



Leeds
CITY COUNCIL

Originator: Terry Moran

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Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 6th January 2011

Subject: APPLICATION 10/04972/FU – Retrospective application for change of use of shop (use class A1) to letting office (use class A2) at Victoria House, 1 Stott Road, Headingley, Leeds. LS6 1GH

APPLICANT

Studentprops.com - W
Warner

DATE VALID

3rd November, 2010

TARGET DATE

12th January, 2011

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:

1. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans schedule.
2. The hours of use of the premises shall be restricted to:
09:00 – 17:00 Monday to Friday
10:00 – 17:00 Saturdays
With no opening at any other time
3. Details of cycle parking to be approved, implemented within 3 months and retained.
4. A plan showing details of two off-street parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The approved spaces shall be provided within 3 months and maintained for the lifetime of the development.
5. All surfaces used by vehicles shall be hard surfaced and drained. The use of loose material is not acceptable.

1.0 INTRODUCTION:

- 1.1 Application reference 10/04972/FU is brought before Members at the request of Ward Councillor James Monaghan, who is concerned that the proposal may result in an unacceptable increase in the number of Letting Agencies in the locality.

2.0 PROPOSAL:

- 2.1 Change of use of shop (A1) to letting agents office (A2). No external changes are proposed.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site comprises a large retail unit with a pitched roof, which is fully rendered. The unit is now in use as an A2 Letting Agency. The property is in good condition, having been fully refurbished and re-roofed in recent years. The building is detached, being located between close-knit terraces of Edwardian terrace houses, There is a small retail unit directly opposite. The surrounding area is predominantly residential in character.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 26/339/96/FU – Change of use and new pitched roof of garages to retail unit (A1). Approved, 08/10/1996.
- 4.2 The above application was commenced, through the addition of a new pitched roof. The City Council's Legal Officer has confirmed that, given that the external works were commenced within the statutory time period, that the use of the property for A1 retail has therefore been implemented. The use of the site is therefore Class A1.

5.0 STATUTORY CONSULTATIONS:

- 5.1 None, due to the minor nature of the proposal.

6.0 NON STATUTORY CONSULTATIONS:

- 6.1 Application publicised by Site Notice, 10/12/2010.
- 6.2 Highways DC – consulted 19/11/2010 – Details of cycle parking and off-street parking are required, and also a site plan to show the location of the bin store. This will form the subject of separate conditions.

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 Letters of objection received from Ward Councillor James Monaghan (Headingley). The grounds of objection are that the provision of an A2 office unit would have a cumulative and negative impact on the locality, stating that there are already too many Letting Agencies in the locality.
- 7.2 Letter of objection from the Leeds HMO Lobby. The grounds of objection are that the provision of an A2 office unit would have a cumulative and negative impact on the locality, stating that there are already too many Letting Agencies in the locality and that the use will result in increased cars in the locality and add to car parking problems in the area.

8.0 PLANNING POLICIES:

8.1 National

PPS-1 – Planning Policy Statement 1: Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

PPS-4 – Planning Policy Statement 4 - Planning for Sustainable Economic Growth sets out the Government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas

8.2 Local

The development plan for the whole of the Leeds District is the Leeds Unitary Development Plan (UDP) Review (2006) and Regional and Spatial Strategy. Relevant policies in the Local Development Framework must also be taken into account. Planning proposals must be made in accordance with the development plan unless material considerations indicate otherwise.

8.3 Relevant UDP Policies:

UDP: General Policies: Policy GP5 refers to detailed planning considerations and any loss of amenity.

UDP: Highway Safety: Policy T2 seeks to ensure that development is made with no detriment to highway safety and also to ensure that adequate provision for cycle parking is provided.

9.0 MAIN ISSUES

- Loss of retail unit
- Introduction of Financial and Professional Services
- The wider locality
- Parking provision
- Representations
- Summary and recommendation

10.0 APPRAISAL

10.1 The applicant has indicated that there has been no interest in recent years in taking up this unit for retail purposes. The unit is not in a defined centre, but the site is only a short walk to Hyde Park Corner to the North-West and the City Centre to the East. In addition there are other local shops providing a range of amenities to nearby residents a short walk away on Victoria Road. As such, the loss of this unit from retail to Financial and Professional services is not considered to offer any undue harm or detriment to the local community and is therefore, considered acceptable in principle.

10.2 Notwithstanding however, that the use of the premises appears unviable as a retail unit, the question then arises as to what viable alternatives exist for the premises. A previous scheme in 1996 sought to change this property into a Hot Food Takeaway but was refused due to the impact that such a use would have on residential amenity. The provision of Financial Services however, is considered far less harmful in amenity terms as the use operates only during standard office hours and is such as to offer no significant disturbance to local residents. It is considered therefore, that the proposed use is acceptable, resulting in no undue impact on

neighbouring properties. A condition restricting the hours of use of the premises is however considered expedient in the interests of residential amenity.

