



## Report of the Chief Planning Officer

### NORTH & EAST PLANS PANEL

Date: 16th November 2017

**Subject: 17/02203/FU – Two storey rear extension to form new studio flat and extension to ground floor loan shop (sui generis) at 55 Austhorpe Road, Leeds, LS15 8EQ**

**APPLICANT**  
Mr D Hunter

**DATE VALID**  
9<sup>th</sup> June 2017

**TARGET DATE**  
18<sup>th</sup> November 2017

#### Electoral Wards Affected:

**Crossgates & Whinmoor**

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 specified conditions:

1. Standard Time Limit
2. Plans to be approved
3. Materials to match existing
4. Parking to be laid out as shown on approved plan and retained as such
5. Hours of opening 07.00 to 20.00 hours, Monday to Saturdays, and 08.00 to 20.00 hours on Sundays and Bank Holidays
6. Bin storage and cycle storage provided before occupation
7. 1.8m high close boarded fence (to northern boundary) to be constructed prior to first occupation
8. Reinstate boundary treatment to Austhorpe Road
9. Reinstatement works to redundant crossing
10. Studio flat side and bathroom windows to be obscure glazed
11. Maximum gradient access.

## 1.0 INTRODUCTION

- 1.1 The application is brought to Plans Panel for determination as the proposal has generated some concern locally, and Highways Officers (Transport Development

Services) do not support the proposal. As Transport Development Services are a statutory consultee and the recommendation to grant is contrary to their advice it is appropriate, under the terms of the Officer Delegation Scheme, for the application to be determined by Plans Panel.

## **2.0 PROPOSAL**

- 2.1 The site is currently occupied by a building in use on the ground floor as a loan shop (sui generis) with four one bedroom flats over on the first floor and in the roofspace. It is proposed to erect a two storey rear extension to form an enlarged loan shop with a studio flat on the first floor. The gross amount of additional commercial floorspace is 59 sq.m and the flat would be 50 sq.m.
- 2.2 The ground floor extension would provide additional open plan space for use as the loan shop although an enclosed cycle and bin store would be provided to the rear. This would accommodate the bin store and cycle requirements for the entire building.
- 2.3 The submitted application plans show that there are 14 surface parking spaces on the site at present. The development would entail the loss of 4 spaces, so that 10 parking spaces would be provided in total.
- 2.4 The proposed opening hours for the loan shop was originally 07:00 to 23:00 hours, Monday to Saturdays, and 08:00 to 21:00 hours on Sundays and Bank Holidays. These hours have since been revised to 07:00 to 20:00 hours, Monday to Saturdays, and 08:00 to 20:00 hours on Sundays and Bank Holidays.

## **3.0 SITE AND SURROUNDINGS**

- 3.1 The application relates to the first and second floors of 55 Austhorpe Road, a detached red brick property with commercial premises to the ground and residential to the upper two floors (first floor and second floor within the roof space).
- 3.2 The property is located on the corner of Austhorpe Road and Church Lane with parking to three sides and access from both roads. The area is mixed in character with many buildings in both commercial and residential use. The area is nonetheless located at the edge of the commercial centre.

## **4.0 RELEVANT PLANNING HISTORY**

### On-site

- 4.1 14/05836/FU - Alterations including two storey and single storey rear extension to form enlarged retail space with one self-contained flat above. Application withdrawn 17.11.2014.

The proposal currently under consideration is very similar to this withdrawn application.

- 4.2 14/00673/FU - Change of use and alterations of first and second floor offices to four flats. Approved 07.04.14.

Alterations proposed included the introduction of a new gable extension, two dormer windows, roof light and three new windows in the east and west elevations. All but the dormers had permission granted under 13/05339/FU.

- 4.3 13/05339/FU - Change of use and alterations of first and second floor offices to four flats. Approved 27.01.2014.
- 4.4 06/06302/FU - Change of use of vacant car showroom to estate agents. Approved 18.12.06.
- 4.5 32/163/05/FU - Change of use of car showroom and offices to dental practice. Approved 23.06.05.
- 4.6 32/101/05/FU - Change of use of car showroom to A5 hot food take away. Refused on highway safety and residential amenity grounds on 1<sup>st</sup> July 2005. Subsequent appeal dismissed on grounds of harm to interests of residential amenity. The Inspector did not consider there to be an adverse impact on highway safety.

