



Report of the Chief Planning Officer

SOUTH & WEST PLANS PANEL

Date: 6th August 2015

Subject: PLANNING APPLICATION 14/07087/FU: Retrospective change of use of land and buildings from B2 to B8 with 48 storage containers

at: St. Ann's Mills, Commercial Road, Kirkstall Leeds LS5 3AE

APPLICANT

Mrs H McFadden

DATE VALID

13th February 2015

TARGET DATE

10th August 2015

Electoral Wards Affected:

Kirkstall

Y

Ward Members consulted
(Referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION, SUBJECT TO THE FOLLOWING CONDITIONS:

1. 6 month time limit on implementation of approved plans (to include removal of signage, relocation of containers on eastern boundary and planting of buffer to LA approval; removal of containers on LCC land adjacent to St. Ann's Mill building and relocation of security gates).
2. Full compliance with recommendations of Flood Risk Assessment.
3. Restriction of use within B8 class to storage only (no distribution).
4. No stacking of containers across whole site.

1.0 INTRODUCTION

- 1.1 This major application for the retrospective change of use of a former industrial site (use class B2) to a containerised self-storage centre (B8) with warehouses and new

security gates, is considered acceptable in terms of its principle, its impact on visual amenity, flood risk and highway safety. It is brought before the South and West Plans Panel at the request of Councillor John Illingworth due to concerns over the appearance of the site (particularly on the adjacent public right of way and Goitside Walk), the loss of employment land to a use that will employ a minimal number of people, and (prior to the revision of the plans to address these matters) the obstruction of an informal right of way with security gates, the use of land outside the red-line boundary, and the potential impact on wider, long-term proposals for an urban park and visitor centre on surrounding land.

2.0 PROPOSAL

- 2.1 Retrospective permission is sought for the siting of 48 small (half-size) blue steel shipping containers, to be rented to members of the public for storage of personal items, furniture etc. These have been arranged in rows on the northern, predominantly open part of the site. The existing workshop buildings to the south-eastern corner have been retained and are also to be used for B8 storage purposes.
- 2.3 To the western end of the site, a number of containers have been positioned on land to the north of St. Ann's Mills which is owned by Leeds City Council. Further containers have been sited to the eastern boundary, overhanging the embankment of the mill goit and land outside the applicant's ownership. An electrically-operated security gate, controlled from within the security office located on the ground floor of the two-storey building to the east of the main mill, has also been installed, preventing access to the northern side of St. Ann's Mill and the land to the west of this.
- 2.4 Finally, a large double sided sign board has been erected on the eastern side of the access drive from Commercial Road, on a narrow strip of grassed land formed by the return of the access drive and the main road. This is non-illuminated and advertises 'Big Mc's Container Storage' and contact / pricing details in white and yellow lettering on a black background.
- 2.5 In response to the concerns of Officers and Councillor Illingworth, a revised plan has been submitted showing removal of the sign, relocation of the gates to enclose only the applicant's land, repositioning of the containers on the goitside to provide a buffer strip of average 3.0m width for planting of screening vegetation, and removal of containers to the west of the site which are currently located on Council land and blocking access to the rear of the main mill building.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application refers to a former textile mill site located on the western side of Commercial Road in Kirkstall. The site is set down from the road on the floor of the Aire Valley, and is approached via a meandering tarmac driveway which passes over the wooded embankments of the former mill goit via a single-width bridge, and through a pair of gates on the western side of the goit. There are a number of signs at the head of the driveway, generally to the southern side adjacent to the main road, advertising existing and previous businesses that operate(d) from the mill complex. There is no planning history for most of these signs.
- 3.2 The mill itself is located to the western end of the access road, and comprises a stone building over three stories. Its unusual appearance results from the loss of the fourth floor, pitched roof and part of the stair tower to a fire in the late 1970s. This main

building is currently secured and vacant. Other remnants of the original complex survive in the form of a number of stone and brick single and two-storey workshops lining the northern side of the access road. These are owned by the Council and several are rented to tenants including a car repair workshop and tyre sales company.

