



Leeds
CITY COUNCIL

Originator: Alison
Stockdale

Tel: 0113 3952108

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 3rd February 2011

Subject: APPLICATION 10/04697/FU – Change of use of vacant shop (use class A1) to financial and professional services (use class A2) at 19 HYDE PARK CORNER, WOODHOUSE, LS6 1AF

APPLICANT

M Qureshi

DATE VALID

15th October 2010

TARGET DATE

10th December 2010

Electoral Wards Affected:

Hyde Park and Woodhouse

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

REFUSE for the following reason:

The Local Planning Authority considers that the proposed use of the premises would further contribute to the proliferation and dominance of non-retail uses within this shopping parade and the wider Hyde Park Centre. This is considered to result in a significant impact, both individually and cumulatively, on the retail vitality and viability of this parade of shops and the wider defined district centre. The scheme is therefore considered contrary to policies GP5 and SF8 of the Unitary Development Plan and the national planning guidance contained within PPS1: Delivering Sustainable Development and PPS4: Planning for Sustainable Economic Development.

1.0 INTRODUCTION:

1.1 This application is brought to panel at the request of Councillor Gerry Harper .

2.0 PROPOSAL:

2.1 The proposal is to change the unit at 19 Hyde Park Corner to an A2 use.

2.2 The proposed hours of opening are 0800 – 1900 hours daily.

3.0 SITE AND SURROUNDINGS:

3.1 The application site is a double fronted shop unit in a secondary shopping frontage in the Hyde Park designated town centre.

3.2 The building is stone built and single storey above this unit with a first floor above the adjoining unit at No.23. To the other side the adjoining properties are brick built and 3 storey in height.

The site is within the Headingley Conservation Area on a shopping parade on a busy main road out of the city centre.

4.0 RELEVANT PLANNING HISTORY:

4.1 10/02055/FU – Change of use of vacant shop to letting agents - Withdrawn

4.2 26/543/01/FU – Change of use of shop to tanning studio - Approved

5.0 HISTORY OF NEGOTIATIONS:

5.1 Application 10/02055/FU was withdrawn on 18th June 2010. The applicant was advised that if they wished to re-submit they should include some supporting evidence detailing the efforts they had made to market the property as a shop and details of other vacant retail units locally.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Ward Councillor Gerry Harper supports the application and would prefer to see the property in use as an office rather than standing empty. He states that the property has been empty for some time and that the empty unit does more harm to the vitality of the town centre than the proposed A2 use.

6.2 12 letters of objection have been received including 2 from Council Members

6.3 Ward Councillor Penny Ewans states that she objects to use of this property as a Letting Agency “as there are already 14 of these at this location and there are others in the vicinity. At a time when we are hoping to bring more family dwellings into the area, replacing smaller HMOs, what we need are the kinds of shop that families would need. I appreciate that there are some specialist shops and some pavement cafes (extensions to their indoor facilities) but nothing to encourage people to do any day-to-day shopping there”.

6.4 Councillor James Monaghan states that “I object to the application. Hyde park corner is an important and vibrant district centre and replacing retail frontage with A2 usage will have a detrimental effect on the character of the area and the vitality and vibrancy of Hyde Park corner as a shopping location, and I suspect will add to the increasing number of letting agencies in the area of which there is already an overabundance”.

6.5 Letters from the Hyde Park Neighbourhood Association, Leeds HMO Lobby and local residents object to the application on grounds of: -

Reduction in the variety of retail provision at Hyde Park
Growth of letting agencies at Hyde Park
Large numbers of student residents and imbalance in the community
Contrary to local and national policy
No shops to serve long term residents
Negative impact on Conservation Area
Impact on vitality and vibrancy of Hyde Park as a shopping area

7.0 CONSULTATIONS RESPONSES:

- 7.1 Highways have no objections to the proposal but have recommended that a long stay cycle parking space should be provided.
- 7.2 Environmental Health have no comments.

8.0 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 Leeds Unitary Development Plan (Review 2006) unless material considerations indicate otherwise.

Development Plan:

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

GP5 - seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

SF8 – within secondary shopping frontages proposals for a change of use to non-retail will be determined on their own merits.

