



Leeds
CITY COUNCIL

Originator: David Jones

Tel: 0113 3788023

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 17TH March 2022

Subject: 20/01828/FU and 20/01957/LI - Conversion of retail unit into five flats with changes to parking arrangements and elevations at Block B, Victoria Riverside, Atkinson Street, Hunslet, LS10 1EU

APPLICANT:
J M Construction

DATE VALID
20.03.20

TARGET DATE
EofT to be agreed

Electoral Wards Affected:

Hunslet & Riverside

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

RECOMMENDATION: GRANT planning permission and listed building consent subject to the following conditions:

Conditions (20/01828/FU):

1. Time limit
2. Approved plans
3. External materials as specified
4. Parking to be provided (unallocated)
5. EVCP to be provided
6. Soft landscaping details and implementation

7. Bin store and Cycle parking provision
8. Minimum FFL
9. Flood resistance and resilience measures shall be agreed
10. Final drainage details to be agreed
11. Sound insulation measures to be agreed
12. Contaminated land info to demonstrate the site is suitable for use.

Conditions (20/01957/LI):

1. Approved plans
2. External materials as specified
3. Bin store and Cycle parking provision

Full wording of the conditions to be delegated to the Chief Planning Officer, including any revisions and additional conditions as may be required.

INTRODUCTION:

1. These applications are referred to the plans panel at the request of Ward Councillor Wray who has raised concerns about the local need for a retail unit and the adverse impact its loss would have on the local community which is growing. Given the concerns raised extend to those beyond the immediate neighbours this request meets the tests set out in the Officer Scheme of Delegation and it is therefore appropriate to report these applications to panel for formal determination. Members are also reminded that as two applications are being considered decisions are required for both the planning application and for the associated listed building consent submission.

PROPOSAL:

2. These applications seek to convert floorspace originally intended as a retail unit as part of the site's redevelopment into flats. The floorspace is provided within new block B and is positioned on the junction of Atkinson Street and Goodman Street. The floorspace proposed for conversion extends to 320 m² on the ground floor. A surface car park has already been laid out to the front of this space and would be reconfigured to provide residents parking.
3. As originally submitted a total of 7 flats were proposed however these have been reduced to 5 flats comprising of 4×1 bed and 1×2 bed unit. Externally limited alterations are proposed relative to the approved scheme with the original window openings proposed to be utilised but with amended door openings. An access ramp would also be reconfigured and would serve 4 of the 5 flats. Existing bin and cycle stores would be utilised and some soft landscaping to the frontage is shown.

SITE AND SURROUNDINGS:

4. The area subject to these applications is confined to the ground floor in new building 'Block B' which was constructed as part of wider redevelopment of the listed mill complex (known locally as Hunslet Mills). Minor alterations to the surface car park provided to the front are also proposed. Work in connection with the redevelopment of the site is at an advanced stage, particularly in connection with the conversion and extension elements. Only half of the proposals have however come forward as the entirely new build element of the scheme is in separate ownership. A significant amount of new flat accommodation is therefore consented but has yet to be delivered.
5. The wider site sits to the south of City Centre, just past the A61 flyover section. It sits alongside the River Aire on the eastern bank. The area is predominantly commercial and industrial, although there are residential properties to the south of the site in a new development around Yarn Street. Waterfront enhancements have taken place and include an attractive riverside walkway. A footpath provides access along the river front which forms part of the Trans Pennine Network, this goes north towards the Royal Armouries and beyond, and south towards Thwaite Mills.
6. The listed buildings on the site are a mixture of traditional, red brick mills that are either Grade II* (Buildings F & G) and Grade II dating from the 1830's and were previously on Historic England's Buildings at Risk Register. These have now largely been converted and extended with many of the flats now occupied.