- 3.3 The land to the southern part of the drive was most recently used by a vehicle dismantler but is now also believed to be vacant. It is bounded to the driveway side by a palisade fence and to the south by the River Aire, which curves sharply at this point away from the main road. A large expanse of land to the rear of the mill was once occupied by extensive weaving sheds, but these have been cleared leaving an overgrown area of hard surfaced land bounded by the Morrison's store to the north and the river to the south.
- 3.4 The wedge-shaped area acquired by the applicant is located to the north of the cluster of stone buildings and is bounded on the opposite side by the rear of the large, flat-roofed Morrison's store. It was until around 2011 occupied by a series of buildings which extended up to the western embankment of the mill goit but which were destroyed in a fire and subsequently demolished. Evidence of these is present in the outlines of gables to the remaining structures and fixing points for steel frames set into the concrete surface.
- 3.5 Two buildings survived and remain on this part of the site: a rendered two-storey structure to the site entrance which is understood to be used as a small gym, a single flat and toilets / security office, and a much larger building adjacent to the watercourse which is constructed in rendered blockwork and roofed in corrugated asbestos. The remainder of the property has been covered with rows of blue-painted shipping containers with a parking area to the centre of the site.
- 3.6 The Aire Valley along Kirkstall Road is designated as Urban Green Corridor (saved UDP Policy H8) and is also adjacent to the Kirkstall S2 centre, which follows the outline of the Morrison's supermarket. Whilst there are no other designations or allocations which affect the site, it lies within the Environment Agency's Flood Risk Zone 3, and is considered at high risk of flooding due to its proximity to the river and other watercourses.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Aside from the 2009 approval for use of the buildings for general industrial purposes (B2), there are no previous planning applications associated with this part of the site.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The scheme as initially submitted reflected the current layout of the site, including the containers on the goitside and the gates and containers on Council-owned land. The applicant was advised that these issues would require resolution in the form of a revised plan before the scheme could receive Officer support. Subsequently a revised plan was provided in line with Officer advice and on balance it is now considered that the application can be brought before the South and West Panel with a recommendation of approval.

6.0 PUBLIC/ LOCAL RESPONSE:

6.1 A Major site notice was posted at the site entrance on 20th February 2015, and a press advertisement placed in the 5th March edition of the Yorkshire Evening Post newspaper. In addition to this, the Kirkstall ward members were consulted as part of the process.

6.2 A letter of objection was received in response to this notification from Councillor John Illingworth, the content of which can be summarised as follows:

The retrospective nature of the development, including elements on land outside the submitted red-line boundary. The gates, containers and signage have been sited on Council land without first obtaining permission, and should be removed prior to applying for consent;

The two security gates which have been installed (one adjacent to the bridge, another at the site entrance alongside St. Ann's Mill itself) are obstructing a public right of way which has been in use since at least 1985 and have been attached to buildings owned by Leeds City Council without permission;

Trees have been removed and containers sited on the top of the embankment of the former mill goit. These are painted royal blue and are highly visible from a section of the Goitside Walk, a public footpath which follows the line of the goit and was constructed under a community programme by local residents in the 1980s, and significantly harmed its appearance and the local environment;

The land was last in B2 use, following a planning application for general industrial purposes approved in 2009. Whilst industry provides employment and creates wealth in the local community, containerised storage requires minimal supervision and may serve to facilitate criminal activities.

6.3 In a follow-up comment, Councillor Illingworth also noted that the application is premature, as it pre-empts the Kirkstall Neighbourhood Plan, which would protect the goitside and riverside routes and formalise proposals for a Kirkstall Valley Park on this and surrounding land, and which is under development at the time of writing.

6.4 Two further letters of objection have been received from local contributors. Their concerns reflect those raised by Councillor Illingworth; namely, obstruction of the public access to the mills by a gate on Council land, and the placement of unsightly containers on the goit side where they are highly visible and harm visual amenity.

7.0 CONSULTATION RESPONSES:

Environment Agency: The recommendations of the Flood Risk Assessment that containers be secured against flotation and vulnerable items are stored above 1.2m should be conditioned. However this was later revised to state that containers which have been placed outside the site boundary should be removed, as they could cause the goit embankment to become unstable and will impede access by Environment Agency contractors to access the bank on foot for inspection and maintenance purposes.

