



Leeds
CITY COUNCIL

Originator: R Coghlan
Telephone: 0113 336 3775

Report of the Chief Planning Officer

City Plans Panel

Date: 18th May 2023

Subject: Planning (22/04079/FU) and Listed Building (22/04080/LI) Applications for conversion of vacant upper floors to Serviced Accommodation/Short Term Lets (Use Class C1) including internal and external works, replacement bin store and new external staircase

Applicant: APM Assets

Electoral Wards Affected:

Little London and Woodhouse

☐ No

Ward Members consulted

Specific Implications For:

Equality and Diversity

☐
☐

Community Cohesion

☐

Narrowing the Gap

RECOMMENDATION: DEFER and DELEGATE to the Chief Planning Officer for approval subject to the specified conditions set out in Appendix 1 (and any amendment to or addition of others which he might consider appropriate).

1. Introduction

- 1.1. This is a joint report for both planning and listed building applications. It is brought to City Plans Panel under exception 1(b) within the Officer Delegation Scheme as it is proposing a C1 hotel use for a site allocated for C3 residential and B1 Office in the Site Allocations Plan. This is regarded as a departure from the Development Plan outside of the scope of the Officer Delegation Scheme. The merits of the departure are dealt with under section 10.1, "Principle of Development" below.

2. Proposal

- 2.1. The development proposed is to convert the upper floors to serviced accommodation. A number of external alterations are proposed including restoration of original windows to front and side elevations (with sympathetic insertion of secondary glazing), rear window, door and brickwork alterations, removal of a rear flue and the replacement of the rear external fire escape and the ground floor bin store. Internal alterations include sub-divisions, replacement ground floor stairs, removal of the redundant lift shaft and insertion of ventilation ducting. Ten serviced hotel apartments would be provided ranging in size from 23sqm to 93sqm.

3. Site and Surroundings:

- 3.1. Number 7 Duncan Street is on the north side of the road comprising ground floor shop unit and three upper floors. It is a grade 2 listed building designed by local architect, Percy Robinson in a baroque revival style and constructed at the turn of the 20th century. Historically, the ground floor shop and upper floor offices were occupied by Rawcliffes. More recently the ground floor has been converted to food and drink outlets and is currently occupied by Mommy Thai and Sqew. Despite a partially implemented planning permission in 2006 for bedsits, the upper floors have lain vacant. A new doorway to Duncan Street and staircase to the upper floors was implemented as part of that permission.
- 3.2. There is a short alleyway off Duncan Street immediately to the east of the property which provides access to the Distrikt Bar at the rear ground floor of the property, to an existing bin store and to the external fire escape. The property sits between similar listed buildings of similar design and stature on the north side of Duncan Street between Briggate and Central Road.
- 3.3. The site falls within the City Centre Central Conservation Area. The upper floors of the property are allocated in the Site Allocations Plan as a mixed use allocation MX2-25 with indicative capacities of 15 dwellings and 428sqm of office space. The site is considered suitable for older persons housing/independent living in accordance with Policy HG4. The site is within the Primary Shopping Area of the City Centre and the ground floor of this part of Duncan Street is designated as Primary Frontage.

4. Relevant Planning History

- 4.1. 06/03956/FU and 06/03954/LI Alterations to form basement restaurant, 3 ground floor retail units and 15 bedsit flats including 4 storey rear extension. Permissions 5/12/06. Only the ground floor retail element and access to upper floors implemented.
- 4.2. 08/05955/FU and 08/05956/LI for rear external fire escape permitted 4/12/08
- 4.3. 09/04185/FU Repositioning of gates and addition of external smoking canopy to rear to restaurant. Permitted 23/11/09
- 4.4. Extended opening hours 08/05241/FU to permission 06/03956/FU permitted 9/12/08