RELEVANT PLANNING HISTORY:

7. 20/04664/LI Variation of condition 1 (Approved plans) of previous approval 17/03765/LI for MINOR MATERIAL AMENDMENTS including re-siting of bin store, car parking added, new guard rail above bike store to form terrace with patio doors to plots 8-14 on first floor of block G and window changes to blocks E and F APPROVED 23.07.21
8. 20/01925/FU Variation of condition 1 (Approved plans) of previous approval 17/03203/FU for MINOR MATERIAL AMENDMENTS including re-siting of bin store and car parking, installation of water tank, new guard rail above bike store to form terrace with patio doors to plots 8-14 on first floor of block G and window changes to blocks E and F APPROVED 23.07.21
9. 18/00666/LI Refurbishment of existing listed building, including new two-storey penthouses, lift shaft and stairwell. APPROVED 21.05.18
10. 18/06601/FU Variation of condition 1 (approved plans) of previous approval 17/03203/FU to allow for alterations to Block B including 11 additional flats APPROVED 07.02.19
11. 18/06781/LI Listed building application to allow alterations to building B including 11 additional flats. APPROVED 07.02.19

12. 17/06690/LI Listed Building application to carry out alterations and refurbishments to building C including loft floor conversion and installation of roof lights APPROVED 23.01.18
13. 17/03765/LI Listed building application to carry out alterations and refurbishments to building A, B, C, D, E, F and G involving incorporation of additional apartments APPROVED 21.08.17
14. 17/03203/FU Variation of condition 27 (approved plans) of previous approval 21/100/00/FU APPROVED 21.08.17
15. 16/07614/CLP Certificate of Proposed Lawful development for works to a listed building for the conversion of existing buildings to residential and development of new buildings for residential use APPROVED 08.03.17
16. 16/07613/CLP Certificate of proposed lawful development for conversion of existing buildings to residential and development of new buildings for residential use APPROVED 23.03.17
17. 08/02120/LI Variation of condition nos 4 and 5 (Prior commencement of any works) of Listed Building Consent 21/101/00/LI APPROVED 03.06.08
18. 21/101/00/LI Listed building application to carry out alterations and demolition to form flats and residential development APPROVED 07.11.03
19. 21/100/00/FU Change of use extensions & alterations and new build of warehouse and factory to flats APPROVED 13.11.03
20. 21/193/96/FU Change of use and alterations of warehouse and mill to offices APPROVED 22.11.96
21. 21/192/96/LI Listed building application to carry out alterations demolish outbuildings and external staircase to form offices APPROVED 12.12.96

HISTORY OF NEGOTIATIONS:

22. In response to the adverse comments that have been received regarding the loss of the retail use, officers have requested further information from the applicant in terms of what efforts have been taken to attract a retail occupier. In addition, revisions to the proposed flats themselves has also been requested to ensure compliance with internal space standards and that an appropriate living environment is created. Accessibility improvements have also been sought and combined these changes have led to a reduction in the number of flats proposed from 7 to 5.

PUBLIC/LOCAL RESPONSES:

23. Both applications were originally publicised by site notice dated 22.05.20 and in the Yorkshire evening post on 24.04.20. Further site notices were displayed on 02.06.20. In response to this publicity, the following comments have been received:
24. Ward Cllr Wray - This unit was promised as it was recognised as a growing population and to account for the failure of planning to allow the nearby development of H2010 not to provide one when also promised. A local retail unit is needed. Simply because the landowner wants to charge an amount retailers don't wish to pay is a matter for them as a business – not for the Council to smooth over at the cost of residents. Once this unit is gone – it is gone. Request the application be considered at Panel.
25. A total of 11 neighbour objections have been received expressing the following main points:
- Local shopping provision needs to reduce the need to drive and improve sustainability
 - More parking spaces conflicts with the climate emergency and will result in more traffic. Residents parking is an increasing problem as new flats owners won't pay for a parking space so park on-street
 - Residents have been misled when purchasing flats as they were told retail would also be provided. Developer is putting profits over social responsibilities
 - Hunslet riverside community desperately needs more local shops
 - Construction activity has already caused lots of sleepless nights

CONSULTATION RESPONSES:

Statutory Consultees

26. Environment Agency – Objection as site falls within flood risk area and a more vulnerable land use is provided. Further supporting information required. Following receipt of further information, objection is removed and conditions recommended (minimum FFL and internal flood resistance and resilience measures to be agreed)
27. Historic England – Do not wish to offer any comments. Defer to LPA Conservation Officer
28. Canal & River Trust – No comments to make

Non-Statutory Consultees

29. Highways – No objection subject to EVCP and unallocated parking being

provided. Bin and cycle storage requirements to be conditioned.