Highways: No fundamental concerns about the level of development or access / parking situation due to the controlled entry arrangements and low staff parking requirements. However, a condition to restrict the use to storage only (rather than a

general B8 use which could include a distribution element for which the site is not considered suitable) has been recommended.

Flood Risk Management: advise that as per the findings of the Flood Risk Assessment, the flood risk to the development is not significant and that subject to the securing of containers against flotation and the storage of items susceptible to flood damage at a height of at least 1.2m (warehouse only), the proposals can be supported.

Local Plans: no objection to the change of use land provided that the site remains within the 'B' use classes (thus ensuring that should its reversion to B2 be necessary, this would not require planning permission).

Public Rights of Way: Formal footpaths run along the rear of the Morrisons superstore and along the goitside; these were provided by a s106 agreement from the store and a local group respectively. The public have been using an access through the mill site which has now been obstructed by security gates. These should be removed and formal access provided to link the two footpaths and provide access to the riverside, which should be kept open for public access on foot at all times.

8.0 PLANNING POLICIES:

Local Planning Policies:

Core Strategy

- Policy T2: New development should be located in accessible locations and served by existing or programmed highways improvements, public transport and infrastructure for pedestrians, cyclists and disabled people.
- Policy EC3 refers to the safeguarding of sites currently or last used for employment purposes, the development of which will only be permitted if the proposal would not result in the loss of a deliverable employment site or the existing buildings / land are considered non-viable for employment use.
- Policy P10: New development will be expected to provide high standards of design appropriate to its scale, location and function and taking into consideration local context, car parking and the prevention of crime.

UDPR 2006

In the interim period during the preparation of Supplementary Planning Documents, a number of the policies contained in the Leeds Unitary Development Plan ("UDP") have been 'saved'. The Leeds UDP Review was adopted in 2006. The most relevant Policies from the Leeds Unitary Development Plan are listed below: -

- UDP policy GP5 seeks to ensure all detailed planning considerations are resolved as part of the application process including the protection of local residents amenities.
- UDP policy BD5 seeks to ensure that all new developments respect the surrounding context.

Government Planning Policy Guidance/Statements:

In addition to the Development Plan documents, the Coalition Government's National Planning Policy Framework replaced more than 40 Planning Policy Statements and Guidance Notes in March 2012. Chapters 1 (economy), 7 (design) and 10 (flooding and climate change) are of particular relevance.

9.0 MAIN ISSUES:

9.1 Having considered this application and representations, the main issues for consideration are thus:

1. Principle of change of use
2. Impact on visual amenity
3. Highways
4. Access and Public Rights of Way
5. Flood Risk
6. Representations

10.0 APPRAISAL

Principle of Development

- 10.1 It is understood that the buildings including the main mill itself, were originally constructed in the 19th Century for textile manufacturing purposes. As with many similar sites in Leeds, as this traditional local industry declined due to overseas competition, other commercial and lighter industrial uses moved into the former factories. In the late 1970s, the top floor and roof of the main building were destroyed in a fire, and more recently a similar event befell the large north-light weaving sheds which were formerly located on the part of the site now occupied by the containers, in this case the damage being significant enough to require demolition.
- 10.2 The last lawful use of the building before its loss was for general industrial purposes (B2) It may have been in this use before the receipt of a planning application in 2009 which explicitly granted consent for 'general industry'. The site is believed to have been used for recycling purposes until the fire and subsequent acquisition by the applicant. As such it is almost certain that its last lawful use was for B2 purposes.
- 10.3 Policy EC3 of the Core Strategy states that the development (including change of use) of sites last used for employment purposes will only be permitted if it can be demonstrated that there is no shortfall of suitable alternative employment sites in the area or that the existing land and / or buildings are no longer viable for employment use. However in this instance the Local Plans officer is satisfied that a change to B8 would not constitute a loss of employment land. This is because the site would remain within the 'B' (business) use classification. It could be changed to a B1 (light industry / office) use without the need for planning consent, as this is a permitted change within the Use Classes Order (2015). Moreover, the change of use to storage would also not be required were it not for the loss of the original buildings and associated physical alterations in the form of siting containers, since B2 to B8 is also a permitted change.

