



Report of the Chief Planning Officer

PLANS PANEL SOUTH & WEST

Date: 28th March 2013

Subject: APPLICATION 13/00550/FU- Retail unit with storage area office and car parking at Land at Woodhouse street, Woodhouse, Leeds,

APPLICANT

Mr Kissun Parmar

DATE VALID

01.02.2013

TARGET DATE

29.03.2013

Electoral Wards Affected:

Hyde Park & Woodhouse

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

1. **GRANT PLANNING PERMISSION** subject to conditions listed below.

List of planning conditions:

1. Commencement of development within 3 years.
2. Approval of plans
3. Samples of all external walling, roofing and surfacing materials to be approved prior to commencement of development
4. Submission of landscape scheme and implementation schedule
5. Tree protection measures for existing trees
6. Replacement tree planting if landscaping fails within 5 years of planting.
7. The development shall not be occupied until a scheme for Woodhouse Street to restrict/prevent parking has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented and retained in accordance with the approved timescales.
8. Means of access shall only be as shown on the approved plans
9. Development shall not commence until details of the proposed method of closing off and making good all existing redundant accesses to the development site have been

submitted to and approved in writing by the local planning authority.

10. Notwithstanding the details shown on approved plan no development shall take place until a plan showing sightlines of 2.4m x 70m at the junction of the retail store with Woodhouse Street and 2.4m x 43m at the junction of the residential development with Holborn Approach has been submitted to and approved in writing by the Local Planning Authority. There must be no intrusion within the sightlines greater than 1m in height above the adjacent carriageway level and this must be maintained and retained as such for the lifetime of the development.
11. Prior to first use of the retail unit the footpath referred to as Wesley Court must be constructed to adoptable standards including Street Lighting.
12. Prior to commencement details of refuse, cycle and motorcycle facilities to be submitted and approved by the LPA.
13. Development shall not be occupied until a Car Park and Servicing Management Plan (inc. timescales) has been submitted to and approved in writing by the Local Planning Authority.
14. Development shall not commence until details of access, storage, parking, loading and unloading of all contractors' plant, equipment, materials and vehicles (including workforce parking) have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided for the duration of construction works.
15. No construction operation shall take place before 07.30 hours on weekdays and 08.00 hours on Saturdays or after 19.00 hours on weekdays and 13.00 hours on Saturdays with no operation on Sundays or Bank Holidays
16. Contaminated land conditions.
17. Surface water drainage strategy to be submitted prior to the commencement and implanted in accordance with approved details.
18. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
19. Prior to the commencement of development a scheme for crime reduction opportunities from the detailed design and material of the building shall be submitted and approved in writing by the LPA.
20. The development shall submit a pre-commencement report outlining its BREEAM rating then the development shall be constructed in accordance with this assessment.
21. The combined noise from fixed plant shall not exceed a rating level as defined by BS4142 by more than 5dB(A) below the lowest background (L90) during which the plant will operate. Details of said plant shall be submitted to the Local Planning Authority and approved in writing prior to occupation.
22. Delivery hours of the retail unit including refuse collection shall be restricted to after 0800 hours and before 1900 hours Monday to Saturday with no deliveries on Sundays or Bank Holidays.
23. The hours of operation of the retail units shall be restricted to 0700 hours to 2300 hours.
24. The retail unit shall not be subdivided without prior planning permission first being obtained.

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 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 National Planning Policy Framework 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), the Natural Resources and Waste Local Plan 2013 (NRWLP) and the emerging Publication Draft Core Strategy Nov 2012 (DCS).

GP5, BD5, N2, N12, N13, T2, T24, S2, S9, LD1, H15
Neighbourhoods for Living SPG

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 is presented to Plans Panel at the request of ward Councillor Christine Towler.
- 1.2 Members may recall that in October 2012 at Panel planning permission was refused for a mixed use development comprising a retail unit (289sq.m gross floor area of which 195sqm will be used for sales area) and student accommodation comprising of 112 bedrooms arranged in cluster flats. Members refused the application on the ground that the size and scale of the proposed student accommodation building was harmful to the character of the area and the street scene and due to its size the building represented over development of the site. Panel were broadly supportive of the retail element of the previous scheme and no reason for refusal related to that part of the last application.
- 1.3 The current application is for the retail unit only. The applicant still expresses an interest in bringing the remainder of the site forward at a future date for some form of housing scheme though he has stated not necessarily for student housing. The applicant has recently lodged an appeal against the refusal of the mixed use scheme.