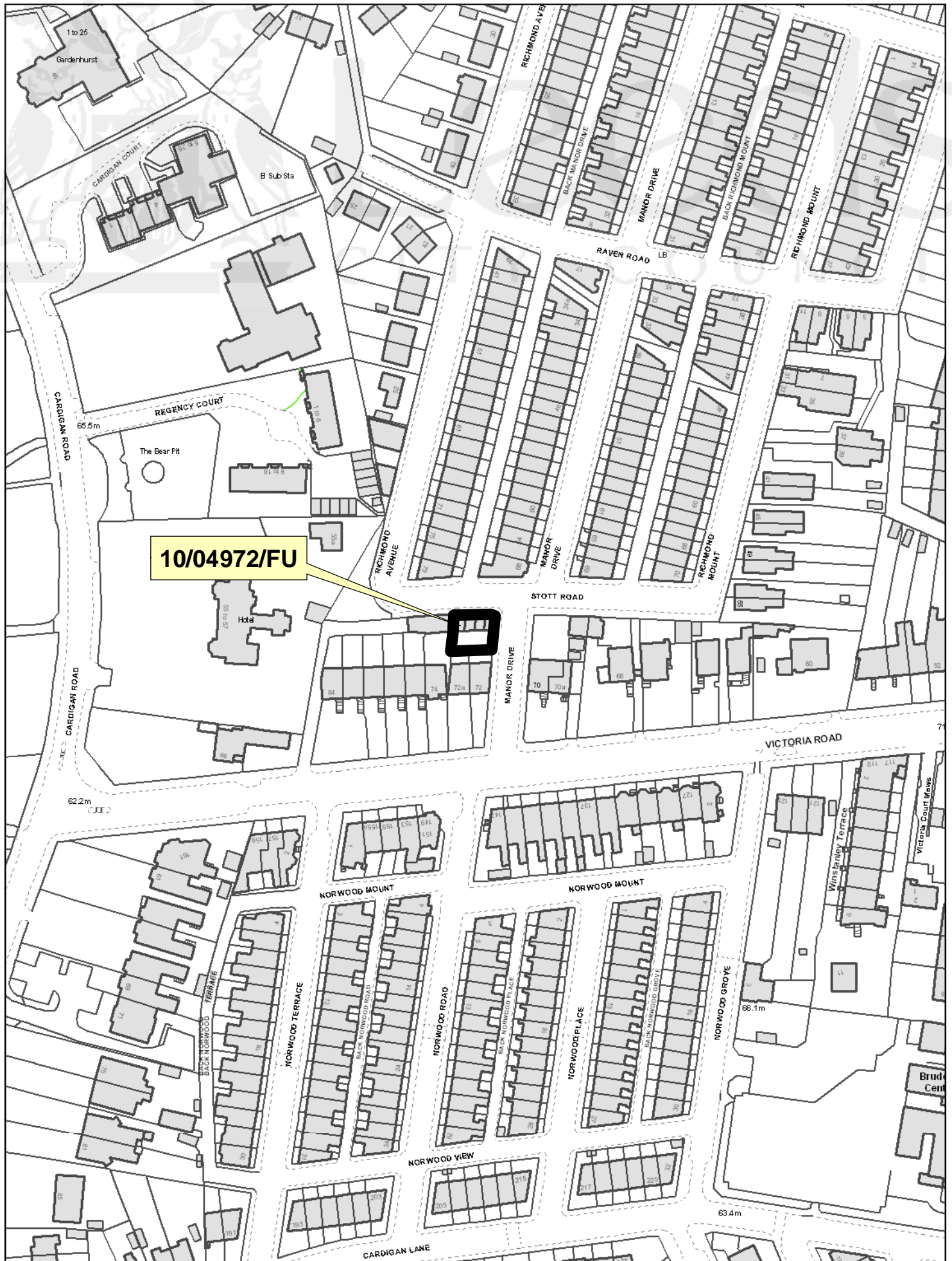
- 10.3 It is acknowledged that a large number of Letting Agencies exist in the Hyde Park/Woodhouse area. Planning Policies however, do not exist to curtail a particular form of business use in the wider setting, being instead aimed at ensuring a fair mix of uses within a clearly defined location such a parade of shops. It is not therefore, possible to sustain an argument that too many of a particular type of business exist in the wider setting, as this is a matter which in this location is predominantly controlled by market forces. The change of use of this isolated retail unit is considered acceptable due to there being a range of services and amenities close by, with the nearest retail shop only metres away and a small parade of other commercial premises and shops at the bottom of the hill at the junction with Victoria Road.
- 10.4 The Highways Officer has commented that the proposal is acceptable in Highways terms, as the location is well-served by public transport with the business use being such as to attract mainly pedestrians or users of public transport. A condition is required for the provision of lockable cycle storage, in line with sustainable transport aims.
- 10.5 Two letters of objection, including one from Councillor James Monaghan, have been received. These refer to the cumulative impact that the introduction of such a use will have in an area already over-served by Letting Agencies. This application has been considered in relation to local circumstances. In this instance, the site has been in use as a Letting Agency for almost two years, as confirmed by Business Rates, which indicates that this unit may no longer be commercially viable as a shop unit. It is therefore, considered that the needs of the local community will not be adversely affected by the loss of this vacant unit. The points of representation do not therefore have sufficient material weight as to recommend refusal of the application by the Local Planning Authority in this case, as the aims of Policy GP5 will be adhered to.

11.0 CONCLUSION

- 11.1 On balance, the continued use of this property to a Letting Agency is considered acceptable as it will see the continued occupation of the site in a locality where it would otherwise remain vacant, with no undue impact on the immediate locality. Bringing a vacant unit back into viable use is in fact seen as a positive step, which will not only enhance the streetscene but also improve the overall vitality of the area, as the unit is otherwise likely to fall further into disrepair. Given therefore, the isolated position of this unit in what is predominantly a residential location and given also that other shops exist only a short distance away, the proposal is therefore considered positive and beneficial. Members are therefore recommended to approve the scheme, subject to the conditions specified.

Background Papers:

Application file 10/04972/FU:



10/04972/FU



WEST PLANS PANEL