T2 – developments need to be adequately served by existing or proposed highways, capable of being served by public transport and have provision for safe and secure cycle use and parking.

T24 - parking provision to reflect the guidelines set out in UDP Appendix 9.

Relevant supplementary guidance:

None relevant

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)

PPS4: Planning for Sustainable Economic Development (2009)

9.0 MAIN ISSUES:

- 9.1 The principle of the development.
- 9.2 Impact on the retail character of Hyde Park
- 9.3 Assessment of the supporting information submitted by the applicant

10.0 APPRAISAL:

The principle of the development

- 10.1 The Council's policies for identified shopping centres (which include the Hyde Park Corner shopping centre in which the application premises are located) seek to ensure that the shopping function of those centres is not harmed by the introduction of too many 'non retail' uses such as hot food takeaways and the A2 (Financial and Professional services – includes banks, betting offices and property agencies) proposal which is the subject of the current application. Such uses can be appropriate to a shopping centre but where the proportion of them becomes too high they are considered to reduce the attractiveness of the centre to shoppers and potentially contribute to the overall decline of the centre, reducing choice and forcing residents to travel further to meet basic shopping needs.
- 10.2 The policy identifies Primary Frontages (there are three of these in Hyde Park Corner) and Secondary Frontages (there is one of these in Hyde Park Corner which includes the frontage containing the current application property). Within the Primary Frontages Policy SF7 of the UDP states that normally not more than 30% of the shopping frontage should be in non-retail use. Within Secondary Frontages policy SF8 states that proposals will be considered on their own merits bearing in mind the need to safeguard the overall retailing character of the shopping centre.

Impact on retail character

- 10.3 The Secondary Frontage in which the application premises are situated comprises:
1. Barbers (A1 Shop)
 2. Application premises (Vacant A1 shop)
 3. Vacant unit (A1 shop)
 4. Letting agents (A2 use)
 5. Hot food takeaway (A5 Use)
 6. Letting agents (A2 use)
 7. Hot food takeaway (A5 use)
 8. Café (A3 Use)

So at present there are 3 'shops', albeit 2 of them vacant, and 5 non retail uses. The proposal would further reduce the number of shops in the parade to 2, or a quarter of the 8 units. It is considered that this would be an over-dominance of non-retail uses which would be harmful to the overall retailing function of this parade within the shopping centre.

- 10.4 Throughout the entire S2 centre of Hyde Park Corner are 42 commercial units. Of these 18 are A1 shops and the remaining 24 are non-retail uses, mainly hot food takeaways, cafes and letting agencies. The balance is such that shops are already in the minority looking at the Hyde Park corner shopping centre overall.
- 10.5 The erosion of the retail aspect of Hyde Park centre increasingly results in residents needing to travel to other town centres for their day to day shopping needs and the potential for further decline of the shopping centre. On balance, it is considered that the loss of a further shop unit to non retail use should be resisted on this occasion. Officers do not suggest that only a change of use to a letting agent is unacceptable here but, more fundamentally, that the loss of the retail unit will significantly harm the retail character of the town centre and as such any other business within the A2 use would also be unacceptable.

