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**Report of the Chief Planning Officer**

***PLANS PANEL SOUTH AND WEST***

**Date: 28 February 2013**

**Subject: APPLICATION 12/04984/FU – CHANGE OF USE OF SOCIAL CLUB TO FORM 4 FLATS WITH LANDSCAPING AND CAR PARKING AT ASH GROVE SOCIAL CLUB, 16 ASH GROVE, LEEDS. LS6 1AY**

**APPLICANT**

Cotech Investments

**DATE VALID**

28 November 2012

**TARGET DATE**

23 January 2013

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**Electoral Wards Affected:**

Hyde Park and Woodhouse

Yes

Ward Members consulted

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION:**

**Should the Panel resolve to refuse the application, the following reason is proposed:**

**The proposed change of use of the club to 4 flats would result in an unacceptable loss of amenity to nearby residents as a result of increased activity, and noise and disturbance from the proposed flats combined with existing housing offering similar accommodation, contrary to part (ii) of policy H15 of the Revised Unitary Development Plan 2006 and to part (iv) of emerging core strategy policy H6 and to guidance in the National Planning Policy Framework**

- 1.0 This application was deferred at the meeting of 31 January 2013 for officers to draft detailed reason/s for refusal regarding concerns expressed by panel members that the proposal would have an unacceptable effect on the amenity of nearby residents through noise and disturbance from the flats, which were considered likely to be occupied by students in a street with an existing high proportion of student residents.





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**RECOMMENDATION:**

**GRANT PERMISSION subject to the following conditions**

1. Development to be commenced within 3 years
2. Development to be carried out in accordance with the approved plans.
3. All existing metalwork and framework relating to the fire escape on the Ash Grove elevation and the wooden balcony and staircase to the south elevation shall be completely removed and the building made good in matching materials as necessary prior to first occupation of the flats hereby approved.
4. Details of windows to be provided
5. New brickwork to match existing brickwork
6. Details of bin and cycle storage to be approved and carried out on site.
7. Boundary treatment to be approved including existing steel palisade fencing.
  
8. In reaching a decision the case officer dealing with the application has worked with the applicant/agent in a positive way to produce an acceptable scheme in accordance with paragraphs 186 and 187 of the National Planning Policy framework.

In granting permission for this development the City Council has taken into

comments of any statutory and other consultees, public representations about the application and Government guidance and policy as detailed in the National Planning Policy Framework, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Regional Spatial Strategy 2008 (RSS) and The Development Plan, the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, T2, H15, N19  
Neighbourhoods for Living

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.

## **1.0 INTRODUCTION:**

- 1.1 This application was deferred at the January 10<sup>th</sup> Panel meeting to enable Members to consider a revised report incorporating details of representations received after publication of the report to that Panel. Councillor Gerald Harper had also requested that the item be deferred to allow time to meet with his constituents.
- 1.2 Representations received express concern that the flats would be likely to be occupied by students and that this would exacerbate problems of social imbalance by increasing the student population relative to permanent residents. Associated issues are said by residents to be anti-social behaviour such as from noisy parties through the night, and on-street car parking

## **2.0 PROPOSAL:**

- 2.1 The application is to change the use of a Social Club on the ground and first floors of the building to form four flats, with external alterations to form new windows and laying out of parking and landscaping.
- 2.2 A rear extension approved under an earlier permission is currently under construction and this will form a further 6 small flats. If the current application were approved the following mix of accommodation would result: -

*Current application* - 4 flats within the club area on ground and first floors –  
2 x four bed – 8 beds  
2 x one bed – 2 beds

*Existing* - 3 flats within building on 2<sup>nd</sup> floor and in roof space –  
1 x five bed - 5 beds  
2 x four bed – 8 beds

*Approved extension* – 6 flats  
1 x 2 bed – 2 beds  
5 x 1 bed – 5 beds

Total -13 flats with 30 bed spaces and 14 car parking spaces.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application property is the Ash Grove Social Club at 16 Ash Grove. The

a row of terraced Victorian houses and is an attractive and positive building within the Headingley Conservation Area. It has functioned as a social club on ground and first floors with flats above. There is a hard standing area adjacent which has provided car parking for the club and the flats.