#### Off-site

- 4.7 16/05185/FU – Change of use and extension of former surgery to Public House, 39 Austhorpe Road. Current appeal against non-determination. The local planning authority has resolved that had it been in a position to determine the application, it would have been refused on the grounds of inadequate servicing arrangements and impact on residential amenity. No car parking provision within the site for staff/patrons.
- 4.8 17/05160/FU - Change of use of retail unit to dental practice, 5 - 7 Church Lane. Approved 27.09.17.

### **5.0 HISTORY OF NEGOTIATIONS**

- 5.1 Revised opening hours – reduced from 23.00 hours to 20.00 hours.
- 5.2 Revised parking layout – see appraisal.
- 5.3 Bin store and cycle store within the building.

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

- 6.1 Site notice posted 19.05.17. 16 individual letters of objection received. Representations summarised, as follows:
- The development is substantial.
  - The application asks for unsocial opening hours on an extremely busy road and junction, adjacent to residences above, nearby, and a care home.
  - The site will lack parking spaces for customers, and consequent parking demand will fall on the already overloaded surrounding streets where there are no evening parking restrictions.
  - The Design & Access Statement does not make sense and appears to be factually incorrect.
  - Loading and unloading will impact on privacy of adjoining properties.
  - The geometry of the parking spaces is too tight for them to be properly useable.
  - Reversing out of the site, close to a busy junction would be highly dangerous.
  - The demolition of the garage means the removal of the secure store for cycles (application 14/00673/FU) and the discharge of Condition 5, where it is stated that cycle parking will be provided in the garage.

- Inadequate bin storage is proposed. Any bins stored out in the open would be harmful to amenity.

### Cross Gates Watch

6.2 Object to the proposal. In addition to the points made by residents (above), CGW raise the following points:

- The conditions pertaining to the previous approval, although discharged, have yet to be implemented.
- Given the previous history of this site, we request that the officer's report on this application be considered for decision by Plans Panel North and East.
- There are covenants on the property which would prevent any permission from being implemented.

6.4 Revised plans were advertised on 28<sup>th</sup> June. Further objection from Cross Gates Watch. Reiterate previous objections and:

- New access/parking arrangements is retrograde, dangerous, and hazardous to pedestrians. Parking doesn't comply with Design Guide. Inadequate parking, and proposal is overdevelopment of the site. Loss of the wall to facilitate parking is harmful to the appearance of the street.
- Our view remains that the most profitable future development of the site is to convert the ground floor back to residential, as it originally was, to make a highly desirable overall residential development which would yield a much higher overall rate of return than some impractical non-residential game plan. While the returns on rented property in Leeds are amongst the highest in the country, the downward decline in demand for retail and related floor space is going to continue for many years, whereas the demand for residential space is inexorable.

## **7.0 CONSULTEE RESPONSES**

7.1 Highways: Whilst it is acknowledged that some of the proposed parking spaces are more 'useable' than the existing parking layout, there is still a shortfall in the expected level of parking provision. Access concerns to Austhorpe Road also exist. With this in mind the proposals cannot be supported.

## **8.0 PLANNING POLICIES**

### The Development Plan

8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan currently comprises the adopted Local Development Framework Core Strategy (2014), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Local Plan and any made neighbourhood plan.

### Core Strategy

8.2 The Local Development Framework Core Strategy was adopted by the Council on 12<sup>th</sup> November 2014. The following policies contained within the Core Strategy are considered to be of relevance to this development proposal:

General Policy – Sustainable Development and the NPPF

Spatial Policy 1 – Location of Development  
Spatial Policy 2 - Hierarchy of Centres  
Spatial Policy 8 – Economic Development Priorities  
Policy P1 - Town and Local Centre Designations. Cross Gates is a Town centre.  
Policy P2 - Acceptable Uses in and on the edge of Town Centres  
Policy P10 – Design  
Policy T2 – Accessibility and New Development

#### Saved Policies from the UDP

- 8.3 The site is outside, and abuts the boundary Cross Gates Town Centre, and is unallocated in the UDP. The most relevant saved policies from the Leeds Unitary Development Plan are outlined below.

GP1 - Land use and the Proposals Map  
GP5 - Development control considerations including impact on amenity  
BD6 - Alterations and extensions should not harm neighbouring amenity

#### Emerging Policy

- 8.4 The Site Allocations Plan (SAP) Publication Draft identifies the site within an expanded Town Centre boundary for Crossgates. Given the advanced stage this part of the SAP has reached noting the examination in public for all proposed town centre changes has now been considered (albeit the wider process is effectively paused into the new year pending further review of housing/mixed use related proposals), significant weight can now be afforded to this proposed change.