2.0 PROPOSAL:

- 2.1 The proposed retail unit would front Woodhouse Street and would have its own car parking and vehicular access from Woodhouse Street.
- 2.3 The building would be single storey with a pitched roof. The building would be constructed out of brick and glazing. The shop frontage would have a contemporary appearance utilising glazing in the main ground floor elevations. The building is essentially a single storey convenience store with a low pitched roof. The roof is proposed to be temporary because the applicant is hoping that the retail unit represents Phase 1 of the development. However, in planning terms this cannot be controlled so officers have sort to ensure a tiled roof is placed on the development to maintain the street scene and respond to local character. Phase 2 would be redevelopment of the remainder of the site subject to planning permission. If the remainder of the site comes forward the applicant would seek to remove the roof and develop above the retail unit.
- 2.4 19 Car parking spaces would be provided for the retail element and delivery vehicles would enter the site and exit the site form Woodhouse Street only.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located in a predominantly residential area however there are a parade of shops, a church and public house and a community centre located close by on Woodhouse Street. Opposite the site on Woodhouse Street are rows of red brick Victorian terraces, many with large dormers. Adjoining the site is a terrace row which has been 'sawn in half' and presents a blank gable to the site, except for one bath room window. A church bounds the site separated by Welsey Court. Opposite the site on Holborn Approach is post-war two storey housing.
- 3.2 The site currently is vacant and is largely overgrown with self seeding trees and vegetation. There are no TPO trees on site but there are TPO trees located on Midgley Gardens adjoining the site. The site was once the home of the Ace of Clubs nightclub but the building was demolished over 10 years ago. The site is not allocated within the UDP but is located within the defined Area of Housing Mix. The site is roughly 400metres from the nearest defined centre, Hyde Park Corner.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 12/02931/FU - Retail unit with storage area office and car parking. Withdrawn.
- 4.2 12/02712/FU - Part three storey part four storey block of 18 cluster flats (112 rooms), retail store at ground floor, associated parking and landscaping. Refused October 2012.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The application has been the subject of pre-application discussions before submission of the mixed use application. The applicant also held a community consultation event (06.03.12 & 07.03.12) in Woodhouse Street community centre for the mixed use scheme.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been publicised by means of site notices. There have been a no representations received.
- 6.2 The 3 ward councilors were notified of the current planning application. Councillor Gerald Harper replied requesting that he and he ward colleagues wished to see the plans. Councillor Towler commented that she thought the retail scheme 'sounds a much better idea but I would prefer it to go to panel'.

7.0 CONSULTATION RESPONSES:

- 7.1 Highways – no objections subject to conditions.
- 7.2 Mains Drainage – no objections subject to conditions for surface water drainage.
- 7.3 Environmental Health - If planning permission is to be granted this Department would recommend conditions are imposed in order to protect the amenity of the existing residential area regarding noise, delivery hours and construction.

- 7.4 Rights of way - there are claimed footpaths crossing the site. The developer has applied to extinguish this route. There are two other footpaths running parallel to the development site. The Wesley Court footpath will be upgraded and lit which will be funded via a Section 278 Agreement by the developer.

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.

- 8.2 The most relevant Policies in the adopted Leeds Unitary Development Plan are outlined below.

Policy GP5 refers to detailed planning considerations and states that development proposals should seek to avoid loss of amenity.

Policy BD5 refers to new building design

Policies N12 and N13 refer to the good urban design considerations and placing making

Policy S2 refers to the protection of the vitality and viability of town centres.

Policy S9 refers to out of centre small scale retail development.

Policies T2 and T24 seek to maintain adequate vehicle access and levels of vehicle parking provision with no undue detriment to other highway users.

Neighbourhoods for Living SPG.

- 8.3 National Planning Policy Guidance:

The National Planning Policy Framework came into effect on 27th March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development:

“At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking” (para 14).

- 8.4 The Government’s pursuit of sustainable development involves seeking a wide variety of positive improvements including:

1. making it easier for jobs to be created in cities, towns and villages
2. replacing poor design with better design
3. improving the conditions in which people live, work, travel and take leisure

- 8.5 Paragraph 24 of the NPPF states:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are

not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale”.