30. Access officer – No objection
31. Public Rights of Way – No objection
32. Contaminated Lane – No objection subject to conditions
33. Yorkshire Water – No objection subject to conditions
34. Environmental Health – Local noise conditions are such that specialist glazing and ventilation may be needed. Condition recommended.
35. Flood Risk Management – Site falls within Flood Zone 2 and existing drainage system will be utilised. Condition needed
36. Conservation - The proposed changes are minimal and are in keeping with the approved design. The setting of the adjoining listed buildings will be preserved.
37. Civic Trust - The 2017 Planning permission was for 327 flats on this site - an increase of 59 on the 2003 permission, and the complete site was for another 425 flats. This is in addition to other large residential sites nearby. Residents should have the opportunity to shop locally and this was used to promote flat sales. Suggested alternatives (Costco and M&S) are limited so it is premature to ask for this change of use as a demand will exist.

PLANNING POLICIES:

Development Plan:

38. 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 for this site currently comprises the adopted Local Development Framework Core Strategy, as amended (2019), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP), the Aire Valley Leeds Area Action Plan (2017), the Natural Resources and Waste Local Plan and any made Neighbourhood plan.

Leeds Core Strategy:

39. H1 – new housing on allocated sites
H4 – sets out the preferred housing mix for new development.
H9 - minimum internal space standards for dwellings
P10 – need for good design
P11 - requires conservation and enhancement of the historic environment
T2 - accessibility and safety requirements for new development
EN5- managing flood risk

EN8 - requires electric vehicle charging points for all new dwellings

Saved Policies from the UDP:

- 40. GP5 - general planning considerations
- N15 - supports the change of use of listed buildings
- BD6 - alterations and extensions to original building

Natural Resources and Waste Local Plan:

- 41. LAND 1 - Contaminated land considerations
- WATER7 - Surface water run-off

The Aire Valley Leeds Area Action Plan (AVLAAP):

- 42. AVL6 – allocated for housing (site AV41)
- HU2 - lists other acceptable uses at the site (offices, hotel, education, museum/exhibition spaces, small scale convenience retail, restaurant/café, pub or specialist retail)

Relevant supplementary guidance:

- 43. Supplementary Planning Guidance provides a more detailed explanation of how strategic policies can be practically implemented.

SPG13 – Neighbourhoods for Living: A Guide for Residential Design
SPD – Street Design Guide
SPD – Parking

National Planning Policy Framework (NPPF)

- 44. The NPPF, most recently published July 2021, and the National Planning Practice Guidance (NPPG), introduced March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 45. 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. Sustainable development should be at the heart of all decisions as well as conserving the historic environment.
- 46. Listed Building: Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that In considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

MAIN ISSUES:

47. The following main issues are considered to apply to the consideration of these linked applications:
1. Principle of the proposed change of use (including availability of retail services in the area)
 2. Highway safety and accessibility
 3. Residential amenity considerations
 4. Flood Risk and contaminated land
 5. Visual amenity (including impact on setting of the listed buildings)

APPRAISAL:

1. Principle of the proposed change of use (including availability of retail services in the area)

48. It is clear from the third party representations received that the main area of concern relates to the loss of a retail use that was secured under the original redevelopment proposals for the site and is viewed by many as an integral component for residential living both within the development itself and also this part of Hunslet. Ward Cllr Wray also supports this position in objecting to the application.
49. The basis on which these objections have been lodged is understood, but it is also important to recognise the site is formally allocated within the adopted AVLAAP as a housing site under policy AVL6. The proposed change of use is therefore consistent with this allocation.
50. Furthermore, whilst a small-scale convenience retail use is identified as an appropriate use under site policy HU2, there is no specific requirement for the site to include it or indeed any of the other listed uses. The stated range of suitable uses is also noted to be relatively wide and is deliberately so to help ensure the main policy objective of the AVLAAP which is to secure the conversion of the listed buildings is achieved. This objective has now been realised and without the need for any retail space as the scheme continues to be implemented. The principle of residential units replacing the previously approved retail use is therefore compliant with adopted policy.
51. Notwithstanding the above and in recognition of the concerns that have been expressed, the applicant has been asked to demonstrate the space has first been marketed for a retail use before being considered for residential use. An assessment of existing convenience shopping has also been undertaken by officers so as to respond to the wider issue of sustainable living in this part of the city.
52. Regarding the marketing exercise, the applicant has provided information that confirms Dresler Smith were appointed in March 2018. This information

includes a copy of Dresler Smith's general terms of business and the marketing brochure that was prepared to advertise the site to the market. A summary letter outlining the basic lack of interest over a two year period is also included and which concludes that alternative uses should now be considered.

53. In terms of convenience provision more generally within the area, many residents suggest there are no such facilities but two stores are available as part of local petrol filling stations. Both stores are on the A639 (Londis at the Jet garage and Spar at the Shell garage) and are approximately 0.74km away which is less than a 10 minute walk. In addition, a Tesco Express forms part of the Leeds Dock area and is circa 0.9km away. Larger provision is also available via Costco (opposite the Jet garage) and more traditional provision via the Morrisons supermarket which anchors Hunslet Town Centre and is circa 1.6km away. Hunslet Town Centre also includes a Lidl supermarket but is slightly further away. Overall, these travel distances are not considered to be particularly unusual or excessive and some existing residential areas in Leeds will potentially have less local provision.
54. The above represents current provision but some significant redevelopment schemes in the area also have the potential to deliver more as mixed-use permissions have been granted. These include the Guinness (18/03033/FU) and Tetley (17/02501/OT) sites further north along Hunslet Road.
55. In concluding on this matter, the submitted marketing information indicates the applicant has sought to attract a commercial occupier but none have been forthcoming over an extended period of time. It is also clear that some local convenience stores are available which although perhaps not everyone's first choice of provision is likely to have had a bearing on the site's overall attractiveness to a retail occupier. This existing provision does also mean travel distances for local residents are not generally out of reach or excessive. Although the original redevelopment of the wider listed mills site included space for a small convenience store and the shell has been provided, the formal planning permission is not framed in such a way to require delivery of the actual use. With this in mind it is therefore considered reasonable and also sustainable to bring forward what would otherwise be redundant space into a meaningful use. The 5 additional flats are therefore supported in principle on the basis the site is formally allocated for housing.
56. In addition to the above, some residents and also Councillor Wray reference the removal of commercial units originally proposed as part of the adjacent Miller Homes scheme as being relevant. The Miller Homes amendment was however accepted in 2013 (ref:13/00251/FU) and for the same basic reasons as advanced now, that being there was no retail interest, alternative provision was already available locally and that making use of the space for housing was more desirable than letting it stay vacant. Its acceptance was not predicated on the basis the mills redevelopment would deliver replacement provision.

2. Highway safety and accessibility

57. The application site is located in the main urban area and is well served by buses. Furthermore, direct access is available to the Trans Pennine Network via the riverside pathway. Notwithstanding this, in recognition that a residential use is proposed it is still appropriate to provide some dedicated off-street parking. This provision would be to the front of the building and is accessed off Atkinson Street which serves an existing surface car park. Spaces that would have previously been laid out for the retail use will now be provided for the flats but each will be provided with an EVCP. In addition and responding specifically to the concerns that have been made by some residents in respect of existing on-street parking problems, the spaces will be unallocated to ensure occupiers have access to them.
58. In terms of accessibility into the flats themselves, the need to provide a raised FFL is such that level access is not available and only steps were originally proposed. Revisions have however been secured and an access ramp is now proposed to serve 4 of the 5 flats. As the flats themselves are single storey and a disabled parking bay is also shown to be provided the detailed access requirements are considered acceptable and the Access Officer raises no objection to the development.

