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**SOUTH AND WEST PLANS PANEL**

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**Meeting to be held in Civic Hall, Leeds, LS1 1UR on  
Thursday, 5th September, 2024  
at 1.30 pm**

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**MEMBERSHIP**

Councillors

R Finnigan  
N Manaka  
A Rontree  
P Wray (Chair)  
B Anderson  
S Firth  
M France-Mir  
Z Hussain  
R Jones  
A Parnham  
P Stables

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[Council and democracy \(leeds.gov.uk\)](https://www.leeds.gov.uk/council-and-democracy)

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**Agenda compiled by:  
Tasha Prosser  
natasha.prosser@leeds.gov.uk  
Governance Services  
Civic Hall**

Enquiries specific to planning applications on the agenda should be directed to Panel Team; Phone 0113 3786980  
Email; [planspanel@leeds.gov.uk](mailto:planspanel@leeds.gov.uk)

# A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p><b>SITE VISIT LETTER</b></p> <p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	

Item No	Ward	Item Not Open		Page No
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p><b>RESOLVED –</b> That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> <p><b>No exempt items or information have been identified on the agenda</b></p>	
3			<p><b>LATE ITEMS</b></p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p><b>DECLARATIONS OF INTERESTS</b></p> <p>To disclose or draw attention to any interests in accordance with Leeds City Council’s ‘Councillor Code of Conduct’.</p>	
5			<p><b>APOLOGIES FOR ABSENCE</b></p>	

Item No	Ward	Item Not Open		Page No
6			<p><b>MINUTES OF THE PREVIOUS MEETING - 1 AUGUST 24</b></p> <p>To receive and confirm as a correct record, the minutes of the previous meeting held Thursday, 1<sup>st</sup> August 2024.</p>	9 - 12
7			<p><b>24/01430/FU - 21 LONGROYD TERRACE, BEESTON, LEEDS, LS11 5JH</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the change of use from Dwellinghouse (Use Class C3) to 5 bed HMO (Use Class C4); insertion of 2no. rooflights to rear; infill of first floor rear window; new lightwell and render to rear at 21 Longroyd Terrace, Beeston, Leeds LS11 5JH.</p>	13 - 28
8			<p><b>23/01441/FU - LAND ADJACENT UNIT 1 , KIRKSTALL RETAIL PARK, SAVINS MILL WAY, KIRKSTALL, LEEDS, LS5 3RP</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for a restaurant with drive-thru (Use Class E and Sui Generis) including car park alterations, landscaping, and associated works at Land Adjacent Unit 1, Kirkstall Retail Park, Savins Mill Way, Kirkstall, Leeds, LS5 3RP.</p>	29 - 44
9			<p><b>DATE AND TIME OF THE NEXT MEETING</b></p> <p>To note that the date and time of the next meeting is proposed as Thursday, 3<sup>rd</sup> October 2024 at 1.30pm.</p>	

Item No	Ward	Item Not Open		Page No
			<p><b><u>Third Party Recording</u></b></p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties– code of practice</p> <ul style="list-style-type: none"> <li>a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.</li> <li>b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.</li> </ul>	

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To all Members of South and West  
Plans Panel

**Planning Services**

The Leonardo Building  
2 Rossington Street  
Leeds  
LS2 8HD

Contact: Steve Butler  
Tel: 0113 224 3421  
steve.butler@leeds.gov.uk

Our reference: SW Site Visits  
Date: 22/08/2024

Dear Councillor

**SITE VISITS – SOUTH AND WEST PLANS PANEL – THURSDAY 5<sup>th</sup> of September 2024**

Prior to the meeting of the South and West Plans Panel on Thursday the following site visit will take place:

Time			
Depart Civic Hall 11.00			
Arrive 11.20 Depart 11.40		<b>23/01441/FU</b> Restaurant with drive-thru (Use Class E and Sui Generis) with car park alterations, landscaping, and associated works <b>Land Adjacent Unit 1, Kirkstall Retail Park, Savins Mill Way, Kirkstall</b>	
12.00		Return Civic Hall	

Please notify Steve Butler (Tel: 3787950) if this should cause you any difficulties as soon as possible. Otherwise please meet in the Ante Chamber at 10.55 am. Can I also advise Panel members to wear footwear appropriate to the prevailing weather conditions on the day.

Yours sincerely

Steve Butler  
Group Manager  
South and West

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## SOUTH AND WEST PLANS PANEL

THURSDAY, 1ST AUGUST, 2024

**PRESENT:** Councillor P Wray in the Chair

Councillors N Manaka, A Rontree,  
B Anderson, S Firth, M France-Mir,  
R Jones, A Parnham and K Brooks

**13 Appeals Against Refusal of Inspection of Documents**

There were no appeals.

**14 Exempt Information - Possible Exclusion of the Press and Public**

There were no exempt items.

**15 Late Items**

There were no formal late items.

**16 Declarations of Interests**

No interests were raised.

**17 Apologies for Absence**

Apologies were received on behalf of Councillors R Finnigan, Z Hussain and P Stables. Councillor K Brooks attended as a substitute on behalf of Councillor Z Hussain.

**18 Minutes of the Previous Meeting - 6 June 2024**

**RESOLVED** – To approve the minutes of the meeting held on Thursday, 6<sup>th</sup> June 2024 as an accurate record.

**19 24/02234/FU - No. 9 Woodhall Park Crescent East, Pudsey, LS28 7HG**

Members considered the report of the Chief Planning Officer which presented proposals for change of use of existing C3 residential dwellinghouse to C2 residential children's care home at No.9 Woodhall Park Crescent East, Pudsey, LS28 7HG.

The report recommended to the Panel that the application be granted subject to conditions, as set out within the submitted report.

Slides and photographs of the site and proposals were presented by the Planning Officer who outlined the application and contents of representations received as detailed in the submitted report.

Questions and comments from Panel Members then followed, with officers responding to the questions raised, which in summary, included the following:

- Clarity regarding the number of staff on site at any one time and/or other statutory bodies.
- Concerns regarding on-street parking and number of spaces on site.
- Clarity on recreational space.

Draft minutes to be approved at the meeting  
to be held on Thursday, 5th September, 2024

- Clarity on policies in place for such types of applications.

At this point in the meeting, a motion was put forward to move the officer recommendation as per the submitted report. This was moved and seconded, and it was:

**RESOLVED** – To approve the application, as per the submitted report.

**20 23/06663/FU - former Hough Side High School Site, Hough Top, Swinnow, Leeds, LS13**

Further to minute 9 of the Panel meeting held 6<sup>th</sup> June 2024, Members considered the report of the Chief Planning Officer which presented proposals for the erection of 82 affordable dwellings, two new vehicle access points, associated open space and infrastructure and ball strike netting at former Hough Side High School, Hough Top, Swinnow, Leeds, LS13.

The report recommended to the Panel that the application be approved subject to specified conditions as per the submitted report.

Slides and photographs were presented by the Planning Officer who outlined the application and contents of representations received as detailed in the submitted report.

Additional comments received which were not available when the agenda was published were read out at the meeting. These included representations from a planning consultant, residents and/or groups which provided further information in relation to:

- Consultation.
- Use of materials.
- Ecology.
- Loss of mature trees.
- Drainage plans being insufficient.
- Parking issues.
- Applicant not putting forward further changes.
- Discrimination towards residents.
- Late submission of information.
- Ball strike netting concerns.
- On-going police investigation regarding football parking.
- Lack of site visit.
- Impact of noise from the playing pitch.
- Issues associated with financial viability.
- Loss of privacy and amenity.

The planning officer explained that the applicant has confirmed they will maintain boundary treatment in perpetuity, and comment from Sport England is yet to be received. It is therefore recommended that the application be deferred and delegated for approval to the Chief Planning Officer, subject to no objection from Sport England.

The planning officer concluded by explaining all the representations received, do not relate to any new material planning considerations or issues that the Panel are not aware of.

Speaking rights were not permitted on this application due to there being no new material planning considerations.

Questions and comments from Panel Members then followed, with officers responding to the questions raised, which included the following:

- Additional information on the proposed landscape details, in terms of their growth, the number of trees proposed and height.
- Clarity on the weight given to written administrative statements and viability implications.
- Clarity on the type of materials proposed.
- Clarity on the drainage issues in the local area and the impact of the proposed development on such issues.
- Quality of the development in terms of design.
- Clarity on consultation that has been carried out.
- Climate change mechanisms.
- Clarity on the decision to not re-align the apartment block.
- Local surroundings and the character of the area.
- The importance of affordable housing.
- Reassurance regarding on-going costs and maintenance.

At this point in the meeting, a motion was put forward to defer and delegate approval to the Chief Planning Officer, subject to receipt of no objections from Sport England. Further to this, an alternative motion was put forward to defer the application for further consultation to take place between the applicant, officers, elected ward members and residents. This alternative motion was moved and seconded. This motion was not carried.

The motion to defer and delegate the application to the Chief Planning Officer for approval was seconded, and it was:

**RESOLVED** – To defer and delegate approval to the Chief Planning Officer, subject to no objections received from Sport England.

## **21 Date and time of the next meeting**

**RESOLVED** – To note the date and time of the next meeting is proposed as Thursday, 5<sup>th</sup> September 2024 at 1.30pm.

The meeting concluded at 15:00.