Emerging Core Strategy

The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 with the consultation period closing on 12th April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. 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. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time.

- 8.6 Nearby Hyde Park Corner is designated as a 'Lower Order Local Centre' in the centres hierarchy set out in Policy P1 of the Draft Publication version of the Core Strategy.
- 8.7 Draft Policy P4 sets out development guidelines for shopping parades and small scale standalone food stores serving local neighbourhoods and communities.
- 8.8 Emerging Core Strategy Policy P8 sets out the thresholds above which a sequential assessment and impact assessment are required for retail proposals. The amount of retail floorspace proposed falls below this. Policy P8 indicates that all centres within 500 metres walking distance of the application site should be used for the sequential assessment

9.0 MAIN ISSUES:

9.1 The following main issues have been identified:

- Principle of the development
- Design, scale, siting and appearance
- Neighbours amenity
- Amenity of future occupiers.
- Highway considerations
- Landscaping

10.0 APPRAISAL:

10.1 The site comprises previously developed land. Planning policy supports the re-use of brownfield sites in sustainable locations. The proposed retail element of the scheme is assessed against the emerging policies of the Core Strategy which deal with out of centre retail locations. The NPPF recognizes that out of centre food retail can have a positive effect in providing amenities to local communities. The scheme has been assessed against the requirements of UDP policies S2 which seeks to protect the vitality and viability of existing town centres and policy S9 for small scale out of centre retail development. This UDP policy will be replaced by the emerging core strategy which is in line with the NPPF. It is not envisaged that the proposal would harm the vitality and viability of the Hyde Park Corner local centre in accordance with policies S2 and S9 of the adopted UDP and there are no units available that would meet the requirements of the proposal or are available within

the defined town centre. The applicant has satisfactorily addressed the requirements of UDP policy S9 and draft core strategy Policies P4 and P8 in terms of the sequential assessment by demonstrating that there is no sequentially preferable site within a town centre or edge of centre location within 500m walking distance of the site. Whilst being an out of centre location, the site lies within a relatively accessible location and relates well to other existing retail/town centre uses situated nearby albeit undesignated in terms of NPPF. The convenience store is also well located to serve the nearby residential area.

- 10.2 The site is located in a predominantly residential area and sits between two clear building styles namely, the Victorian terrace rows facing the site on Woodhouse Street and the post war housing across Holborn Approach. The proposal has had regard to this local context in forming its design. The use of a pitched tiled roof which characteristic of the area is appropriate in this context. The scale of the building is considered acceptable and should not look out of character in the street scene as there are various building heights, including some single storey buildings already.
- 10.3 The proposal is considered to provide a good street frontage to Woodhouse Lane. The proposed shop front elevation is considered to be in keeping with the street and should provide an attractive new street frontage.
- 10.4 The scheme has been designed to ensure that the site is secure. The layout of the scheme provides for new windows overlooking public footpaths. A condition has been attached requiring the developer to submit a crime reduction plan prior to the commencement of development. This should ensure that the details of the buildings design and material should take the opportunities to reduce crime. There is a pedestrian link between Holborn Approach and Woodhouse Street (known as Wesley Court). This route is in a poor state of repair and is unlit. customers of the proposed retail unit would use this route to access local facilities and bus services on Woodhouse Street. As part of the development proposals the applicants has agreed to upgrade and light this route and this work would be done under a S278 Agreement.
- 10.5 The access has been designed to accommodate the customer and service/delivery vehicles that would visit the development. The servicing arrangements are satisfactory subject to restrictions being placed on the size and times of refuse collection and delivery vehicles. This has been covered by a condition requiring a Service Management Plan to be submitted and agreed prior to the store first coming into use. The level of car parking proposed is in line with UDP guidelines at 19 parking spaces for the retail unit. In addition secure short stay cycle parking spaces have been provided for customers. Waiting restrictions will be necessary on the Woodhouse Street frontage to restrict parking and thereby ensure safe operation of the access. This has been secured via a condition requiring such works to be completed prior to the store first coming into use. The works themselves will be delivered via a Section 278 Agreement. Auto tracking has been used to demonstrate that refuse/delivery vehicles can safely manoeuvre within the site such that they can enter the highway in a forward gear.
- 10.6 Two claimed footpaths cross the site. The applicant has previously applied to extinguish the footpaths which run through the site when the mixed use scheme was being considered. There is another footpath route which around the site and provide access from Woodhouse street to Holborn Approach. The Wesley Court route will be upgraded and lit as part of this planning application.