- 10.4 For this reason, the change of use to B8 is considered acceptable subject to restrictions on the use to limit it to storage and omit the 'distribution' element of the B8 classification (for highways reasons which are discussed below).

Visual Amenity

- 10.5 The site is not only set down from the main road and separated from it by the heavily wooded goitside and surrounding land, but it is also screened from all sides. To the north, the 5m walls of the adjacent Morrison's store form the site boundary, whilst the main St. Ann's Mill building itself greatly limits views from the west and the riverside area. To the south, the containers are rendered invisible from the main access drive by the surviving run of smaller stone buildings and workshops, which form a terrace of two-storey development along this part of the site.
- 10.7 As such, the only place from which the containers are currently visible is also the most sensitive part of the site – the Goitside Walk to the eastern side of the former mill race. On the eastern side of the site, containers have been positioned in a staggered row along the boundary where the destroyed mill buildings formerly abutted the goit embankment. It is unclear whether there has been significant tree removal to this part of the embankment but the visual impact of the containers is significant, partly due to their bright blue colour, which is extremely prominent in a landscape dominated by natural tones, and partly because of their proximity to the embankment, appearing to overhang it in several locations and preventing the establishment of screening planting to the east.
- 10.8 However, the applicant has agreed to reposition these containers and provide soft landscaping to conceal the containers from public view. A planted area, measuring 2.6m at the southern end increasing to 3.4m where the northern corner of the site abuts the Morrison's supermarket, will be provided for this purpose. This is shown on the revised plan and it is considered that, subject to conditions to provide a planting schedule and timescale for implementation, the revisions are sufficient to address the concerns about the harm to visual amenity resulting from the containers providing the containers are not stacked. A condition is therefore suggested to prevent the raising of the height of the containers across the whole site.
- 10.9 Two additional containers are located on land adjacent to the goit and access bridge; these are painted dark green and located against the easternmost building in the run of stone structures, so are less prominent, however they are also large, full-sized containers stacked one on top of another. It has been established that these containers are not within the ownership of the applicant or sited on their land, but are associated with the car repair workshop which operates from the adjacent unit. Since they do not have a planning history and were (from local accounts) sited in the last 2-3 years, this matter will be subject to an Enforcement investigation.
- 10.10 A sign has been erected without consent to the grass verge adjacent to the main road entrance. This sign, although not illuminated, is of considerable size and prominence due to its location. It is not compliant with policies which state that signs should be modest in size and not result in harm to visual amenity, and an application for advertisement consent based on the current sign would be unlikely to be supported. The applicant has been made aware of this and has agreed to remove the roadside sign and replace it with a smaller advertisement amongst the cluster of signs advertising other businesses based at the mills – this would be subject to a separate application for advertisement consent.

Highways

- 10.11 The proposal is considered acceptable in terms of its impact on highway safety and parking. Whilst the parking provision within the site is informal, with space generally provided towards the centre of the site, the Highways Officer has confirmed that because the access is controlled and high levels of concurrent vehicle movements are unlikely, that these parking arrangements can be accepted. Similarly the repositioning of the electrically operated security gate to the boundary of the site is not objected to.
- 10.12 The Highways Officer has recommended that a special condition be attached to limit the use of the site to storage only, as some of the distribution uses which also fall under the broader B8 classification and which could therefore be implemented without the need for a further application, would not be suitable for this site due to the narrow, winding, single track access, narrow bridge and offset road junction with Commercial Road.