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Originator: J Bacon

Tel: 0113 378 7963

## Report of the Chief Planning Officer

### SOUTH & WEST PLANS PANEL

Date: 5<sup>th</sup> September 2024

**Subject: 24/01430/FU - Change of use from Dwellinghouse (Use Class C3) to 5 bed HMO (Use Class C4); insertion of 2no. rooflights to rear; infill of first floor rear window; new lightwell and render to rear at 21 Longroyd Terrace, Beeston, Leeds LS11 5JH**

#### APPLICANT

Sovereign Homes &  
Developments Ltd

#### DATE VALID

21<sup>st</sup> March 2024

#### TARGET DATE

2<sup>nd</sup> August 2024

#### Electoral Wards Affected:

Hunslet and Riverside

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 planning conditions specified below**

1. Time limit for full permission (3yrs)
2. Implement in accordance with approved plans/ specifications
3. Implement cycle and bin storage facilities

#### INTRODUCTION:

1. This planning application involves the conversion of the application property to form a 5 bedroom House in Multiple Occupation (HMO). The application is brought to Plans Panel at the request of Ward Councillor Ed Carlisle and the request satisfies an exception outlined within the Officer Delegation Scheme. It is therefore appropriate that this planning application be determined at South and West Plans Panel. Cllr Ed Carlisle advises of 'a confluence of factors leading to a deterioration in the liveability of that neighbourhood, and the proliferation of HMOs (and the increase in transient and/or high-need tenants that often follows) has undoubtedly been one of the factors'.

2. Overall, the proposal is not considered to result in an unacceptable increase of HMOs locally that would undermine the balance and health of the community and would not unduly impact on the residential amenity of occupiers or neighbours or have a detrimental effect on the local highway network. Accordingly, the application is recommended for approval.

**PROPOSAL:**

3. This application proposal involves the conversion of a dwelling (Class C3 use) to a house in multiple occupation (Class C4 use- small HMOs between 3-6 occupants). Such a change would typically be permitted through the provisions of the General Permitted Development Order (GPDO) Schedule 2, Part 3, Class L (Small HMOs to dwellinghouses and vice versa) however the application property falls within an area subject to the City Council's Article 4 Direction which requires planning permission for the change of use of dwellinghouses (C3 use) to small HMOs (C4 use). This direction was brought into effect in February 2012.
4. The property provides 5 bedrooms (ranging from 8.75-17sqm) split across ground, first and second floors with communal access to kitchen/ dining facilities (24sqm) at ground floor and a TV/cinema room (17.5sqm) in the basement. Shared bathroom facilities are provided at first floor level for use by occupiers of bedrooms 3, 4 and 5. The proposed conversion involves the insertion of 2no. rooflights within the rear roof plane and a new lightwell to the rear (to provide additional light/ ventilation to basement). In addition, the proposal illustrates an intention to block up an existing first floor rear window and render the rear elevation. The proposal retains the use of existing yard areas to accommodate communal external storage facilities for bins and cycles.

**SITE AND SURROUNDINGS:**

5. The application property is a mature mid terrace 2½ storey dwelling constructed of red brick with a grey tiled roof over. The dwelling has a gable window feature to the front eaves and a ground floor bay window and canopy detail which extends across the front elevation. The property's front yard is enclosed by walling and timber fencing. The property has a single storey projection to the rear standing within a yard area enclosed by a combination of brick walling, metal and wooden trellis fencing.
6. The property stands amongst a short run of 3no. similarly designed terraced properties attached to a run of alternatively designed terraces of lower height and fewer architectural features. During site inspection, the terraces were predominantly occupied as single-family houses. The subject terrace stands to the southern edge of a dense residential area (Longroyds/ Fairfords) comprising through-terraces, back-to-back terraces as well as clusters of semi-detached dwellings.
7. The application property sits within the southern end of the terrace row and faces out to a parcel of open space. This open space is laid out as grass and fringed to its eastern edge by mature tree planting. The land slopes upwards and provides a landscaped buffer to the M621 motorway carriageway. Tunstall Road to the south is elevated at this point and running over the motorway connecting to the A61/ Moor Road. Beyond the motorway to the east is a retail park with a commercial/ industrial estate further south adjacent to clusters of terraced residential properties and retailing/ commercial premises to the west, adjacent to Dewsbury Road (A653). Bus services operate along Tunstall Road and Dewsbury Road.

**RELEVANT PLANNING HISTORY:**

Planning applications:

8. None.

Pre-application enquiries:

9. None.

Planning enforcement cases:

10. None.

**HISTORY OF NEGOTIATIONS:**

11. The application proposal has been amended through the deletion of a rear dormer window (for reasons of overlooking) and supplemented with details of cycle storage facilities.

**CONSULTATION RESPONSES:**

Statutory Consultees:

12. None.

Non-Statutory Consultees:

13. Highways: No objection, suggested condition (cycle storage facilities).

14. Flood Risk Management: No objection, any internal drainage modifications dealt with by Building Regulations.

15. Access officer: *No comments received.*

**PUBLIC/LOCAL RESPONSE:**

16. 2 site notice displays posted dated 4<sup>th</sup> April 2024.  
5 letters of representation received overall lodging an objection to the submitted proposals.

Ward Member Comments:

17. 1 letter of representation received from Hunslet and Riverside Ward Councillor (Cllr Ed Carlisle) raising objection to the submitted proposal and the reasons given are summarised below:

- Over-development/ overcrowding- likely negative impact upon the local community
- HMOs have their place, but significantly over-represented (and growing in numbers) in our community and have a disproportionately negative impact on their neighbourhoods.
- Fast turnover of residents who are at best not invested in the community (and regularly take little or no care around things like waste – e.g. dumping rubbish in the street). Or at worst, landlords cash in on rent for vulnerable and under-supported people, taking the cash whilst their tenants cause considerable local impact (incl. noise disturbance, anti-social behaviour and crime).

- Hunslet Moor has seen a considerable growth in vulnerable and troubled people being moved into the area, into bedsits and HMOs. They have collectively brought with them a marked surge in drug use and dealing, related crime, and vagrancy. What was until recently a pleasant family-friendly community seems to have really spiraled in a bad direction. My ward colleagues and I have all had a lot of contact about this, and it's been pretty heart-breaking.
- There is an over-supply of HMOs in this community. Other neighbourhoods in south Leeds where there has been a really disproportionate growth in HMOs have been hugely impacted. I don't want to see the same happen here in Hunslet Moor.

Parish Council:

18. None.

General Comments:

19. None.

Comments in Support:

20. None.

Comments in Objection:

21. 4 letters of representation received (from 3 separate households) registering objection to the proposed development and the reasons given are summarised below:

- Landlords that have no interest in community, just pure profit-making bringing area down further; if allowed to progress will put house up for sale.
- Take pride in my home to improve the area but this only makes it worse; change over of neighbours not knowing who or what problems they will bring; private family owned houses each side.
- Not enough room for parking; parking on grass verge- dangerous to access footpaths;
- Increased possibility of drug use and more anti-social behaviour; very high turnover of tenants who often fly tip (discarding unwanted items); generate more general household waste/ bins overflowing and increases in vermin.
- Privacy of neighbours will be affected.
- Too many private landlord and HMO properties in the area.

**PLANNING POLICIES:**

*LOCAL PLANNING POLICY AND GUIDANCE*

The Development Plan

22. Section 38(6) of the Planning and Compulsory Purchase Act states that for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan, unless material considerations indicate otherwise. The development plan currently comprises the adopted Local Development Framework Core Strategy (as amended 2019), those policies saved from the Leeds Unitary Development Plan Review (2006), the Aire Valley Leeds Area Action Plan (2017), the Natural Resources and Waste Local Plan (as amended 2015), the Site Allocations Plan (as amended 2024) and any made Neighbourhood plan.

23. The following policies from the **Core Strategy** are of most relevance to this development proposal:



General Policy: Sustainable Development and the NPPF  
Policy SP1: Delivery of spatial development strategy  
Policy SP4: Regeneration priority programme areas  
Policy P10: Design  
Policy H6: Houses in multiple occupation (HMOs), student accommodation and flat conversions  
Policy H9: Minimum spaces standards (*HMOs to reflect with appropriate adjustments*)  
Policy T2: Accessibility requirements and new development  
Policy EN5: Managing flood risk

24. The following saved policies from the **Unitary Development Plan** are of most relevance to this development proposal:

Policy GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity

25. No policies from the **Natural Resources and Waste Local DPD** are relevant to this development proposal.

26. The application site lies outside the defined **Aire Valley Leeds Area Action Plan (AVLAAP)** and its policies are therefore not relevant to this application.

27. No policies from any Made **Neighbourhood Plan** are of relevance to this application site/ development proposal.

Relevant Local Supplementary Planning Guidance/Documents

28. The most relevant local supplementary planning guidance (SPG), supplementary planning documents (SPD) are outlined below:

SPG22 Sustainable Urban Drainage (2004)

SPG13 Neighbourhoods for Living (2003)

SPD Transport (2023)

SPD HMO, PBSA and Co-Living Amenity Standards (Emerging- *subject to pre-adoption consultation and therefore of limited weight at this stage*).

Other relevant documents

29. None.

Article 4 Direction – Class C3 to C4 use

30. The application site falls within an area that is subject to an Article 4 Direction. The Council confirmed the making of an Article 4 direction which requires planning permission for the conversion of dwelling houses (Class C3 use) to houses in multiple occupation (HMOs) (Class C4 use) of between 3 and 6 unrelated occupants in 2011. The direction came into force on 10<sup>th</sup> February 2012.

The Article 4 Direction was introduced in response to changes to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) in October 2010 and to the Town and Country Planning (Use Classes) Order 1987. At that time the government stated that Article 4 directions could be used by Local

Authorities to remove permitted development rights for a change of use from the C3 use class to the C4 use class in areas where high concentrations of HMOs are leading to the harmful impacts.