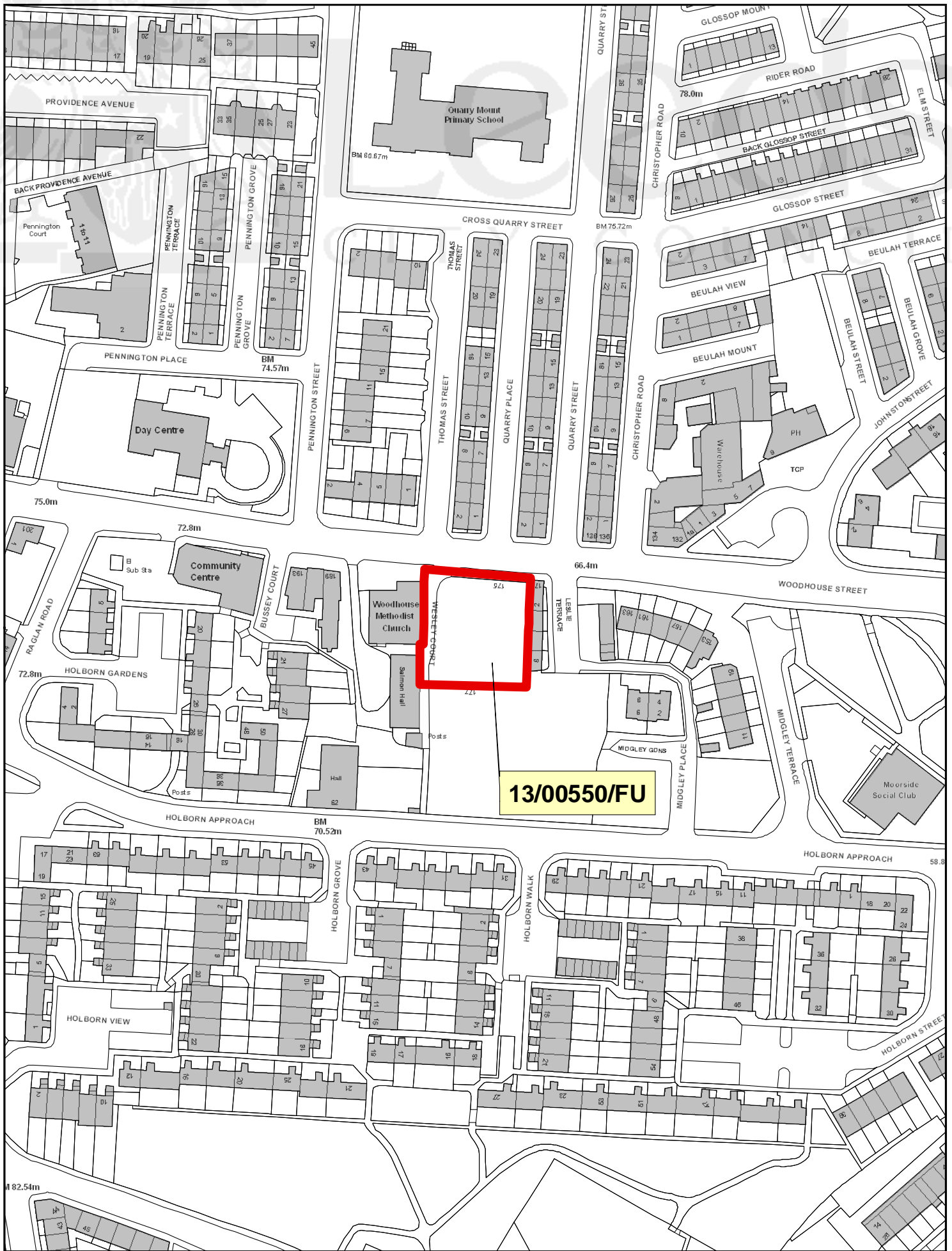
11.0 CONCLUSION:

- 11.1 After careful consideration of all relevant planning matters it is considered that the proposed development is acceptable subject to the imposition of suitable conditions. The proposal is therefore recommended for approval.

Background Papers:

Application file;

Certificate of Ownership.



SOUTH AND WEST PLANS PANEL