- 3.2 To the south is a two storey row of flats dating probably from the 1960's and to the rear is a site formerly used as sports facilities by the then Leeds Girls High school. Brick buildings on that site comprise a sports hall and swimming pool and a grass pitch.
- 3.3 Ash Grove otherwise comprises mainly terraced traditional Victorian terraced brick houses, many of which are in use as HMOs.

#### **4.0 RELEVANT PLANNING HISTORY:**

12/01131/FU – Extension to erect 6 flats to side of Club. Approved, 28/05/12. This scheme is currently under construction.

10/04134/FU – 3 storey extension to social club to erect 5 flats. Refused, 05/11/2010. Appeal dismissed on design grounds on 23/05/11.

10/01462/FU – 3 storey extension to erect 5 flats. Refused, 26/07/10. Appeal dismissed on design grounds on 23/05/11.

07/03877/FU – 4 storey block of 6 flats. Refused, 31/08/07

26/97/98/FU - 4 storey extension to erect 4 flats. Refused  
Dismissed at Appeal, 29/09/99.

26/10/97/FU – Change of use and extensions of club to 9 flats. Approved, 11/11/97.

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 There have been no pre-application discussions with regard to this site.

#### **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 The application has been publicised by press and site notices as development affecting the character of the Headingley Conservation Area.

Site notice posted 7/12/12

Press advert in YEP placed on 20/12/2012 expires 10/01/13

- 6.2 The following objections have been received:

Councillor Gerry Harper - Objects to the application on grounds of an already high proportion of HMOs and flats, noise and on-street car parking.

Councillor Neil Walshaw Objects as Chair of the Inner North West Planning Group and as a Headingley Ward Member. The Panel is asked to strongly consider the written representation made by South Headingley Community Association this particular street is the most severely stressed in terms of noise and anti-social

Councillor Bernard Atha – Asks that resident's objections be carefully considered.

Hilary Benn MP – Considers that more family accommodation is required.

Objections have been received from 12 local residents and the South Headingley Community Association and the North Hyde Park Neighbourhood Association. In summary, these are: -

- The demographic imbalance of Ash Grove. Students already comprise 80% of the population of the street – more flats let to students will add to this imbalance.
- This gives rise to significant problems – most notably noise – street noise late at night and music from parties through the night.
- The change in balance of community has continued since consent was granted for flats in 1997 such that there is now a higher proportion of student residents than then.
- Increase in on-street car parking.
- Inadequate bin store provision.
- If permission is granted restrictions are requested which would restrict use to C3, not C4 small HMO use

## **7.0 CONSULTATIONS RESPONSES:**

### STATUTORY

7.1 None.

### NON-STATUTORY

7.2 Highway Authority – No objections, as there will be no increase in demand for car parking relative to the existing club use.

Neighbourhoods and Housing – No objection.

## **8.0 PLANNING POLICIES:**

### DEVELOPMENT PLAN

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires this application to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.2 The Development Plan for Leeds currently comprises the Regional Spatial Strategy For Yorkshire and The Humber (published in May 2008), and the Leeds Unitary Development Plan Review (July 2006), policies as saved by direction of the Secretary of State, dated September 2007. The most relevant policies in the

## UDPR POLICIES:

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

Policy T2 – this aims to avoid any undue impact on highway safety.

Policy T24 – this sets out recommended car parking guidelines.

Policy N19 – this seeks to ensure that new development should preserve and enhance areas designated as Conservation Areas

Policy H15 – this refers to the Area of Housing Mix and sets out a range of criteria aimed at promoting mixed communities

## DRAFT CORE STRATEGY

The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. 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 14<sup>th</sup> November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14<sup>th</sup> November 2012 that a further period for representation be provided on pre-submission changes and any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination

As the Council has resolved to move the Publication Draft Core Strategy to the next stage of independent examination, some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination. Draft Core Strategy Policy H6 (Incorporating pre-submission changes) states that:

### *POLICY H6: HOUSES IN MULTIPLE OCCUPATION (HMOS), STUDENT ACCOMMODATION, AND FLAT CONVERSIONS*

*A) within the area of Leeds covered by the article iv direction for houses in multiple occupation (HMOs), development proposals for new HMOs will be determined:*