- 4.5. 09/04184/LI 1 externally illuminated projecting sign, external cameras and 2 external lights repositioning of gates and external smoking canopy to rear of restaurant. Permitted 23/11/09
- 4.6. 14/02281/FU for change of use of Unit 1 retail (A1) to food and drink (A3) permitted 19/6/14.
- 4.7. 14/07200/FU Installation of extraction system and flue to rear of Unit 3 permitted 13/2/13. 13/03081/FU and 13/02082/LI for air conditioning and 4 exhaust fans permitted 22/7/13
- 4.8. 11/00117/FU Change of use of Unit 3 from retail (A3) to hot food take away (A5) permitted 9/5/11
- 4.9. 17/01416/FU and 17/01362/LI for raised decking and fencing to side alley in front of Distrikt Bar. Retrospective applications refused 8/5/17. Reasons: visually harmful to listed building and conservation area, obstructive to access, including emergency, noise and disturbance to existing residents.
- 4.10. 18/00578/FU for change of use of ground floor shop unit 2 to restaurant/café/drinking establishment use (A3/A4) permitted 05/06/18.
- 4.11. 20/00441/FU and 20/00442/LI for insertion of door to front elevation and internal staircase to first floor. Permissions granted 07/05/20
- 4.12. 20/07362/FU and 20/07363/LI for retention of rear partially covered outdoor seating area to serve the bar in the rear ground floor. Permissions granted 26/03/21.
- 4.13. 20/03813/FU and 20/03814/LI for change of use of shop unit 1 from A3 food and drink to A3/A5 mixed use. Installation of flue to rear. Permissions granted 21/09/20. Currently in use as Sqew.
- 4.14. Various consents for new signage have been permitted over the years.

5. Public/Local Response

- 5.1. A response has been received from Leeds Civic Trust. The Trust welcomes the proposed re-use of a vacant Grade II listed building for residential occupancy with the opportunity to see this architecturally imposing building given a face lift and its interior rescued from decay. However, it would like to see 2 cycle spaces provided and the sizes of the apartments increased in size to meet the nationally described space standards under Policy H9. The Trust recognises that the space standards are not applicable to C1 accommodation, but notes the comments in the Planning Statement about future conversion to C3 and suggests that the size standards should be met from the outset.
- 5.2. A response has been received from a commercial occupier of the upper floors of 9 Duncan Street which is on the opposite (east) side of the access road. It states that the access road is not “shared” as suggested in the planning application but tenants of number 7 Duncan Street only have access rights up to the centre line. For siting any skips, scaffold etc on the eastern side of the

centre line, permission of the landlord of number 9 Duncan Street would be required. Other concerns include the following:

- Noise nuisance from the open rear yard used by the night club is likely to be extreme, considerably noisier than extractor fans and require enclosure and sound insulation of rear yard activities.
- The proposed bin store is considered insufficient for the increased use. The current bin store is inadequate and not well managed.
- No fire exit is proposed from the rear yard of 7 Duncan Street.
- As Duncan Street is now a “Bus Gate” temporary parking on the access road will not be available for delivery / collection arrangements as proposed in the management plan.
- Cleaning of the exterior could damage the “Marmo” ceramic tiling/block work unless a specialist cleaner is appointed.
- Do the extraction flues to the rear of the building have permission?

5.3. All these matters are addressed in the appraisal section below.

6. Consultation Response

Statutory

6.1. None.

Non-Statutory

Local Plans

6.2. No objection providing that the C1 use is conditioned to prevent lettings for longer than 90 days. The context for the allocation for residential use (MX2-25) in the Site Allocations Plan has changed such that it would not be appropriate to retain availability for C3 residential use. The proposed C1 use is supported by Core Strategy policy in this location.

Environmental Health – Commercial Noise

6.3. Firstly, that the external noise impact to occupiers needs to be made acceptable by:

- i. fitting mechanical ventilation so that windows do not have to be opened in hot weather. It is also necessary for building regulations because the rear restaurant flue finishes below roof level. Because it is a listed building, drawings showing ducting and any roof units will be required. It cannot be left to condition.

- ii. the new glazing needs to have 1 x 6mm layer and 1 x 4mm (standard) layer of glass. Because it is a listed building, details of the glazing need to be provided.
- 6.4. These matters are fully addressed with mechanical ventilation and key window details agreed to the satisfaction of the Conservation Officer and timber detailing of the new rear windows to be agreed by condition.
- 6.5. Secondly, the First Floor Raised Floor detail shown on drawing 22022-2006-B is sufficient for insulating against noise from the restaurants on the ground floor.

Conservation Team

- 6.6. Further information was required to clarify that the suspended ceilings will stop short of the windows and to illustrate the mechanical ventilation system, including ducting and vents to the rear of the building, and details of the proposed secondary glazing to the front and side elevations and new windows to the rear elevation. Subject to conditions, no objection is raised.

District Heating Team

- 6.7. No comment.

