered that the development will contribute towards the further erosion of the area in terms of its general characteristics.
- 10.11 It is not considered that a development of this mix will have a negative and detrimental impact upon the vitality and viability of the town centre. As a consequence the proposal is considered to be contrary to the PPS5, PPS1, PPS3 and UDP policies GP5, H4 and H15, S2 and S4.

Design Issues

- 10.12 In assessing proposals which affect a Conservation Area it is noted that Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving and enhancing the character and appearance of the Conservation Area.
- 10.13 The previous development proposal established the principle of redeveloping this site up to four storey's whilst retaining the front section of the façade containing the decorative faience of the former cinema entrance. The previous approvals therefore allowed the removal of the auditorium and its side elevation and to replace it with a building which has a substantially similar footprint except for the rear wall being 1.2m further back in to the site which results in a slightly wider building than the existing. The current proposal retains the entire North Lane frontage which is welcome when considering the desirability to preserve or enhance the character and appearance of the Conservation Area.
- 10.14 The proposed new build element to the rear of the cinema and the north Lane third and fourth level extension are considered well designed and in keeping with the scale, massing and general character of the area in relation the Arc and Trios developments. Though the building would increase in height above the existing cinema roof level it is noted that both the extant consent would have been higher than this current proposal in addition to being a bulkier and being a less sympathetic design addition to the roofscape. In addition the massing and bulky nature of the extant consent roof designs are considered material considerations in the determination of this application. The current proposal includes a shallow pitched roof with natural slate and a dormer to accommodate duplex apartments from the third floor. The residential elements of the proposal would be accommodated in the first, second, third and fourth floors of the building including within the proposed dormer fronting North Lane. The design, siting and appearance of the roof extension is considered an improvement upon the previous permissions and is smaller than what has previously been approved. The proposed roof extension and dormers are considered to be in keeping with the scale and appearance of the existing building and although large are not considered to detract from the prestige of the retained North Lane facade in addition the proposed roof extension is considered well design

and sited within the street scene and in accordance with the design guidance contained within UDP policies BC7 and the draft Headingley and Hyde Park Neighbourhood Design Statement (draft).

- 10.15 The applicants have revised the scheme to remove the proposed render from the North Lane façade and as such the existing brickwork which is a feature that contributes to the buildings character will be retained and preserved.
- 10.16 The rear of the new build faces into the courtyard area. This contains an extension to the Arc, a service area and glazed area set against the rear elevation of the Arc building and the new building on the site of the auditorium. In front of this would be a landscaped terrace. Part of the terrace is covered by an asymmetrical glazed canopy which is shown as a smoking area. This element of the proposal is largely unchanged from the extant approved schemes.
- 10.17 Given the extant consents for the substantial demolition of the building and replacement scheme, that the design changes are positive in comparison, it is considered that the development proposal is acceptable from a design perspective and that it will assist in preserving the character of the conservation area and retaining an important façade of a building which contributes to the Heritage Assets of the Headingley Conservation Area. The proposal is therefore reflective of the policy requirements set out in PPS5 and Revised UDP policies BD5 ,GP5 , N12, N13, N18A, N19 and N20.

Impact upon living conditions

- 10.18 In the previous schemes a smoking area was proposed to the rear of the ARC as well as a balcony at first floor level overlooking the Rose Garden to form an ancillary area to the restaurant. The current proposals include 12 apartments which would bring residents closer to the proposed smoking area however, it is considered that the introduction of a smoking area to the rear of the Arc will not lead to any further material increase in noise and general disturbance sufficient above the existing situation generated by existing A4 uses in the locality. The residential elements of the scheme would not be over looked or suffer any loss of privacy from the smoking area due to the relationship of windows to the smoking area. In addition it is not envisaged that the use of the smoking area would generate any serious noise or disturbance concerns to future occupiers.
- 10.19 There are significant concerns generally in Headingley about the cumulative impact of night time activities on the amenity of the residential areas which immediately surround the centre. The introduction of the A3 use needs to be considered in this context. Officers do however consider that because of the nature of the use proposed as an A3 use and not a primarily drinking use as A4 or takeaway as A5 then the increased impact of this café/restaurant use and in this location at the hub of the centre would not be such as to justify refusal on amenity grounds. Weight is also attached to the extant planning permission in this regard.
- 10.20 Conditions are also recommended to ensure separation between the proposed A3 unit and the adjoining Arc business. It will be noted from information above that the 'licensing cumulative impact policy' relates essentially to restriction of increased vertical drinking establishments and takeaways and thus recognises the difference of impact between those uses and uses such as this proposed.
- 10.21 On this basis it is therefore considered that the proposal would not conflict with Revised UDP policy GP5.