Access and Public Rights of Way

- 10.13 A number of concerns have been raised relating to the impact of this development on pedestrian / public access through the site. It has been noted by the PRow Officer that there are established, if not definitive, footpaths to the east and west of the site (to the eastern embankment of the mill goit and to the rear of the Morrisons' store where it abuts the River Aire). Whilst no formal right of way exists across the mill site, it is owned by the Council and has been used as a link before the aforementioned paths for many years until the installation of two sets of security gates and the siting of containers on the land to the north of the main mill building.
- 10.14 The Definitive Map Officer has provided a plan showing where these paths are located and states in a consultation response that the formal access should be provided "through the mill site, to link the riverside footpath to the access road, the unrecorded footpath along it and onto Kirkstall Road. This footpath should be open and available at all times for use by the public on foot without obstruction by security gates. The security barrier on the access road should also allow public access on foot at all times".
- 10.15 In response to this request, the applicant has stated that the use of the small area of land to the north of the mill was implemented to prevent anti-social behaviour and fly-tipping to the large vacant area behind the mill, which with the main building being vacant and boarded, is largely concealed from view. However they have agreed to remove all containers from the area of land owned by the Council and relocate the electric security gate – these changes are shown on the revised plan. The manually-operated gates adjacent to the bridge were installed by the Council as landlord in response to concerns from tenants on the site regarding crime, but should also be removed to re-establish access along the access road.

Flood Risk Management

- 10.16 As the site is situated between two watercourses (both of which are designated as main rivers by the Environment Agency), and is therefore in Flood Risk Zone 3a (high probability: land with a 1 in 100 or greater annual probability of flooding), a Flood Risk Assessment has been supplied in support of the application. This concludes that whilst the use is of low vulnerability, a condition should be attached in order to ensure that the containers are securely anchored to the ground, in order to prevent flotation

(potentially causing a blockage or damage) in a flood situation. In addition, items which are susceptible to flood damage are recommended to be stored at least 1.2m above ground level, and that this height should be regularly compared to potential flood depths to ensure sufficient height.

- 10.17 The Drainage Officer has accepted the recommendations of the FRA subject to compliance being secured by appropriate conditions. The Environment Agency take a similar view but also recommend that the applicant sign up to their advance flood notification service and develops a flood plan. However they have also advised that the application is unacceptable as originally submitted due to the potential for the containers that are located outside the applicant's land, on the western embankment of the mill goit, could destabilise the side of the watercourse and prevent inspection on foot. It is therefore recommended that a revised plan be submitted showing the containers moved further into the site. This has been done and it is considered that this concern has been suitably addressed subject to compliance with the most recent set of plans.