Assessment of the supporting information submitted

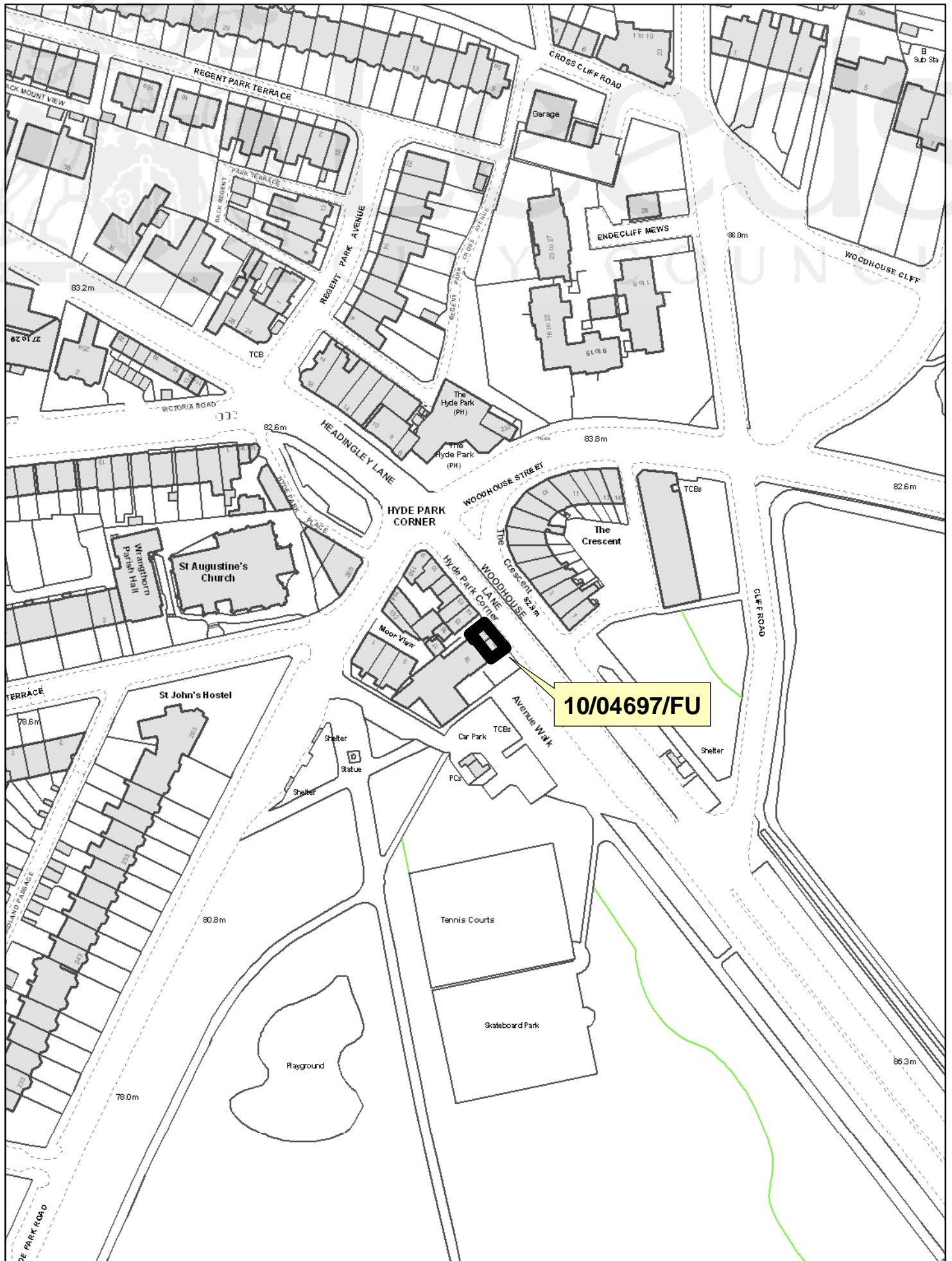
- 10.6 Following a withdrawn application for a similar proposal earlier in the year, the applicant was advised to submit some supporting information with any future application.
- 10.7 A letter from the agents employed to publicise the property has been submitted with this application. This states that they have had no interest in the property since 2nd July 2010 when it was first advertised. They believed this was down to the small size of the unit and its state of repair.
- 10.8 This application was received on 15th October 2010, approximately 3 months after the property was first advertised to let. In the current economic climate this would not seem a very long time to market a property and it would be anticipated that further time should be allowed and additional efforts made before it is accepted that tenants could not be found for a retail unit.
- 10.9 The agent further states that the state of repair of the unit had hampered its chances of finding a new tenant. Lack of upkeep of a property however is not a planning consideration and cannot be used as a reason for supporting the proposed change of use.

11.0 CONCLUSION:

- 11.1 The loss of the retail unit in this secondary frontage will detrimentally impact on the proportion of shop units to the detriment of the vitality and viability of Hyde Park designated town centre. A lack of suitable shops can result in residents needing to travel to nearby town centres and is contrary to the Government's sustainable community policies included in PPS1 and PPS4 and UDP policies GP5 and SF8, consequently the recommendation is for refusal of this proposal.

Background Papers:

Application and history files.



10/04697/FU

WEST PLANS PANEL