31. The Council recognises that HMOs can provide an affordable type of housing and contribute to the overall mix of housing types and tenures available. However, it is also recognised that high concentrations of HMOs can result in numerous harmful impacts.
32. The government published the report 'Evidence Gathering – Housing in Multiple Occupation and possible planning response – Final Report' in September 2008. This report identified the following impacts that occur as a result of high concentrations of HMOs:
  - Anti-social behaviour, noise and nuisance
  - Imbalanced and unsustainable communities
  - Negative impacts on the physical environment and streetscape
  - Pressures upon parking provision
  - Increased crime
  - Growth in private sector at the expenses of owner-occupation
  - Pressure upon local community facilities and
  - Restructuring of retail, commercial services and recreational facilities to suit the lifestyles of the predominant population
33. In making the Article 4 direction the Council recognised that some or all of the above impacts are occurring in areas with existing high concentrations of HMOs in Leeds. The Article 4 Direction boundary was subsequently chosen to include areas which are either recognised to be suffering from some, or all, of the harmful impacts identified above or be likely to suffer encroachment of HMO concentrations due to their proximity to existing areas of high concentrations.
34. The Article 4 direction does not serve as a justification for refusing or approving planning permission in the Direction area. Planning applications which are required by the Direction will be assessed against national and local planning policies.

#### *NATIONAL PLANNING POLICY AND GUIDANCE*

##### National Planning Policy Framework

35. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
36. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004). The National Planning Policy Framework is an important material consideration in planning decisions.
37. The following sections of the NPPF are most relevant for the purposes of determining this application:

**Chapter 4: Decision-making**

**Chapter 5: Delivering a sufficient supply of homes**

**Chapter 8: Promoting healthy and safe communities**

**Chapter 9: Promoting sustainable transport**

**Chapter 11: Making effective use of land**

**Chapter 12: Achieving well-designed places**

**Chapter 14: Meeting the challenge of climate change, flooding and coastal change**

National Planning Practice Guidance

38. The Planning Practice Guidance (PPG) provides commentary on the application of policies within the NPPF. The PPG also provides guidance in relation to the imposition of planning conditions. It sets out that conditions should only be imposed where they are necessary; relevant to planning and to the development to be permitted; enforceable; precise and reasonable in all other respects.
39. House in Multiple Occupation and residential property licensing reform- Guidance for Local Housing Authorities (2018)- *incl. para. 3.3 Minimum room sizes.*

**CLIMATE EMERGENCY:**

40. The Council declared a climate emergency on the 27<sup>th</sup> March 2019 in response to the UN's report on Climate Change.
41. The Planning Act 2008, alongside the Climate Change Act 2008, sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.
42. As part of the Council's Best City Ambition, the Council seeks to deliver a low-carbon and affordable transport network, as well as protecting nature and enhancing habitats for wildlife. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.

**PUBLIC SECTOR EQUALITY DUTY:**

43. The Equality Act 2010 requires local authorities to comply with the Public Sector Equality Duty. Taking into account all known factors and considerations, the requirement to consider, and have due regard to, the needs of diverse groups to eliminate discrimination, advance equality of opportunity and access, and foster good relations between different groups in the community has been fully taken into account in the consideration of the planning application to date and at the time of making the recommendation in this report.
44. In this instance it is considered that the proposals do not raise any specific implications in these respects and therefore it is not considered that a full Equality, Diversity, Cohesion and Integration Impact Assessment (EDCI) is required.

**MAIN ISSUES:**

1. Principle of development (incl. housing mix and balanced communities)
2. Impact on visual amenity (incl. design, appearance, character)
3. Impact on residential amenity (incl. comings and goings, overlooking)

4. Highways implications
5. Other matters
6. Representations

## **APPRAISAL:**

Principle of development (incl. housing mix and balanced communities):

45. The application site is not allocated for any specific purpose within the City Council's development plan and is located within the main urban area, forming part of this established residential estate within Beeston with access to nearby public transport links and can be regarded as a sustainable location.
46. The application property is presently in residential use and as such this proposal represents a continuation of that function and would be compatible, in principle, within the predominantly residential surroundings.
47. The conversion would add to the mix of housing accommodation types in the locality. On the case officer's site visit, the properties along Longroyd Terrace and adjacent streets appeared reasonably well kept, mainly in single household occupation with no obvious signs of the negative impacts on the physical environment and streetscape that can occur with concentrations of such HMO accommodation. Core Strategy Policy H6 (HMOs, Student Accommodation and Flat Conversions) criteria A) specifically relates to the conversion of existing dwellings into HMOs. Broadly, the policy approach seeks to tackle the types of accommodation that have resulted in housing and population imbalances in certain parts of the city and sets out a range of criteria to safeguard the residential amenity of existing and future residents as well as to avoid detrimental impacts on the surrounding highway network. The relevant criteria of the policy are set out below followed by an assessment of the proposed development against the particular policy requirement:

**A) Within the area of Leeds covered by the Article 4 Direction for Houses in Multiple Occupation (HMOs), Development proposals for new HMOs will be determined:**

48. **(i) To ensure that a sufficient supply of HMOs is maintained in Leeds,**  
A search of LCC Council Tax records and the database of HMO Licenses issued by LCC (2024) shows that there are no other HMO properties within the adjoining terrace (Longroyd Terrace) with few other individual HMO properties located within neighbouring streets, with up to 14no. HMOs amongst circa 490no. properties in the Longroyd/ Fairford estate, illustrating the low proportion of HMOs in the locality. While some unlicensed properties could be present, the loss of this individual property from the existing family housing stock is not considered to have a significant impact on the availability of family housing in the area as many still exist. Arguably, the conversion of the dwelling to form an additional HMO would assist in improving the choice of housing types and tenures in this part of residential estate and therefore satisfies this planning policy criterion.

49. **(ii) To ensure that HMOs are distributed in areas well connected to employment and educational destinations associated with HMO occupants,**  
The property is situated within an established urban area to the southern portion of the Longroyds estate with access to local public transport services that exist along Tunstall Road (to south) and Dewsbury Road (to west) which provide connections to a

range of employment opportunities locally and the city centre beyond. Thereby in accordance with this planning policy criteria.

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

50. In assessing the impact on a community Core Strategy Policy H6 regard is given to the wider area and not solely on a single street basis. Searches of the LCC Council Tax records, HMO License database and planning permissions reveal most of the surrounding houses within the Longroyd/ Fairford residential streets remain occupied by families, couples and single people. HMO properties are lightly spread within the wider community. The application site does not fall within a part of the city that is recognised to have high concentrations of HMOs (such as areas within Hyde Park, Headingley or Woodhouse where some streets contain up to eighty or ninety percent HMOs) and therefore this proposal, in isolation, is not viewed as being harmful to the character and amenities of the street/ locality or would undermine the balance and health of the community.

**(iv) To ensure that proposals for new HMOs address relevant amenity and parking concerns,**

51. Leeds UDP Review Policy GP5 aims to protect amenity including neighbouring amenity. Core Strategy Policy P10 aims to protect general and residential amenity and further detailed guidance is emerging within the Council's draft SPD HMO, PBSA and Co-Living Amenity Standards but its current unadopted status means limited weight can be attributed to those standards at the present time. However, within this planning policy context it is recognised that HMOs can impact on neighbouring amenity in a number of ways, as expressed by the representations received. This could include anti-social behaviour, noise and nuisance which can result from an increased number, or different pattern, of comings and goings of up to 6 adults in an HMO (Class C4 use) compared to a family living in the same property or from the different lifestyles of a group of adults living together in a property rather than a family for example. In the subject property there would be 5 occupiers sharing the house, so that the overall intensity of its use would not be so materially different from a single family. There may be a different pattern of comings and goings, and occupants may lead different lifestyles, but it is not considered that the accommodation available would create unacceptable noise and disturbance for adjoining residents such as to justify refusal on these grounds. Moreover, the application property has reasonably generous sized internal rooms and it is not considered that this proposal would result in a significant intensification in the occupancy of the property either.
52. As submitted, the proposed floor plans provide 5no. bedrooms across ground, first and second floors. A communal kitchen/ dining area is located at ground floor and this is supplemented by an additional communal space at basement level. Shared bathroom facilities are provided at first floor to serve an adjacent bedroom and the second floor bedrooms specifically. The two other bedrooms will have en-suite bathroom facilities. The internal arrangement appears logical and is not considered to be so unusual as to be unacceptable and would not lead to poor living standards.
53. Planning applications for HMOs are not subject to minimum space standards as described in Core Strategy policy H9, nonetheless they are expected to provide a good standard of accommodation regarding space, light and ventilation. The Council's draft SPD HMO, PBSA and Co-Living Amenity Standards has yet to be adopted, with limited weight to be afforded to its content at this time. Nevertheless, the communal spaces proposed comprise a kitchen/ dining area of 24sqm and a basement tv/ cinema room of 17.5sqm satisfying the draft SPD's minimum requirement of 14sqm for communal facilities. Bedroom 3 at 8.75sqm falls short of the draft SPD's 10sqm

room size minimum requirement (but with ready access to bathroom facilities), but all other bedrooms exceed the room size requirement (providing between 12.45-17sqm of space). However, it is noted that all bedroom sizes well exceed the minimum sleeping room sizes from single rooms (6.51sqm) and double rooms (10.22sqm) set out in the Government's '*House in Multiple Occupation and residential property licensing reform- Guidance for Local Housing Authorities (2018)*' and in the absence of any other local planning policy requirement, it is considered that, overall, the proposal would not lead to poor living standards. The future occupants would share the kitchen/ dining area (for eating/ congregation/ laundry), the basement tv/cinema (for congregation/ entertainment) and can make use of their own rooms to invite other occupants or guests. As such, it is considered that the HMO would provide adequate accommodation for future occupants of this type of housing and the configuration of the habitable rooms ensures that adequate light penetration and good outlooks to the front and rear are provided.