#### Other Planning Policy:

- 8.5 Relevant local Supplementary Planning Guidance/Documents include:

The Street Design Guide  
Manual for Streets  
Parking Guideline

#### National Planning Policy

- 8.6 The National Planning Policy Framework (2012) 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 National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.
- 8.7 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.
- 8.8 Paragraph 32 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

## Nationally Described Space Standards (NDSS)

- 8.9 From October 2015, local authorities have been given the option to adopt the Government's *Nationally Described Space Standards* (NDSS) as part of their local plan. Leeds is currently in the process of gathering evidence to support the adoption of the standards as part of a future local plan review, and this is a material consideration in the determination of planning applications. This is still in the early stages and accordingly the weight that can be attached to it is therefore limited. However, the studio flat complies with the required standard for a 1 bedroom flat.

## **9.0 MAIN ISSUES**

- i. Principle of the development
- ii. Residential amenity
- iii. Visual amenity
- iv. Highways issues
- v. Third Party representations

## **10.0 APPRAISAL**

### Principle of the development

- 10.1 The proposal would introduce an additional residential unit and extra commercial floorspace into an area that already contains both commercial and residential properties. Whereas the property is located just outside the current town centre boundary, it is proposed to be included within a revised boundary being considered as part of the SAP which is now at an advanced stage. The property does relate closely to the centre, already has both commercial and residential uses and is considered to have a positive impact on the centre. The new residential property would also be beneficial in providing further and alternative residential accommodation in this popular and sustainable location. Accordingly no objection in principle is raised to the development.

### Residential amenity

- 10.2 The two storey extension would be located on land currently used as car parking. The windows would be mainly in the front elevation, looking onto the forecourt, and Church Lane beyond. One small, secondary window to the studio flat would be placed in the flank elevation, looking towards the side elevation of the adjoining property. It is proposed for this window to be obscure glazed. A ground floor door would be placed on the rear elevation, looking onto the rear yard of the site. The proposed first floor window would be to a bathroom, and would be obscure glazed. The bedroom window formed in the existing building would look onto the blank elevation of No. 57. As such, these windows would cause any undue overlooking of residential properties.
- 10.3 The proposed extension is not considered to adversely dominate or overshadow any nearby adjoining property. It would be set in 3.37m from the boundary with the adjoining property, and that property is also set 1m from the boundary, so although the extension projects into the rear aspect of the adjoining property, it is not to the extent whereby that property would be unduly impacted upon.
- 10.4 The application was originally submitted with opening hours up to 23.00 hours. It was considered that the comings and goings of patrons and visitors may have caused noise and disturbance to nearby residents on Church Lane, and therefore, the application has been amended to 20.00 hours closing. It is noted that in dismissing

the appeal for a hot food take away at the premises (see para. 4.6 above), the Inspector commented that noise and disturbance from car doors, and the coming and going of visitors would be noticeable after 20.00 hours (when the previous car showroom had closed). As such, it is considered that there would be no adverse impacts to nearby residents, and that the proposal would comply with saved UDP policy GP5.

- 10.5 In respect of amenity for future occupiers of the flat, the proposal complies with the NDSS, which provides useful guidance on appropriate sizes for new dwellings, including sizes of individual rooms. The submitted plan shows the studio flat to be 50 sq.m. gross. The Space Standard suggests a minimum of 39 sq.m. minimum for a one bedroom flat (& 50 sq.m. for a one bed, two persons). As such, the studio flat complies with the minimum recommended size. The flat has a reasonable outlook, the living room and bedroom looking onto the forecourt and street beyond, at first floor level. It is considered that the level of amenity would be similar to the other flats within the building, adjoining at first floor.

#### Visual amenity

- 10.6 The two storey extension has been set back – at ground floor the set-back is minimal, and the first floor is set back 1.75m, which achieves a good degree of subservience to the main building. The extension would be constructed in brickwork and roof tiles to match the existing, with the gable roof pitched to match the existing roof structure. The ground floor shop front detail replicates the detail of the existing ground floor shop front, in terms of extent and proportions of glazing. As such, the design of the extension is considered to be acceptable and satisfied the design requirements as set out in Core Strategy policy P10.