3. Residential amenity considerations

59. The proposal to utilise the retail floorspace to provide additional flats raises no amenity issues as the remainder of the site is already in residential use. The proposal has already been revised to ensure compliance with the Council's internal space standards and that an acceptable layout is achieved whereby all main rooms have good access to natural light and ventilation. Originally some rooms relied on borrowed light for example. In seeking to respond to these requirements, a reduction in the number of flats has been necessary and now only 5 flats are proposed.
60. With respect to the comments from Environmental Health Officer about the potential for noise disturbance, a condition is recommended to ensure the final glazing and ventilation specification is agreed but this is a precautionary measure as the proposed flats would not be impacted any more seriously than the flats that have already been approved.

4. Flood Risk and contaminated land

61. The application site falls within a flood risk area albeit this has been downgraded to Zone 2 since the original redevelopment scheme was considered. A Flood Risk Assessment (FRA) is nonetheless required and needs to acknowledge that a more vulnerable use is now proposed relative to the original retail use that was granted. In responding to this, a revised FRA has been provided and has resulted in the Environment Agency removing its original objection. A sequential test isn't required as the suitability of the site has been tested through the AVLAAP as a housing allocation.
62. In terms of actual risk, in practical terms the possibility of flood water reaching

the site has already been accounted for through the raising of the FFL. Furthermore, the proposal, whilst introducing a more sensitive end use would be at no greater risk of flooding when compared to the ground floor flats which are provided in the adjacent listed building. Accordingly, no objection is raised to the development on the grounds of flood risk and conditions will secure final drainage details and any required flood resilience measures.

63. As with flooding, a more sensitive end use is now proposed for the purposes of contaminated land matters but the risk is considered minimal as the building will utilise a solid floor and the proposed flats do not have any individual garden areas. Again, suitable conditions will be used to ensure the final arrangements are appropriate and the Contaminated Land Officer is supportive of this approach.