54. The occupiers will have access to small amenity yard spaces to the front and rear although the quality and usability of these areas is somewhat limited due to confined space. In view of the linear arrangement of terrace properties aligning this part of Longroyd Terrace the modest provision of amenity space is not considered to be out of character with its neighbours. Sufficient space exists to accommodate ancillary items such as bins and cycle storage within the plot. The updated application submission includes an acceptably designed secure cycle storage facility within the yard space on offer and a sufficient number of bins (4no.) to meet the requirements of the Council's Bin Delivery team. The implementation of these details are to be secured by planning condition.
55. Longroyd Terrace contains an arrangement of terrace houses to one side of the carriageway and the residents are entirely reliant on space being available on-street in which to park their vehicles. The application property is a reasonable sized dwelling which brings with it its own parking demand, and this would be balanced against the parking requirements for a 5-bedroom HMO. Overall, the HMO proposal is not considered to generate a materially different parking demand than that of the existing dwelling and given the availability of on-street parking in the vicinity the Council's Highway officer considers that a highway objection relating to parking/ road safety would be difficult to justify.

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

56. Regarding concerns relating to the loss of housing suitable for family occupation in areas of existing high concentrations of HMOs, the determination of this point relates to whether the area has an existing high concentration of HMOs. The immediate area does not and offers an arrangement of terraced housing which is generally suitable for family occupation. Therefore, this proposal would not unacceptably reduce the stock of family housing in this street or within the local area and this planning policy criterion is satisfied.

Impact on visual amenity (incl. design, appearance, character):

57. This proposal involves modest external alterations to the existing property comprising the excavation of a lightwell tight to the rear elevation of the property. This feature will be hidden from wider public view have a neutral visual impact on the appearance of the property and wider streetview.
58. The application proposal was amended to delete a dormer window within the rear roof plane (for reasons of overlooking to Back Longroyd Terrace) and the replacement

through the insertion of rooflights will not be visually intrusive or detract from the property's character or appearance.

59. To facilitate the property conversion the proposed works include the blocking up of a first floor window and applying an external render (antique cream) to the rear elevation. The render treatment is intended to achieve a better standard of finish, by covering up some unsightly brickwork and adjustments to window openings to meet building regulations. Although red brick materials are predominant in this locality, examples of different colour finishes to rear elevations are visible along Back Longroyd Terrace properties and it is considered that as the works are situated to the rear only, they are less widely visible and will not detract significantly on the character or appearance of the original property or adversely impact on the wider streetview.

Impact on residential amenity (incl. comings and goings, space standards):

60. The proposed development is, in use terms, considered compatible in this locality and is not considered to adversely impact on the living conditions of adjacent neighbouring dwellings. Many matters relating to residential amenity were assessed under paragraphs 51-54 of this appraisal and in summary the overall intensity of the proposed HMO at this property is unlikely to create an unacceptable situation in terms of noise and disturbance concerns for nearby residents to justify refusal on these grounds.
61. As stated previously, planning applications for HMOs are not subject to minimum space standards as described in Core Strategy policy H9, nonetheless they are expected to provide a good standard of accommodation regarding space, light and ventilation. In having regard to the emerging guidance on individual room sizes (contained within the Council's draft SPD HMO, PBSA and Co-Living Amenity Standards) the communal space and all bedrooms, except Bedroom 3 are compliant with the stated room size requirements and although this local guidance is afforded limited weight at this stage it is noted that each of the proposed bedrooms achieve the minimum sleeping room sizes outlined within Government HMO guidance. Overall, the configuration of the HMO bedrooms and communal kitchen/ dining space is considered logical and will provide sufficient outlooks and light penetration without creating issues of overlooking to adjacent neighbours with satisfactory amenity space to cater for associated bin and cycle storage facilities. Accordingly, this proposal is not considered to adversely impact on the amenity of nearby occupiers or prejudice the amenity of future occupants of the HMO.

Highways implications:

62. The application site lies within an established residential estate in Beeston with access to nearby public transport links (along Tunstall Road and Dewsbury Road) and can be regarded as a sustainable location.
63. The application property currently provides no off-street parking and occupants are reliant on on-street parking. Representations have raised concern about on-street parking and vehicles using the grassed area opposite, presenting safety issues for pedestrians. However, the proposal is not considered to generate a significantly greater parking demand than the existing dwelling and given the availability of on-street parking in the vicinity, the Council's Highways officer considers it difficult to justify refusal on such grounds. The property retains sufficient outdoor space to accommodate ancillary items such as bins and cycle storage (for which acceptable

cycle storage details have been supplied according to the yard space provided), to encourage sustainable transport options. Overall, the proposal is not considered to compromise the operation of the highway or road safety generally.

Other matters:

64. This application property currently serves as a dwelling with stepped access to both front and rear accesses. The constraints of the site and ground level difference mean there's no potential to provide step free or indeed justify such remedial works to the property under this change of the use proposal.
65. The application site lies within Flood Zone 1 and as the proposal relates to a change of use it is considered that any modifications to drainage infrastructure are best dealt with under the Building Regulations procedure.

Representations:

66. This planning application has attracted local representations citing a range of matters that are considered material to the assessment of this proposal and include the number of HMOs locally, parking related issues, neighbour privacy and have been taken into account in the above appraisal. However, some matters raised, while noted, are not considered material to this planning assessment and include comments relating to the landlord's commercial decisions and the behaviour of future occupiers of the property.

**CONCLUSION:**

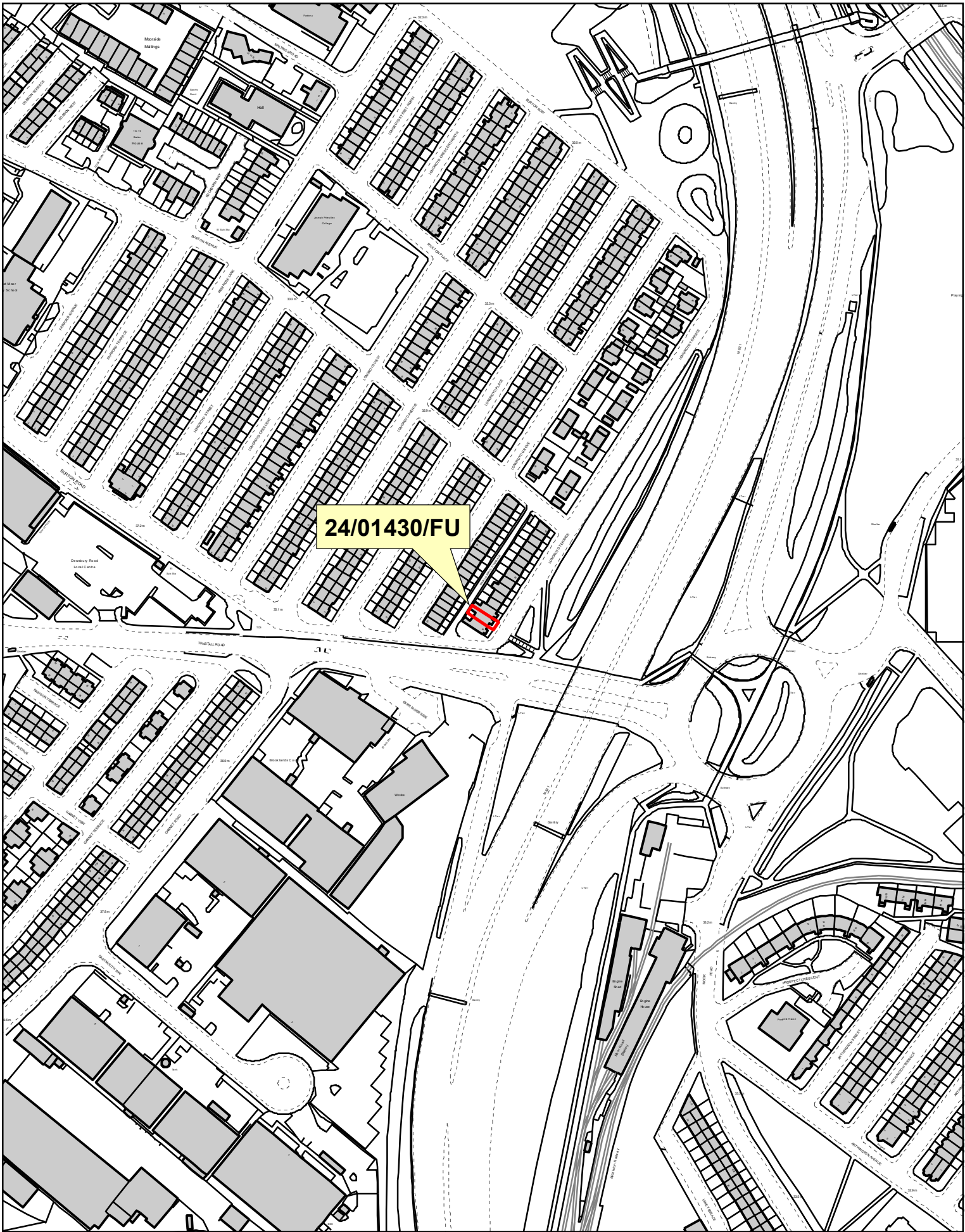
67. The proposed conversion of the application property to form a 5-bed HMO would not result in an unacceptable increase of HMOs in the locality that would undermine the balance and health of the community and would not unduly impact on residential amenity, would not detract the character or appearance of the property or be harmful to the local highway network.
68. The submitted proposal is therefore considered to accord with up-to-date planning policies within the Development Plan with no material considerations to indicate otherwise. In accordance with guidance within the NPPF and Section 38(6) of the Planning and Compulsory Purchase Act, it is recommended that the application be **approved** subject to specified conditions.