#### Highways issues

- 10.7 The principal issue raised by objectors relates to the impact of the proposal on highway safety. The application site lies on the very edge of the existing town centre boundary (and is proposed to be within it as part of SAP) with good access to public transport services. The site's positioning is also such that there is the likely prospect of some users of the proposed commercial development carrying out linked visits to other shops/ services within the centre itself.
- 10.8 Officers acknowledge the proposal will take away some existing off-street parking provision whilst at the same time will increase the commercial floor space and add a further flat. The existing off-street parking on site is noted to be extremely tight with a total of 14 spaces currently shown. 4 of these spaces are to be reserved for the upper floor flats. The revised proposal will reduce the total number of spaces down to 10, which when combined with the accommodation proposed is considered by Highways officers to constitute an over-development of the site. Highways Officers consider the reduction in off-street parking not to be in the best interests of highway safety and would put additional pressure for parking within Crossgates Centre, which is generally at a premium. Concern about a new, wider access point onto Austhorpe Road in close proximity of the junction with Church Lane is also raised by Highways officers who conclude that the development should not be supported.
- 10.9 In assessing the above concerns, a review of the existing parking provision has been taken. At present, 14 parking spaces are in theory available. These spaces are accessed off Austhorpe Road, adjacent to No. 57 Austhorpe Road and via Church Lane. In terms of the detailed layout, 13 of the spaces are laid out as echelon parking (given the limited depth of the parking area) with the remaining space in front of the

original garage (which is conditioned to be a cycle store at present). Additionally, only a narrow aisle width is provided so overall the layout does not comply with current guidance as contained in the Leeds Street Design Guide or the Manual for Streets. Combined, these factors mean not all of the existing spaces are easy to access with some requiring long reversing and contrived multiple turning manoeuvres. These limitations may have influenced their attractiveness from a user perspective (unless of course they just haven't been required) as officers have never observed a full car park.

- 10.10 The proposed layout would reduce the total number of spaces down to 10, however the detailed layout would comply with current guidance and enables cars to enter and leave the site in a forward gear. This new layout would be secured by condition with each flat having its own space and a visitor space also provided. A total of 4 spaces would therefore remain for the commercial use which is considered to be reasonable in the circumstances.
- 10.11 In terms of the concerns about the detailed access arrangements, the proposal would remove the existing access adjacent to 57 Austhorpe Road, where visibility is restricted in an easterly direction and replace it with an access within a more central part of the frontage. As such, although this access would not wholly meet standard junction spacing requirements, the improvements to the visibility in an easterly direction, combined with the improved usability are such that it can be accepted in this instance.
- 10.12 It is noted that at No. 5-7 Church Lane, opposite the site, planning permission has recently been granted for a dental practice. That proposal made provision for dedicated off-street parking (6 no. spaces) with the potential to improve the parking arrangements currently available on site. Taking account of the site location adjacent to the town centre, the improvements to parking, (and the fall-back position of a retail use), Highways officers raised no objections to the proposal. In addition, in respect of the Wetherspoon's proposal for a public house off Austhorpe Road, within the town centre, no highway safety reason for refusal regarding the lack of parking was put forward by the Local Planning Authority.
- 10.13 Regard has also been had in terms of a previous appeal at the application site for a hot food take away, which was partially refused on highway safety grounds. As part of the appeal, the Inspector noted that there are a number of parking restrictions in the area, and given that there would be on-street and off-street parking available, the Inspector did not consider that significant levels of parking in contravention of those restrictions would be likely to arise as a result of that development. The Inspector also noted that in any event, the contravention of parking restrictions can be enforced through other legislation. This appeal decision is dated May 2006, and pre-dates current advice in the NPPF that developments should only be refused on highway safety grounds where the impacts are likely to be severe. A refusal reason due to a lack of parking is not therefore one which officers reasonably consider could be sustained in the event of an appeal, despite the concerns that have been raised by third parties and Highway officers on the matter.
- 10.14 With respect to servicing requirements as also raised by a third party objector, the existing use is not considered to have any significant requirements and as a sui generis use would be subject to a separate change of use planning application were a different end user to come forward.



### Third party representations

- 10.15 The main concerns as raised by third parties have been addressed in the above appraisal. The concerns about existing conditions not being complied with are noted but are in part dependant on the outcome of this current planning application. This recommendation specifically picks up on the bin and cycle storage requirements for the entire site and a formal decision on this application will determine what provision is pursued. Reference to a restrictive covenant on the property is also made but ultimately this is a private matter and not a material planning consideration.

## **11.0 CONCLUSION**

- 11.1 It is considered that the proposal complies with the relevant Core Strategy and saved UDP policies. It is acknowledged a reduction in the total number of parking spaces available at the site would result but the revised layout offers considerable improvements in terms of the usability of the spaces that would remain. It is therefore concluded, taking all matters into account including the representations received, that planning permission should be granted subject to the conditions at the head of this report.

### **Background Papers:**

Application files: 17/02203/FU

Certificate of ownership: Certificate A signed by agent on behalf of applicant (Mr D Hunter)



# NORTH AND EAST PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/1500