Representations

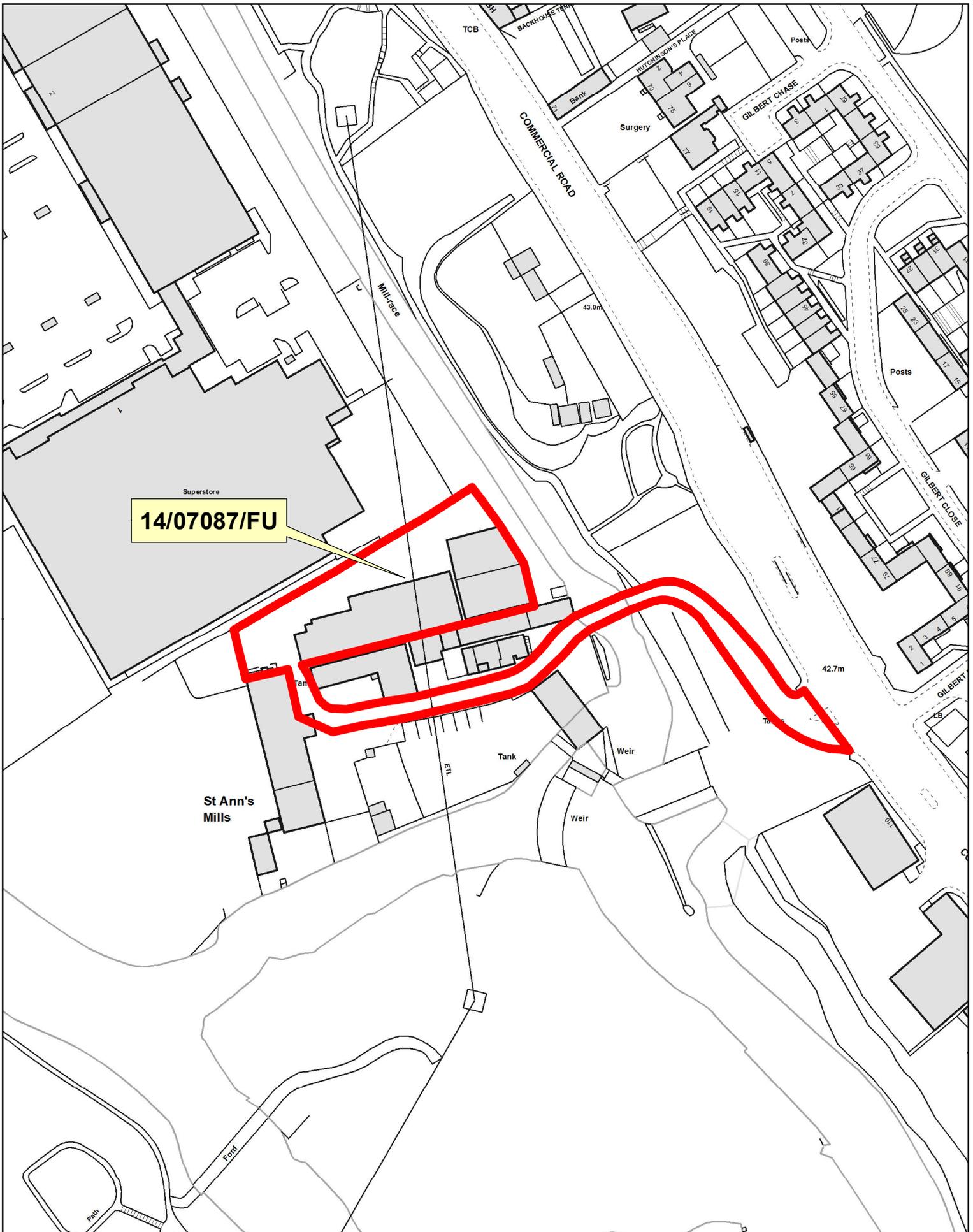
- 10.18. The application has been brought before the South and West Plans Panel at the request of Councillor John Illingworth, whose concerns are set out in the 'Local Response' chapter above. These centre around the principle of the change of use and its lack of wider community benefits, the discrepancies between the original plans and the situation on site (including the siting of containers outside land within the applicant's ownership) and the obstruction of the public access through the site. These matters have all been discussed in detail above in the relevant sections of the Appraisal, and are considered to have been resolved through revisions to the plans and the agreement of the applicant to make changes to the site layout, to the point that a refusal on these grounds could not be justified.
- 10.19 Councillor Illingworth also expresses concerns that the development would potentially conflict with long-term regeneration plans for a 'Kirkstall Valley Park' stretching along the valley floor from Kirkstall Abbey to Cardigan Fields, and the conversion of the former main mill building, which is in Council ownership, to a visitor centre and community facility showcasing green technologies, health lifestyles and other sustainable objectives. However, this is to form part of a wider Neighbourhood Plan on which work has only recently commenced. The site is privately owned and was until recently in industrial use. It is screened from all directions apart from the goitside walk, which is to be addressed through the revised plan and condition. On balance it is considered that, subject to the resolution of the existing issues on the site, the proposal will not impact upon wider-scale plans for the surrounding area, and that this would not constitute reasonable grounds to refuse permission for the operation.

11.0 CONCLUSION

- 11.1 To conclude, it is considered that the concerns regarding obstruction of a public right of way and the negative visual impact of containers located outside the applicant's land have been successfully addressed through discussions with Officers and the subsequent submission of an appropriately revised plan. Other matters such as the suitability of the use of the site and the potential for the use to prejudice wider regeneration ambitions have been carefully considered but on this occasion are not considered to outweigh the factors in favour of a grant of planning permission. The proposal is therefore recommended for approval, subject to the conditions set out at the head of the Report.

Background Papers

Application File 14/07087/FU



SOUTH AND WEST PLANS PANEL

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