**BACKGROUND PAPERS:**

Application file reference: 24/01430/FU

Certificate of ownership: *Certificate B signed on 5<sup>th</sup> March 2024 by the appointed planning agent declaring that requisite notice was served to the landowner.*

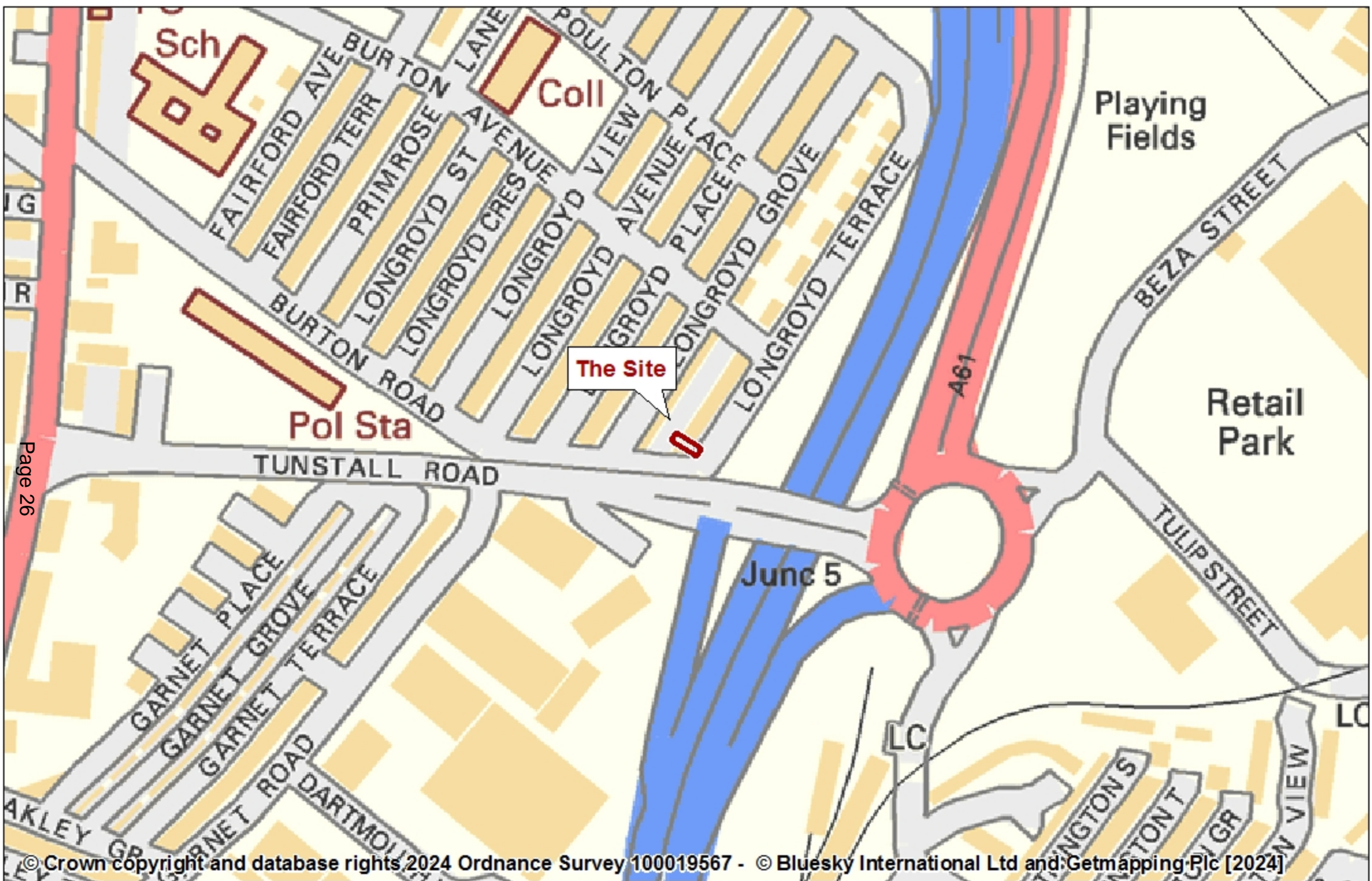




24/01430/FU

# SOUTH AND WEST PLANS PANEL





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# PLANS PANEL PRESENTATION

SCALE 1:2500







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# PLANS PANEL PRESENTATION

SCALE 1:2500



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Originator: M Doherty

## Report of the Chief Planning Officer

### SOUTH & WEST PLANS PANEL

Date: 5<sup>th</sup> September 2024

**Subject: 23/01441/FU Restaurant with drive-thru (Use Class E and Sui Generis) including car park alterations, landscaping, and associated works at Land Adjacent Unit 1 , Kirkstall Retail Park, Savins Mill Way, Kirkstall, Leeds, LS5 3RP**

#### APPLICANT

NewRiver Retail (Ramsay Investment) Ltd

#### DATE VALID

7<sup>th</sup> March 2024

#### TARGET DATE

2<sup>nd</sup> May 2024

#### Electoral Wards Affected:

Kirkstall

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: DEFER AND DELEGATE approval to the Chief Planning Officer subject to the planning conditions specified below and also the completion of a Section 106 agreement to include the following obligations:**

**Highways contributions in the sum of £72,000, consisting of £30,000 for signal timing improvement technology towards the A65/Savins Mill Way and £42,000 toward red light violation cameras within the gyratory.**

**In the circumstances where the Section 106 has not been completed within 3 months of the Panel resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer**

1. Time limit for full permission (3yrs)
2. Permission implemented in accordance with approved plans/ specifications
3. Materials as per approved specification
4. Details of external extract ventilation systems and plant
5. Litter management plan
6. Construction practice management plan
7. Opening Hours

8. Delivery Hours
9. Signage (In and Out)
10. Cycle/Motorcycle Storage
11. Vehicle space to laid out, surfaced and drained
12. Provision for contractor parking
13. Specified highways works for dropped kerbs, pedestrian crossing etc
14. Landscaping details
15. Landscape management plan
16. Provision for replacement trees
17. Development carried out in accordance with biodiversity net gain assessment
18. Development to be carried out in accordance with approved drainage details
19. Requirement to report unexpected contamination
20. Details of any imported soil or imported materials required to be approved

#### **INTRODUCTION:**

1. This planning application involves the creation of a new drive-thru restaurant, car parking area, landscaping and associated works. The application is brought to Plans Panel at the request of ward Councillor Fiona Venner who advises a number of factors are leading to significant highway safety concerns through an increase in traffic, including nearby residential developments and thus the Kirkstall Gyratory system is in crisis leading to regular occurrences of gridlock. This request meets the requirements for referral under the scheme of delegation, giving rise to concerns affecting more than neighbouring properties.

#### **PROPOSAL:**

2. This application seeks to create a new Class E (formerly class A3) retail and Sui-Generis use to the site. The proposed development will comprise of a new single storey retail unit on the site with a drive thru facility, providing a total of 190.9sqm Gross External Floor Area on a Site Area of circa 0.44acres. The unit will be situated on an existing car park which has been out of use for several years.
3. The scheme creates a stand-alone unit which is to be accessed via the existing retail park from Savins Mill Way, via the main route into the existing car park with no changes to the existing access arrangements to the wider site. The existing pedestrian access across the site will be retained providing a link between the bus stop and the neighbouring retail units.
4. The building will sit centrally within the site with a new, one way, drive-thru route creating a circular arrangement along with additional parking, a service bay to the existing route at the east of the site (to the rear of the existing retail units), provision of new landscaping and a small area of external seating.

#### **SITE AND SURROUNDINGS:**

5. Kirkstall Retail Park is located to the south of Savins Mill Way and comprises a parade of three units along the eastern boundary (Matalan, Boots and B&M) with a Morrisons supermarket towards the southern boundary and a petrol filling station and car wash to the northern boundary; the remainder of the site is laid out for car parking with circa 505 spaces.
6. The application site was originally identified for car parking for 39 spaces (including 6 disability spaces) although these spaces have evidently been unavailable for a number of years given the previous permissions on this site for retail units under

applications 14/04851/FU and 16/02515/FU, approved by South and West Plans Panel in July 2015.

7. Vehicular access to the retail park is achieved from Savins Mill Way, adjacent to the rugby ground whose playing pitches adjoin the site to the west, with a separate dedicated service vehicle access further to the east from Savins Mill Way. An additional access road sits to the east of the site which serves the wider developments service yard allowing deliveries.

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

##### Planning applications:

8. Ref: 16/02515/FU  
Description: Retail development (A1 Use Class)  
Decision: Approved  
Date: 28.11.2016
9. Ref: 14/04851/FU  
Description: Construction of two new retail units (class use A1)  
Decision: Approved  
Date: 01.10.2015

##### Pre-application enquiries:

10. None.

##### Planning Enforcement cases:

11. None.

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

12. The application has been the subject of negotiation with highways officers with further information requested regarding traffic and congestion with the scope of a traffic survey extended and agreed between Highways, Traffic Management and the applicants in order to fully assess vehicle movements and highway safety impacts.
13. Meetings have been held with the applicant, case officer and ward members to discuss general concerns raised regarding highway safety impacts, traffic generation and vehicle movements

#### **CONSULTATION RESPONSES:**

##### Statutory Consultees:

14. Coal Authority: No objections

##### Non-Statutory Consultees:

15. Flood Risk Management: No objections subject to conditions.
16. Contaminated Land: No objections subject to conditions.
17. Environmental Health (Pollution Control): No objections subject to conditions.