*i) to ensure that a sufficient supply of HMOs is maintained in Leeds,*

*ii) to ensure that HMOs are distributed in areas well connected to employment and educational destinations associated with HMO occupants,*

*iii) to avoid detrimental impacts through high concentrations of HMOs, which would undermine the balance and health of communities.*

*iv) to ensure that proposals for new HMOs address relevant amenity and parking concerns.*

*v) to avoid the loss of existing housing suitable for family occupation in areas of existing high concentrations of HMOs*

## 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 – Sets out the Council's guidelines and aspirations for well-designed residential accommodation.

## NATIONAL PLANNING POLICY:

The National Planning Policy Framework was issued at the end of March 2012 and is now a material planning consideration. The NPPF provides up to date national policy guidance which is focused on helping achieve sustainable development. There is a presumption in favour of sustainable development. The basis for decision making remains that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Planning System should have a role in " supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being" (NPPF paragraph 7).

## 9.0 MAIN ISSUES:

9.1 It is considered that the main issues are:

- Impact of the proposal on residential amenity and demographic balance
- Provision of car parking
- Preservation or enhancement of the Headingley Conservation Area.

## 10.0 APPRAISAL:

### Impact of the proposal on residential amenity

10.1 The existing Social Club has operated from the site for a number of years, and is clearly located in an area unsuitable for a use of this nature. It has an extensive history of complaints to the Council from local residents relating to noise and disturbance, from both loud music and noise from patrons in the street, the latter has been an issue in particular since the smoking ban came into effect. The residential use proposed is, however, considered compatible with this residential location. The existing flats within the building are understood to be let to students and whilst the student market is clearly likely for the flats currently proposed, it is pointed out that the application is not specifically for students flats and they would be available to other types of occupier. As student occupation is clearly a possibility however and as the site lies within the defined Area of Housing Mix, the application has been tested against UDPP policy H15



10.2 Policy H15 deals with student housing proposals and states that:

*Within the area of housing mix planning permission will be granted for housing intended for occupation by students, or for the alteration, extension or redevelopment of accommodation currently so occupied where:*

- i) the stock of housing accommodation, including that available for family occupation, would not be unacceptably reduced in terms of quantity and variety;*
- ii) there would be no unacceptable effects on neighbours' living conditions including through increased activity, or noise and disturbance, either from the proposal itself or combined with existing housing similar accommodation;*
- iii) the scale and character of the proposal would be compatible with the surrounding area;*
- iv) satisfactory provision would be made for car parking; and*
- v) the proposal would improve the quality or variety of the stock of student housing.*

Taking these policy points in turn:

- i.) The site has been used as a Social Club for a number of years. Consequently, the proposal will not result in the loss of any existing family accommodation.
- ii) It is considered that the levels of activity produced by up to 10 residents will be less than that previously generated by the use of the building as a Social Club, particularly given that the existing use as a Social Club has a long track record of creating noise disturbance.
- lii) Four additional flats within the existing building could not be argued to be incompatible in scale and character with the surrounding area.
- iv.) The site has 14 off-street parking spaces which is sufficient for the proposed use, particularly as the social club would go.
- v.) The proposed bedrooms are of a reasonable size with good natural light and would provide an acceptable standard of accommodation within a building already occupied by students.

10.3 It is noted that Draft Core Strategy policy H6 (to which some weight can now be attached) includes that within the Area of Housing Mix proposals should seek:

*iii) to avoid detrimental impacts through high concentrations of HMOs, which would undermine the balance and health of communities.*

10.4 In addressing the issue of residential amenity and whether this proposal would cause harm to neighbouring permanent residents, it must be considered whether the 10 additional occupiers would add to noise and disturbance to the extent that