Highways and car parking issues

- 10.22 Vehicular access to the site will be via entrance from Ash Road and exiting via North Lane. This is the same arrangement as was previously approved.
- 10.23 There are 37 parking spaces proposed in total, this is a reduction of 8 spaces over the previously approved scheme. Of these there are 18 parking spaces are given over to public parking within the site (a reduction of 5 spaces over 23 previously approved). There is no objection from the Highway Authority on the basis that subject to the public spaces being made available to the public free of charge for the first 2 hours to cater for customers to the proposed shops, and existing shops and restaurants in the vicinity of the site. 2 hours free parking would also be in line with the new Headingley Parking Strategy, which has been promoted following public consultation and car parking surveys of all public and private car parking within Headingley Centre. These elements have been conditioned and the shopper car parking has been placed in the S106 so as to deal with the method for refunding costumers who use the car park.
- 10.24 The plans show that the site can accommodate a refuse vehicle entering the site from Ash Road and exiting via North Lane in a forward gear. This is the same arrangement as previously approved.

Section 106 Package

- 10.25 The proposal requires contributions towards Greenspace in accordance with UDP policy N2 and N4 and SPG4. The applicant has confirmed they will contribute the required amount which will be used for enhancement of existing greenspaces in the locality. It is not proposed to ring fence this money to be spent on Rose Court. This ameliorates the comments made by Councillor Monaghan who was requesting that the Greenspace money be made available for spending in the wider locality.
- 10.26 The proposal also requires a contribution towards Public Transport infrastructure in line with the SPD. The applicant has confirmed there agreement to this payment.
- 10.27 The proposal also requires contributions towards sustainable travel options and Traffic Regulation Orders. Again the applicant has agreed to the contributions requested by Officers pre-application discussions. The money will be used to contribute towards Metro cards for future occupiers and also towards contributing to the car club scheme that already operates on North Lane. These measures should promote sustainable travel in this town centre location which is well served by bus and rail services. The applicant has also confirmed that they will pay the Travel Plan monitoring fee.
- 10.28 The use of the car park by retail shoppers for a 2 hour period for free. The mechanism for refunding is yet to be agreed. The applicant is uncomfortable with this and considers that the request is unfair and unnecessary. In addition the applicants consider there are financial reasons why they cannot provide a 2 hour free car park to all users. Officers consider that as some of the on street car parking on Ash Lane will be lost to accommodate the turning area for a HGV and that the retail unit could be let to a single operator then the sites intensity will increase and some parking bays could be lost on street. As a minimum the developer has agreed to ensure that 19 spaces will be available for public use and that users of any ATC premises or facility can receive free parking when they purchase a product from these premises. Officers will update Members with the outcome of the negotiations at Panel.