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

18. Site notice displays posted 27.03.2023  
Newspaper Advertisement published 07.04.2023

26 Letters of objection have been received, including objections from Cllr Fiona Venner, Cllr Hannah Bithell, Cllr Andy Rontree, Cllr Adele Rae and Cllr Kevin Ritchie raising the following concerns,

- Highways safety impacts through additional traffic congestion and vehicle movements, compounded by neighbouring developments underway
- Provision of existing drive-thru restaurants within the locality and thus saturation
- Harm upon existing wildlife and biodiversity
- Air pollution and noise generation
- Additional litter and refuse
- Antisocial behaviour

## **PLANNING POLICIES:**

### *LOCAL PLANNING POLICY AND GUIDANCE*

#### The Development Plan

19. Section 38(6) of the Planning and Compulsory Purchase Act states that for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan, unless material considerations indicate otherwise. The development plan currently comprises the adopted Local Development Framework Core Strategy (as amended 2019), those policies saved from the Leeds Unitary Development Plan Review (2006), the Aire Valley Leeds Area Action Plan (2017), the Natural Resources and Waste Local Plan (as amended 2015), the Site Allocations Plan (as amended 2024) and any made Neighbourhood plan.

20. The following policies from the **Core Strategy** are of most relevance to this development proposal:

General Policy:	Sustainable Development and the NPPF
Policy SP1:	Delivery of spatial development strategy
Policy SP4:	Regeneration priority programme areas
Policy P1:	Town Centre Designations
Policy P2:	Acceptable uses in and on the edge of Town Centres
Policy P9:	Community Facilities
Policy P10:	Design
Policy 12:	Landscape
Policy T2:	Accessibility requirements and new development
Policy G1:	Enhancing/extending Green Infrastructure
Policy G9:	Biodiversity improvements
Policy EN5:	Managing flood Risk
Policy EN8:	EVCP

21. The following saved policies from the **Unitary Development Plan** are of most relevance to this development proposal:

Policy GP5:	Seeks to ensure that development proposals resolve detailed planning considerations, including amenity
Policy N12:	Urban Design
Policy N13:	Design
Policy N23:	Open Space around a development
Policy N24:	Boundaries to open space
Policy N25:	Boundaries of a site to respond positively to the area
Policy BD5:	Building design



22. The following policies from the **Natural Resources and Waste Local DPD** are relevant to this development proposal:

- Policy Land 1: Contamination
- Policy Land 2: Development and trees
- Policy Water 1: Water efficiency
- Policy Water 6: Flood Risk Assessments
- Policy Water7: Surface water management

23. **Site Allocations Plan:**

The site lies within Kirkstall Town Centre (Retail Centre) as outlined within the adopted SAP and map 24 Town Centre Inset Maps along with Map 4 (Hierarchy of Centres) within the Core Strategy.

24. The application site lies outside the defined Aire Valley Leeds Area Action Plan (AVLAAP) and its policies are therefore not relevant to this application.

25. The site lies within the Kirkstall Neighbourhood Area boundary and thus falls within the scope of the Kirkstall Neighbourhood Plan which is not yet adopted. The Kirkstall Neighbourhood Plan is in early draft but has not yet been Made at Referendum.

Relevant Local Supplementary Planning Guidance/Documents

26. The most relevant local supplementary planning guidance (SPG), supplementary planning documents (SPD) are outlined below:

- Hot Food Takeaways SPD
- SPG22 Sustainable Urban Drainage (2004)
- SPG13 Neighbourhoods for Living (2003)
- SPD Transport (2023)

Other relevant documents and Emerging Plan Policies

- 27. Kirkstall Valley Strategic Green Infrastructure
- 28. Leeds Habitat Network
- 29. Climate Change Mitigation: SP0
- 30. Tree Replacement: G2C
- 31. Drive-Thru Development EN9

*NATIONAL PLANNING POLICY AND GUIDANCE*

National Planning Policy Framework

32. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

33. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004). The National Planning Policy Framework is an important material consideration in planning decisions.

34. The following sections of the NPPF are most relevant for the purposes of determining this application:

- Chapter 5: Delivering a sufficient supply of homes**
- Chapter 8: Promoting healthy and safe communities**
- Chapter 9: Promoting sustainable transport**
- Chapter 11: Making effective use of land**
- Chapter 12: Achieving well-designed places**
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change**

National Planning Practice Guidance

35. The Planning Practice Guidance (PPG) provides commentary on the application of policies within the NPPF. The PPG also provides guidance in relation to the imposition of planning conditions. It sets out that conditions should only be imposed where they are necessary; relevant to planning and to the development to be permitted; enforceable; precise and reasonable in all other respects.

**CLIMATE EMERGENCY:**

36. The Council declared a climate emergency on the 27<sup>th</sup> March 2019 in response to the UN's report on Climate Change.
37. The Planning Act 2008, alongside the Climate Change Act 2008, sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.
38. As part of the Council's Best City Ambition, the Council seeks to deliver a low-carbon and affordable transport network, as well as protecting nature and enhancing habitats for wildlife. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.

**PUBLIC SECTOR EQUALITY DUTY:**

39. The Equality Act 2010 requires local authorities to comply with the Public Sector Equality Duty. Taking into account all known factors and considerations, the requirement to consider, and have due regard to, the needs of diverse groups to eliminate discrimination, advance equality of opportunity and access, and foster good relations between different groups in the community has been fully taken into account in the consideration of the planning application to date and at the time of making the recommendation in this report.
40. In this instance it is considered that the proposals do not raise any specific implications in these respects and therefore it is not considered that a full Equality, Diversity, Cohesion and Integration Impact Assessment (EDCI) is required.

**MAIN ISSUES:**

1. Principle of development
2. Impact on visual amenity
3. Impact on residential amenity
4. Highways implications
5. Landscaping and Biodiversity
6. Other matters
7. Representations

## **APPRAISAL:**

### **Principle of development**

Spatial Policy 1 of the Core Strategy seeks to deliver the spatial development strategy based on the Leeds settlement hierarchy and to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services, high levels of accessibility, priorities for urban regeneration and an appropriate balance of brownfield and greenfield land. The distribution and scale of development will be in accordance with the following principles:

- (i) The largest amount of development will be located in the Main Urban Area and Major Settlements. Smaller Settlements will contribute to development needs, with the scale of growth having regard to the settlement's size, function and sustainability,
- (ii) In applying (i) above, the priority for identifying land for development will be as follows:
  - a. Previously developed land and buildings within the Main Urban Area / relevant settlement,
  - b. Other suitable infill sites within the Main Urban Area / relevant settlement,
  - c. Key locations identified as sustainable extensions to the Main Urban Area / relevant settlement,
- (iii) For development to respect and enhance the local character and identity of places and neighbourhoods,
- (iv) To prioritise new office, retail, service, leisure and cultural facilities in Leeds City Centre and the town centres across the District, maximising the opportunities that the existing services and high levels of accessibility and sustainability to new development.

Spatial Policy 2 supports a centres first approach supported by sequential and impact assessments. The Council will direct retailing, offices, intensive leisure and culture, and community development to the City Centre and designated town and local centres in order to promote their vitality and viability as the focus for shopping, employment, leisure, culture, and community services. Proposals which would undermine that approach will not be supported.

The application site lies within Kirkstall Town Centre, as designed by the Site Allocations Plan and Policy P1 of the Core Strategy. The National Planning Policy Framework (NPPF) is supportive (para 86) of town centres and retail stating that Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management, and adaptation.

Policy P2 outlines acceptable uses in and on the edge of Town Centres. Town centres offer shopping and services intended to meet weekly and day-to-day requirements. The uses set out below are acceptable in principle in and, subject to a sequential assessment, edge of centre, and will be directed towards the centres listed in Policy P1.

- Shops, supermarkets and superstores,
- Non-retail services,
- Restaurants and cafes, drinking establishments and hot food takeaways,
- Intensive leisure and cultural uses including theatres, museums, concert halls, cinemas, leisure centres, gyms and hotels,

The site is considered to fall within a highly sustainable location with excellent public transport links, including bus stops within 10 meters of the site, along with the site being linked to Savins Mill Way and the A65, a main arterial route into the City Centre.

The application site is located within Flood Zone 2 and there have been no records of any recent flooding within the property or adjacent areas. An initial review has also identified that there are no known surface water flood risks which would impact on the proposed development. Wider works to reduce flood risk are now partially complete with works at Kirkstall Bridge underway as part of the Flood Alleviation Scheme (FAS)

The Council has prepared a Supplementary Planning Document (SPD) on Hot Food Takeaways (HFT). This aims to control the location of hot food takeaways that are in close proximity to secondary schools, and where clustering of several hot food takeaways can produce negative impacts. Whilst the use-class order has changed since the adoption of the SPD, it is clear from table 5 (page 7) that the guidance should be applied to fast food drive through proposals.

HFT1 makes clear that planning permission will not be granted within 500m of a secondary school main entrance, except within the boundaries of designated centres. The development site does not lie within 500m of a secondary school.

HT2 states that permission will not be granted where the proposal would result in the clustering of hot food takeaway uses which would detrimentally hard the function and vitality of centres and neighbourhood parades, or would have a detrimental impact on the amenity of occupants of the adjacent and connected properties. A definition of clustering is provided within the SPD. In the case of this application, it is acknowledged two existing HFTs are present to the A65, close to the junction with Beecroft Street (Pizza Connection and Pizza Pizza). As each of the parades contains less than 5 units and two HFTs are present this does not meet the definition of "clustering" as defined by the SPD.

HFT3 relates to amenity considerations. It identifies that when considering suitable opening times, the impact on residential amenity, whether there is an existing nighttime economy in the area, and the existing character and levels of activity and noise in the area, will need to be taken into account. An assessment of the proposals against Policy HFT3 will set out in detail within the Residential Amenity section of this report.

Furthermore, the site history identifies that two previously granted permissions for retail units (16/02515/FU and 14/04851/FU) have not been implemented with the applicant siting long term occupancy for retail provision has been unviable due to introduction of Class E on 01.09.2020 which allows flexibility to move from some 'main town centre uses', e.g. retail, food and drink, offices, but also includes other uses which are not defined as "main town centre uses", e.g. medical services and some industrial uses without the need for planning permission.