- 10.5 More significantly, the effect on existing residents of the proposed flats must be considered in the context that the lawful planning use of the premises is as a club, which has a track record of creating noise disturbance. Whilst noting that there is a possibility that some student residents may on occasion indulge in anti-social behaviour; this seems unlikely to be comparable in potential impact to the impacts of a social club licensed for 150 patrons.
- 10.6 Some objections refer to the social imbalance within the area resulting from the high proportion of transient student residents. This concern is noted but it is not considered that the current proposal will have an impact on this relative to the current use of the building as a social club. In an appeal decision relating to the property into the Council's refusal of an extension to form 5 two bed flats dated 23 May 2011, the Inspector said that 'as to the proportion of student accommodation in the locality, whilst it may be high, I have seen no clear evidence to show that the proposals would increase it to the extent that the housing mix or community cohesion would be materially harmed'
- 10.7 Some objectors have requested that if permission is granted for the flats then they should be restricted to occupation by families. This is not recommended for a number of reasons: -
1. There is no planning policy basis on which to do this. Policy H15 supports student accommodation subject to the criteria set out and discussed above, where there is no loss of accommodation suitable for occupation by families.
  2. It would result in a block of flats some of which could be occupied by students and some of which could not. It would not be possible to monitor and ensure compliance with such a condition.
  3. Accommodation a block partially occupied by students is unlikely to be attractive to family occupiers.
- 10.8 In coming to the view that there is no sound basis on which to refuse planning permission for the 4 flats proposed, officers have had very careful regard to the strong concerns of local residents. Clearly the lifestyle of student residents has a significant impact on the lives of local residents. These concerns relate to an existing situation however to which there is no simple solution and the current application must be considered on its own merits. Taking this approach, officers take the view that the 4 flats proposed represent a net benefit to the community as compared with the current social club use and that permission should not be withheld in the particular circumstances of this case.

#### Provision of car parking

- 10.9 The proposal indicates 14 car parking spaces within the site. This is an increase on the approved layout for the 6 flats extension currently being built for which 11 car parking spaces are provided. Objections have been received on grounds that the proposed flats will add to off-street car parking.
- 10.10 In the first instance given that there is an existing use as a club; parking provision for the proposed flats must be considered relative to the potential parking demands generated by the club.

Student Accommodation – 1 space per 4 bed spaces  
10 bed spaces = 3 *car parking spaces*

Social Club – no specific guidelines

Class A3 food and drink Outside S2 Centres

1:2 - drinking area, for customers;

1:4 - dining area, for customers;

1.25 - per resident staff, for staff;

0.33 - per non-resident staff, for staff

As the club had a licence for 150 patrons this would equate to a parking requirement of over 70 *spaces*. A club of this nature is unlikely to require that level of car parking and although residents point out that past patrons have often been students arriving on foot, there can be no guarantee that the club would operate in this manner in the future.

Some objectors have asked that the flats, if granted permission, should be restricted to family occupants. In this instance, parking guidelines would require: -

1.5 spaces per dwelling

4 *car parking spaces*

- 10.11 The property in any event is considered to be in a sustainable location. A bus stop at Brudenell Road within 100m of the site provides services to Leeds City Centre with a more extensive range of services available within 400m from stops on the A660. The property is also within 20 minutes walk of the Universities area.
- 10.12 In dismissing the appeal to erect new flats on design grounds, (application references 10/01462/FU and 10/04134/FU); the Inspector concluded that the erection of additional flats would not result in any undue impact on highway safety. In addition, the proposed four flats would be expected to create less demand for car parking than the existing Club use and it is concluded that the 14 car parking spaces provided will meet the needs of the development in this instance.

#### Preservation or enhancement of the Headingley Conservation Area

- 10.13 As part of the proposals the unsightly metal fire escape at the front of the property would be removed (although this is also a condition of the permission for the 6 flats currently under construction) and also the timber staircase and balcony to the south elevation. Doorway openings to that elevation would be adapted to windows in a manner sympathetic to the existing original elevation. The car park would be laid out and surfaced and landscaped such that overall the development would serve to enhance the Headingley Conservation Area.