5. Visual amenity (including impact on setting of the listed buildings)

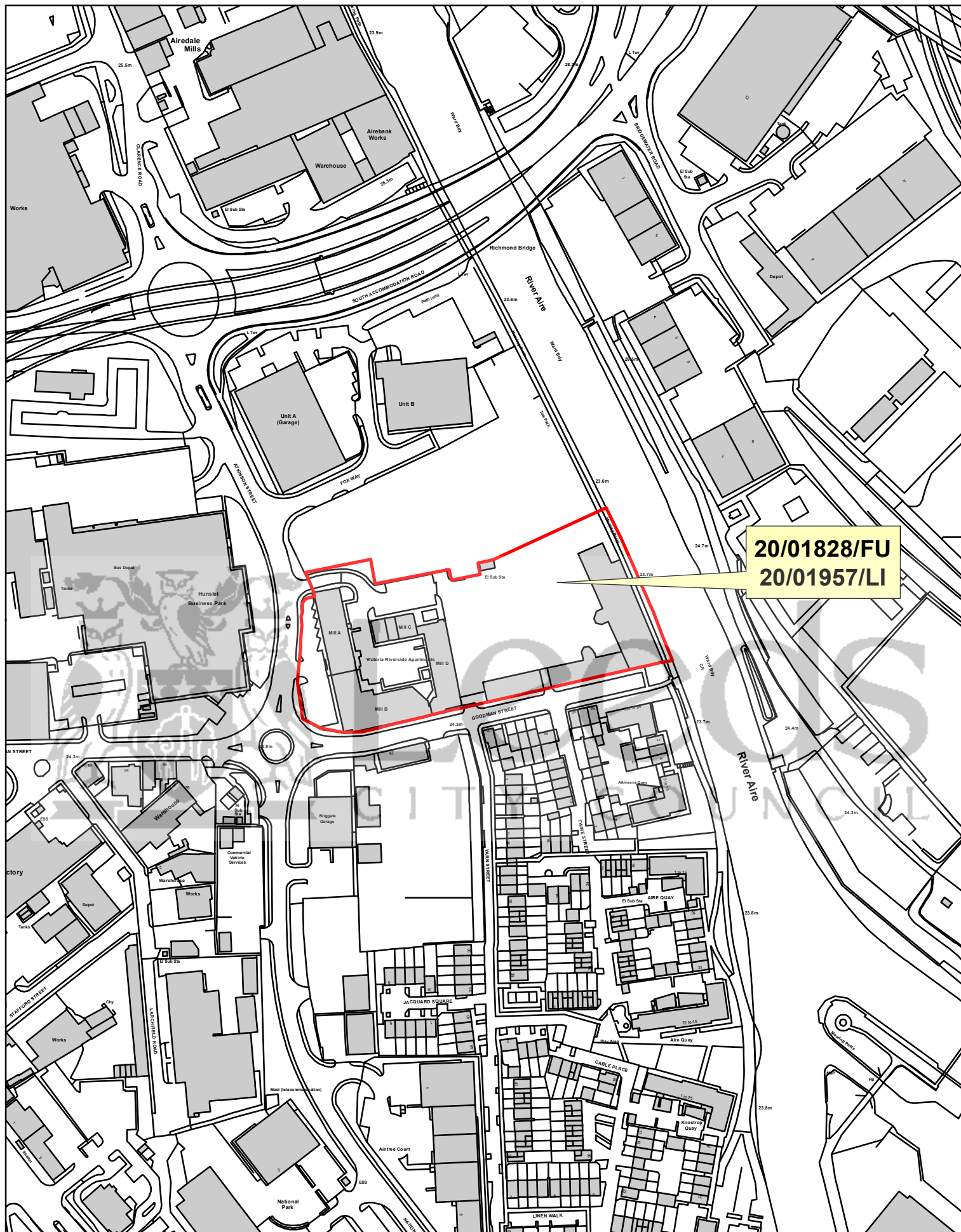
64. In considering these proposals it is necessary to have special regard to the desirability of preserving the setting or any features of special architectural or historic interest which the surrounding listed buildings possess.
65. Prior to redevelopment, the neighbouring listed buildings were in poor condition and on the Buildings at Risk Register. Fortunately, however these buildings have either already or are currently being converted and modified and so their long term future is now much more secure. As part of the original permission, a number of new blocks were also proposed and block B is one of these. This block has been constructed and is largely occupied.
66. As a change of use scheme the proposed alterations are relatively limited as most changes would be internal. Externally the same general openings are proposed as before but rather than being large format windows with a single entrance the Atkinson Road elevation would now include 4 entrances. The framing details within each opening will therefore change to include doorways and an amended access ramp is also proposed to achieve level access to all the new doors. The Goodman Street elevation would have similar changes but only steps would be provided so as to avoid any obstruction in the adopted highway.
67. In design terms the alterations are considered minor and as a new, contemporary block the scope for alterations to be undertaken without causing any visual harm is much greater than had it been one of the listed buildings. Historic England also consider the proposed alterations to be so minor that no comments are offered with advice deferred to the Council's Conservation Officer. The Conservation Officer has confirmed the setting of the adjoining listed buildings will be preserved. For these reasons the visual impact of the proposed changes and in turn the impact they would have on the setting of the listed buildings is considered to be acceptable.

CONCLUSION:

68. To conclude, the principle of converting the space that has been set aside for retail as part of the original redevelopment for the listed mill site is in full compliance with its formal allocation for housing in the AVLAAP. Whilst policy support for alternative uses is also given, it is not a site requirement.
69. Whilst a number of objections to the loss of the retail use have been raised, the actual retail use has never existed and other convenience store options are available within the area to serve local residents needs and are not considered to be excessively remote from the site.
70. The external alterations required to facilitate the proposed change of use are relatively minor and would not harm the setting of the neighbouring listed buildings. The proposed living conditions for the new flat occupiers would also be acceptable. As adequate off-street parking would be provided and no concerns regarding flood risk or contamination exist the proposals are considered to comply with development plan policies and the NPPF and should be supported subject to the conditions specified.

Background Papers:

Certificate of ownership – signed by agent (on behalf of the applicant)
Planning application files



20/01828/FU
20/01957/LI

SOUTH AND WEST PLANS PANEL

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