It is considered the proposals, given the use sought, are acceptable within the designated Kirkstall Town Centre meeting with the aims of Spatial Policies 1 and 2 which carry significant weight, above that of the HFT SPD. In addition, given the sites sustainable location it is considered the principle of the development is acceptable.

#### **Impact on visual amenity (incl. design, appearance, character):**

The application site lies within the Town Centre surrounded by various commercial uses and the main highway (Savins Mill Way and A65) along with existing, large scale, retail units to the south and a petrol filling station to the west. Given the commercial nature of the wider area it is considered re-developing the site for use as a drive-thru restaurant creates a limited impact upon visual amenity, with such schemes directed toward Town centres.

The design of the building comprises of a low-rise, part single storey building, when viewed against the larger adjacent retail units. The design of the building is dictated by the drive-thru

itself, providing a compact layout with the principal drive thru entrance being easily visible and accessible from the existing access road for both take away and dine in customers. The proportions of the facades have been designed to provide a contemporary style building with more glazing, bracing up any associated bulk and mass.

The building's façade feature a combination of masonry, feature timber cladding and composite cladding consisting of the following,

- Yellow Multi-Brick – Istock Coleridge
- Flat, smooth composite cladding (Mushroom Colour), Kingspan KS1000 FL-S
- Feature Parapet cladding (Traffic Red RAL 3020)
- Timber effect cladding, Nichiha traditional Cedar

It is considered the use of such materials within a Town Centre location is acceptable due to the mixed palette of materials and presence of various signage, advertisements and building forms. The proposed materials are subject to a condition which requires installation and use as per the approved specification.

The design of the proposed building is considered appropriate for the Town Centre location and thus, subject to the aforementioned conditions. The proposal is therefore considered to accord with policy P10 of the Core Strategy and the guidance on good design appropriate to the local context contained within the NPPF

### **Impact on residential amenity:**

The proposals seek to create a new restaurant and drive-thru thus require the provision for external extract systems and plant to facilitate the cooking of food and odour removal. The installation of such external plant within the site is considered acceptable given its commercial, town centre, location. The development site sits isolated from any residential properties due to its location within the wider retail park. The nearest residential properties are located at the junction of Savins Mill Way and the A65 approximately 40 meters from the site along with existing flats to the east, fronting onto the A65, approximately 50 meters away. These distances are considered sufficient to prevent any significant adverse impact upon residential amenity through noise generation or odours.

Conditions are attached to the recommendation which require full details of external plant, ventilation systems and extract provision in order to ensure these do not adversely impact neighbouring amenity through noise or odours. The conditions specify that noise emitted from any external plant shall be no higher than existing background noise when measured at noise sensitive premises along with requirements that the plant is installed and maintained in accordance with any approved details.

The applicant seeks operational hours of 07:00 to 00:00. It is acknowledged this allows the restaurant to operate over the majority of the day however given the commercial location of the site it is considered to create a limited impact upon neighbouring amenity with the adjacent businesses and uses operating various hours along with an absence of residential properties in close proximity which carries further weight. It is considered the opening hours, within the site's context, are not excessive and thus are acceptable. In addition, delivery hours of 07:00 to 17:00 are sought which would prevent delivery vehicles attending the site late at night and thus preventing any noise associated with deliveries during unsociable hours.

Environmental Health officers have been consulted on the proposals and raised no objections subject to the attachment of suitable conditions requiring operational specifications of external plant and ventilation equipment are provided. These details will ensure the LPA can make a full assessment of such equipment, prior to installation, to

ensure that suitable noise mitigation measures are in place or noise limiting equipment is used. In addition, Environmental Health officers have requested a condition is attached which requires a litter management plan and thus a strategy on how the applicant will prevent issues of excess litter being created.

It is considered, given the Town Centre location of the site, the proposals do not create a significant adverse impact upon neighbouring residential amenity.

### **Highways implications:**

#### **Access:**

The proposals seek to re-establish access from the sites frontage, within the retail park, with a one-way drive-thru system. The access creates a circular route around the main restaurant which allows drivers to utilise the drive-thru windows or park and enter the restaurant.

#### **Parking**

The parking provision as set out in the Transport SPD for Restaurants, Cafés and Drinking Establishments is 1 space per 10 sqm of the customer floor area. The proposed customer floor area is 63 sqm as noted on plan MH1269-02 Rev. B, hence provision of 6 car parking spaces (including 1 disabled space) is acceptable. In addition, 2 grill bays are proposed to the south of the restaurant building by converting two existing spaces which is considered acceptable.

One of the car parking spaces should have a rapid EV charge point (50 kW), and be 2.6m in width with a requirement that the disabled parking space should also have an accessible EV charge point. These details can be secured by and appropriately worded condition.

A Transport Statement (TS) has been submitted in support of the planning application. The car park has 510 spaces in total, of which approximately 338 spaces were occupied on a Friday afternoon (i.e. 66.3%) and 404 spaces on a Saturday afternoon (i.e. 79.2%). The surveys were undertaken on Friday 18th November 2022 and Saturday 19th November 2022. From this data, it is accepted that the retail park does have capacity to accommodate parking overspill (if any) generated by the development.

In terms of cycle parking, the applicant has sought to provide Sheffield type stands near the main entrance and to the south of the proposed car park which are acceptable in principle. However, the stands should be spaced by at least 1.2m from each other and thus amended details provided via the suggested conditions. The ASGARD shed for long stay cycle parking (for staff) is also considered acceptable providing that this could be secured/locked and is covered.

Conditions are also recommended that details are provided to the LPA for contractor parking, including a statement of construction practice to ensure a suitable arrangement is provided during the development. These details are required to indicate vehicle routing, means of loading, deliveries, methods to control mud and dirt on the highway and how the statement will be made publicly available.

#### **Traffic Impact Assessment:**

The development is expected to generate 24 and 30 two-way 'primary' trips during the Friday PM peak and the Saturday peak hours respectively. Similarly, it would generate 31 and 57 two-way 'pass-by' trips during the Friday PM peak and Saturday peak hours respectively. Therefore, a capacity assessment was undertaken for the A65 / Savins Mill Way gyratory to

assess the impacts. Given the proximity and how the signals interact with each other, the whole gyratory was modelled for the Friday PM peak and Saturday peak hours. Extensive discussions and consultation have taken place between the Local Highways Authority and the applicants transport consultant to agree the basis of a TRANSYT model for the A65 / Savins Mill Way gyratory, which was received on 21.03.2024.

The model for the entire gyratory recorded the highest degree of saturation on Savins Mill Way and Bridge Road during a Friday PM peak. This was tested in two assessment scenarios; the first one included committed developments in the area and the background traffic growth. The second assessment scenario included committed developments, background traffic growth and the proposed development's traffic. In the first assessment scenario, the degree of saturation was recorded at 112%. In the second assessment scenario, the degree of saturation was recorded at 107%. Similarly, during the Saturday peak, the highest degree of saturation was recorded at 125% for the first assessment scenario and 124% for the second assessment scenario.

The model therefore reflects that with an improved technology (which would be secured through a S106 contribution), the development in of itself would not result in a severe impact or exacerbate the traffic conditions on the A65. The model reflects that some delay could be reduced at the gyratory by manipulating the existing detectors / signal timings to give more responsive signals, through technology upgrades and thus near real time monitoring across a greater area. These smart changes would allow for increased queue and occupancy monitoring across the gyratory providing further gains to the operation of the gyratory. Furthermore, these improvements would allow closer monitoring of real time information to allow signal timings to be altered on demand.

Additionally, the A65 / Savins Mill Way meets the requirements to introduce red light violation cameras. Therefore, a further £42,000 would be required for such infrastructure to be provided, which would enhance safety by enforcing against red light violations.

Subject to implementing the above measures through a S106 contribution, the impact of the development on the adjacent highway network could be cost-effectively and proportionally mitigated to an acceptable degree, thereby meeting the aims of policy T2 of the Core Strategy along with the NPPF tests and the Transport SPD. The applicants accept the above recommendations and are agreeable to a S106 agreement to secure the required contributions.

#### Internal Layout, Servicing and Refuse Storage:

The proposed bin store to the rear of the unit is considered acceptable. Additional bins will need to be provided near the main entrance, adjacent to the car parking spaces and near the proposed grill bays in order to ensure adequate refuse capacity to avoid excessive litter. These details, in conjunction with both highways officers and environmental health officers requirements can be secured by condition, requiring a litter management plan.

Highways raise no objections to the proposed development, subject to the aforementioned conditions and S106 contributions towards the A65 and Savins Mill Way. In light of this the proposals are considered to comply with Core Strategy Policy T2 along with the Transport SPD.

#### Landscaping and Biodiversity

The proposed layout includes the provision for the retention of the existing ornamental shrubbery to the north eastern boundary which is included within the Leeds Habitat Network along with an existing tree (T3 – Horse chestnut). The applicant has submitted a Biodiversity

Net Gain Assessment which outlines the majority of the existing scrub to the site is in poor condition with no on-going management, assessed as having a baseline score of 0.76 habitat units. The scheme seeks to remove these areas of scrub with re-planting of ornamental species along with a further four Horse Chestnut's to the northern boundary which will provide screening from Savins Mill Way and a green buffer to the site frontage. This replanting creates a post-development score of 0.82 habitat units and a biodiversity net gain of 7.64%.

It is acknowledged the above score does not achieve the current 10% mandatory net gain however, the application was validated on 07.03.2023 prior to the adoption of the mandatory requirement on 12.02.2024 thus the development is considered to provide a net gain inline with the requirements of policy G9 of the Core Strategy and is thus considered compliant. Conditions are recommended to be attached which require the development is carried out in accordance with the approved biodiversity assessment with the measures implemented prior to the commencement of operations.