#### **11.0 CONCLUSION:**

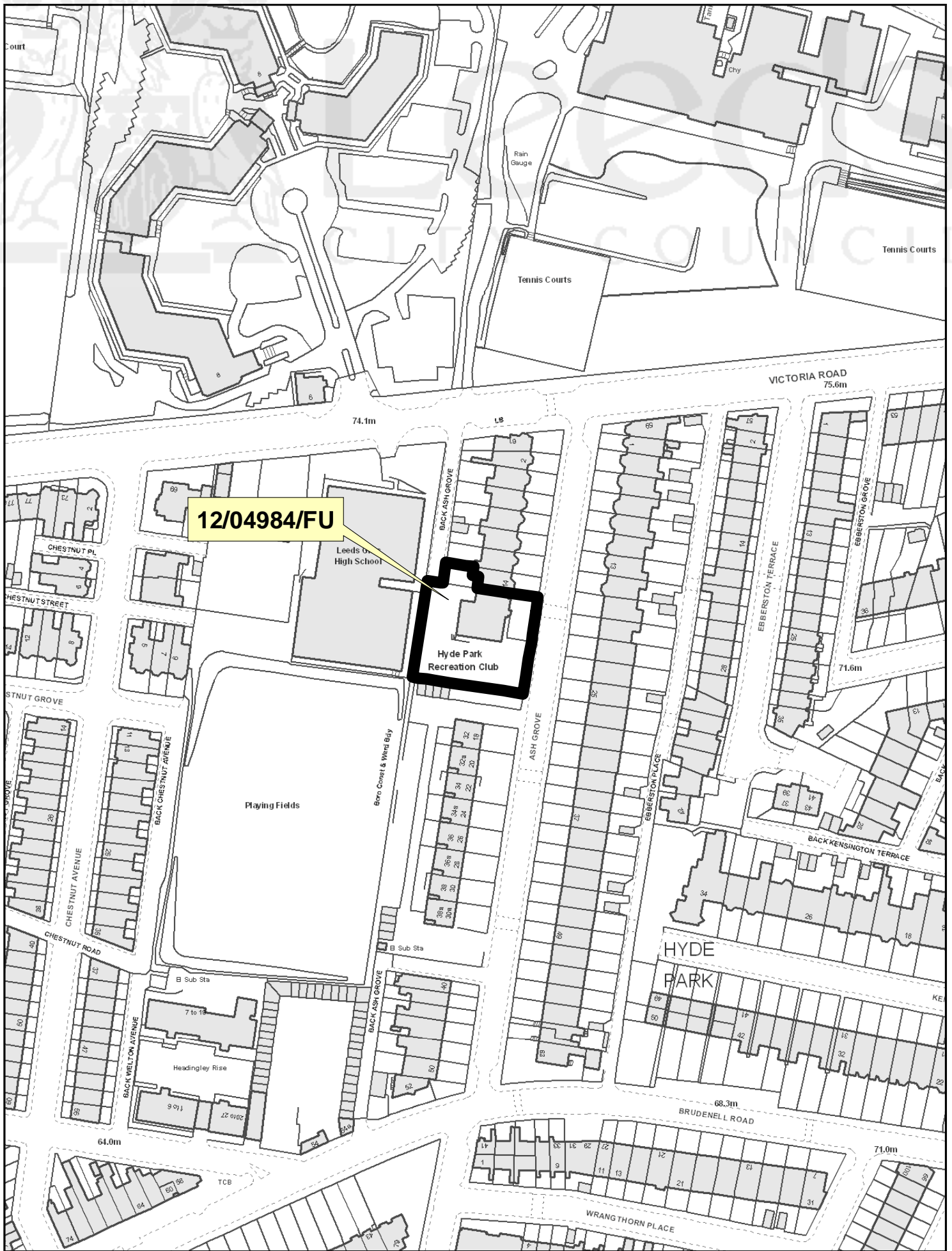
- 11.1 The proposal to create four flats is considered acceptable. The building is in a residential area and residential use is appropriate. The property is located in an area with a large number of HMOs and student residents, and it is accepted that this proposal would add to that although to a small degree in overall times. It is not accepted that an additional 10 residents whether students or of other demographics would have any demonstrable impact on the amenities of permanent residents and

inappropriately located and has a history of noise complaints. The removal of the unsightly external staircases would improve the appearance of this attractive property and enhance the character of the Headingley Conservation Area. Approval is recommended.

**Background Papers:**

Application and history files.

Certificate of Ownership.



# SOUTH AND WEST PLANS PANEL