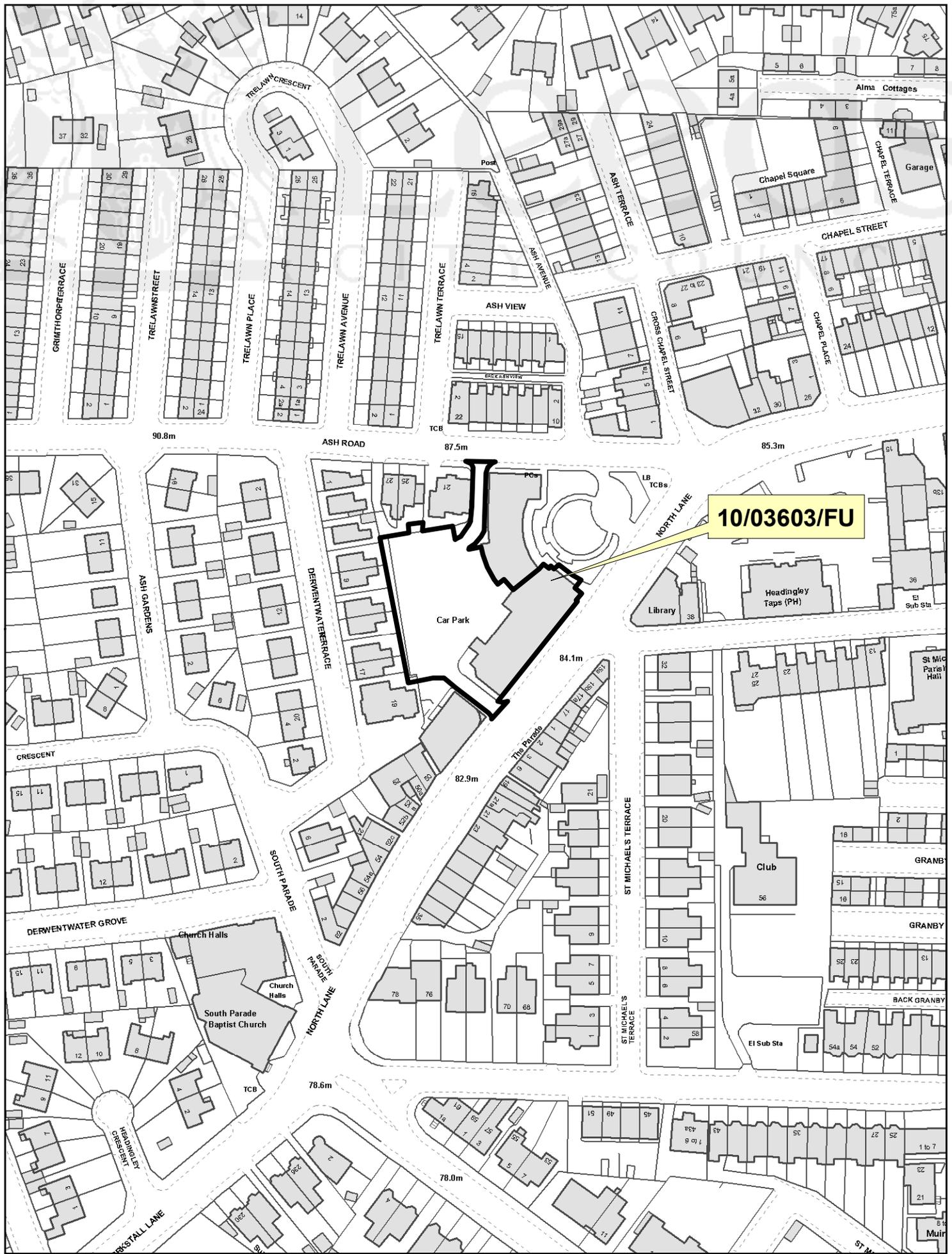
- 10.29 The contributions are required by UDP policies and the contributions are considered to be in accordance with the Community Infrastructure Levy (CIL) regulations introduced in April 2010.

Conclusion

- 10.30 The proposed scheme is considered a positive improvement upon the approved scheme in terms of retention of the entire North Lane façade of the Lounge Cinema building which is seen as key to the redevelopment of this site in this important position in Headingley conservation area. This scheme replaces the office elements with a 12 apartments. The change in uses result in a smaller level of development overall and removes the requirement for a basement car park. This application is considered to result in an improved design to the third and fourth floor floors by way of a smaller roof extension, pitched natural slate roof and a well designed dormer in the roof space which is considered to preserve or enhance the character and appearance of this part of the Headingley Conservation Area. Accordingly the proposal is considered to result in a positive effect upon this part of the Headingley Conservation Area in street scene and character considerations. The retention of the A1 element of the scheme should promote the vitality and viability of the town centre and contribute to the local economy. The A3 use is retained and although slightly increased in floorspace this increase is not considered to result in harm to the wider objectives of the Headingley area and is not envisaged to have an tangible impacts upon the amenity of future occupiers or nearby neighbouring residents. The smoking area is unchanged from what is previously approved. It is considered that on balance, subject to conditions, this mixed use scheme can be supported as a positive addition of a range of uses into the town centre supporting its role, in a quality building that will retain historic reference in the new structure.

Background Papers:

Application and history files.



WEST PLANS PANEL



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