The development seeks to incorporate general new landscaping measures to its layout along with the proposed planting. A condition is attached to the permission which requires details of hard and soft landscaping measures to be agreed prior to first use along with a landscape management plan to ensure landscaping is maintained for the lifetime of the development. In addition, given new tree planting is proposed a condition is recommended which requires any trees which are damaged, up rooted or die be replaced within the first five years of the development to ensure new trees are well established and maintained.

#### **Other matters:**

##### Drainage

41. The applicant has provided full surface and foul water drainage details. These are considered acceptable and demonstrate that the development can be drained in accordance with the relevant regulations. Therefore, subject to the works being completed in accordance with the submitted information, Flood Risk Management have no objections to the proposed development.

##### Contamination

42. An up-to-date desk top study has been submitted in support of the application. These details are considered acceptable by contamination officers, subject to the attachment of conditions requiring notification in the event of unexpected contamination and information regarding any imported soil to the site.

##### Access

43. The Disability Discrimination Act 2005 requires building designs to promote equality of opportunity for people with disabilities. Access and inclusion will be facilitated in the design through complete compliance with Building Regulations Approved Document Part M. The design of the development aims to promote access for all users and ensure that all users, including disabled people, older people and younger children, can move across the site on equal terms.

#### **CONCLUSION:**

44. The proposed restaurant and drive-thru is considered acceptable within Kirkstall Town Centre and would not unduly impact on the residential amenity or create a significant adverse impact upon the highway network, subject to the above mitigation measures secured via a S106 agreement.
45. The submitted proposal is therefore considered to accord with up-to-date planning policies within the Development Plan with no material considerations to indicate otherwise. In accordance with guidance within the NPPF and Section 38(6) of the

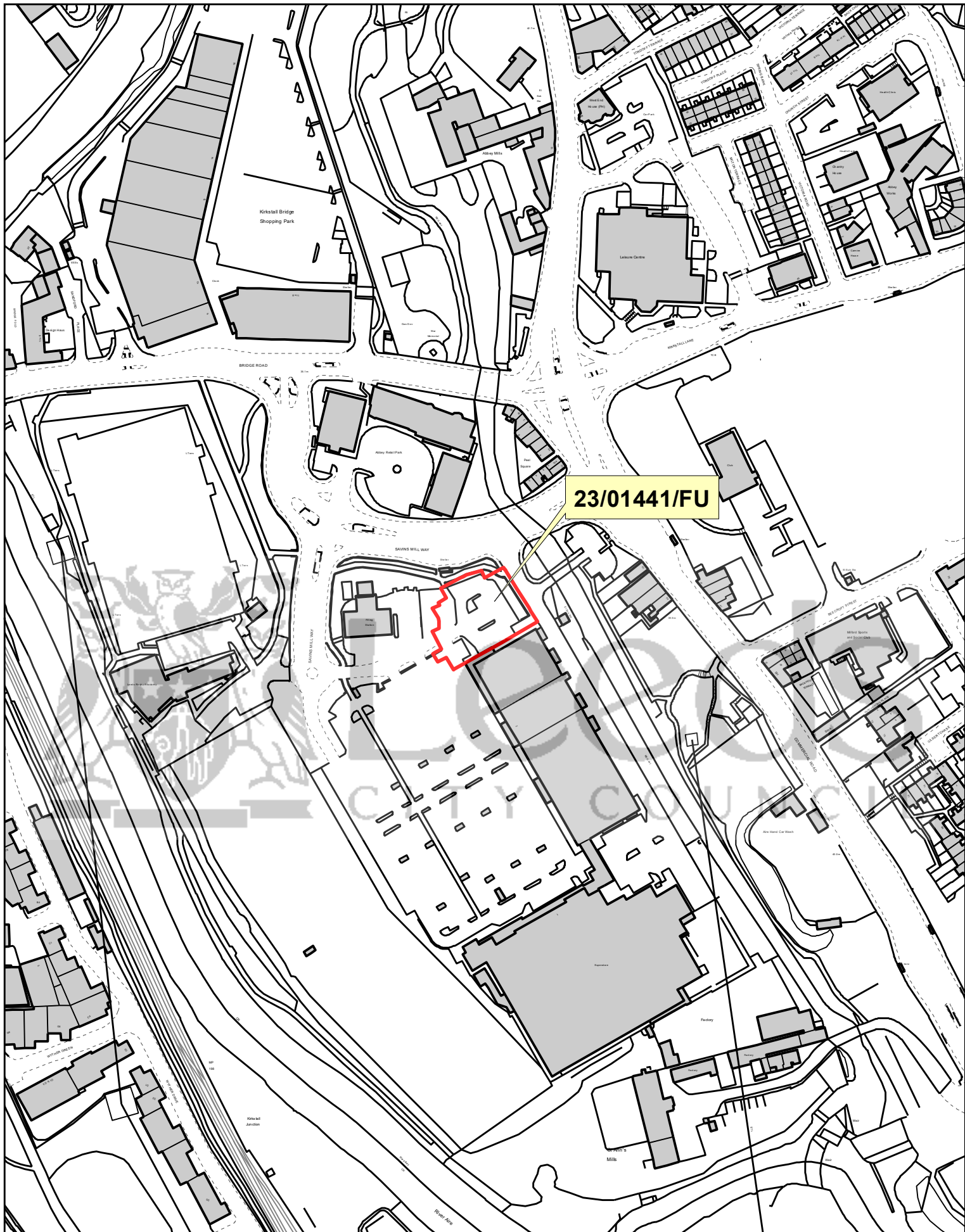


Planning and Compulsory Purchase Act, it is recommended that the application be **approved** subject to specified conditions.

**BACKGROUND PAPERS:**

Application file reference: 23/01441/FU

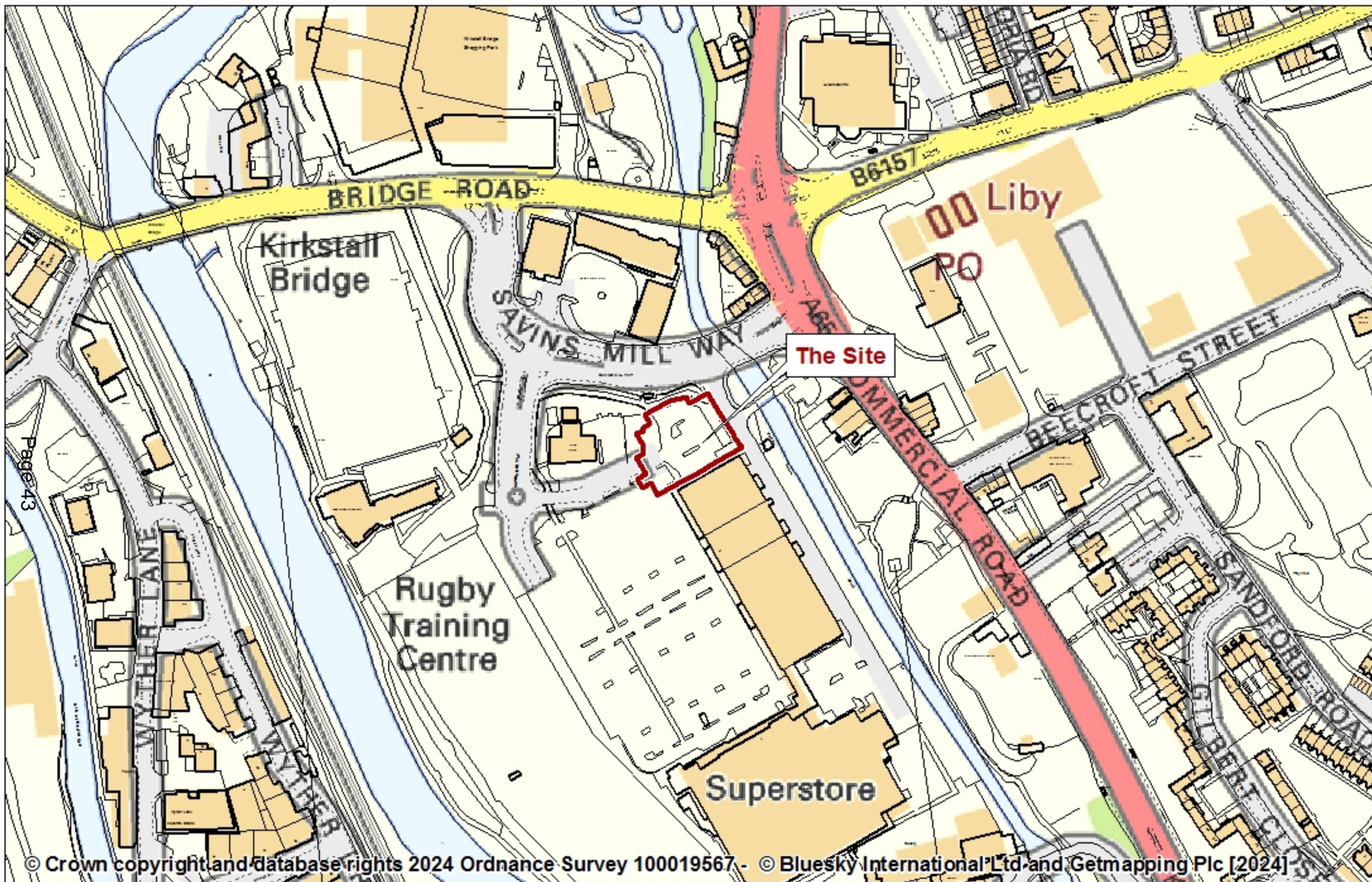
Certificate of ownership: *Certificate A signed on 24<sup>th</sup> February 2024 by the appointed planning agent.*



# SOUTH AND WEST PLANS PANEL







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# PLANS PANEL PRESENTATION

SCALE 1:2500