Highways

- 6.8. No objection following submission of evidence concerning the impracticality of providing long stay cycle parking spaces. Based on the application being for 10 serviced apartments in the C1 (Hotel) use class the Transport Supplementary Planning Document normally expects long stay cycle parking provision of 1 space per 8 bedrooms.
- 6.9. Of note, if the application were for residential apartments (C3), 10 long stay parking space would have been required, one for each apartment. Also, the bin storage for residential use would have had to have been kept separate from commercial bin storage.

National Trans Pennine Trail Officer

- 6.10. The site is on the route of the Trans Pennine Trail which passes along Duncan Street. As such it is recommended that cycle storage is included in the design to support sustainable travel.
- 6.11. As fully addressed in the Appraisal Section below, it is not physically possible to provide cycle storage.

7. Relevant Planning Policies

7.1. Statutory Context

- 7.1.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision

making at this site, the Development Plan for Leeds currently comprises the following documents:

- The Leeds Core Strategy with Selective Review (Adopted 2019)
- The Site Allocations Plan (Adopted July 2019 except for 37 Green Belt sites remitted back to the Secretary of State for re-examination)
- Saved Leeds Unitary Development Plan Policies (2006), included as Appendix 1 of the Core Strategy

7.1.2. These development plan policies are supplemented by supplementary planning guidance and documents.

8. Development Plan

8.1. Leeds Core Strategy (CS)

8.1.1. The adopted CS sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. The most relevant policies are set out in the paragraphs below:

General Policy (p23) that has a presumption in favour of sustainable development.

Spatial Policy 3: Role of Leeds City Centre views the city centre as the regional capital for major leisure, hotel and cultural development.

Spatial Policy 6: The Housing Requirement and Allocation of Housing Land establishes a target of 51,952 (net) new dwellings to be delivered between 2017 and 2033. This provision should be guided by the settlement hierarchy, with a preference for sustainable, brownfield locations and areas having low flood risk.

Spatial Policy 7: Distribution of Housing Land and Allocations establishes that 15.5% of dwellings to be identified should be within the City Centre in the period 2017-33.

Policy CC1: City Centre Development expects the city centre to be planned to accommodate 655,000sqm of new office floorspace and 15.5% of the identified housing requirement. All non-retail town centre uses are supported within the city centre providing the use does not negatively impact on the amenity of neighbouring uses.

Policy P10: Design requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function. New development is also required to deliver high quality inclusive design. Policy P10 sets out a series of key design principles (i to vi) for new development, in relation to size, design, layout, existing assets, amenity and accessibility.

Policy P11: Heritage states that the historic environment and its settings will be conserved, particularly those elements which help to give Leeds its distinct identity.

Policies T1: Transport Management and T2: Accessibility Requirements and New Development identify transport management measures and accessibility measures to ensure new development is adequately served by highways and public transport, and provides safe and secure access for pedestrians, cyclists and people with impaired mobility.

8.2. Site Allocations Plan

8.2.1. The Site Allocation Plan was adopted in July 2019. Following a statutory challenge, Policy HG2, so far as it relates to sites which immediately before the adoption of the local plan were within the green belt, has been remitted to the Secretary of State and is to be treated as not adopted. All other policies within the SAP remain adopted and should be provided full weight. The SAP provides office, residential, green space and retail allocations and other designations for all areas of Leeds with the exception of Aire Valley Leeds, which has its own plan.

8.2.2. The site is allocated under reference MX2 25 for 15 dwellings and 428sqm of office space.

8.2.3. The allocation has the following site requirements:

- The site is suitable for older persons housing / independent living in accordance with Policy HG4
- Development must preserve the special architectural or historic interest of Listed Buildings and their setting
- Development should preserve or enhance the character or appearance of the Conservation Area

8.3. Leeds Unitary Development Plan Review 2006 (UDPR) Saved Policies

8.3.1. Relevant Saved Policies include:
Policy GP5 all planning considerations
Policy GP1 Proposal Map allocations

8.4. Relevant Supplementary Planning Guidance: SPD Transport SPD (2023)

8.5. National Planning Policy Framework (NPPF) 2021

8.5.1. The NPPF sets out the Government's planning policies for England and how these should be applied (para 1), and is a material consideration in planning decisions (para 2). It states that the purpose of the planning system is to contribute to the achievement of sustainable development (para 7). So that sustainable development is pursued in a positive way at the heart of the Framework is a presumption in favour of sustainable development (paras 10-11). It states that decision makers at every level should seek to approve applications for sustainable development where possible (para 38). The Framework sets policies on the following issues which are relevant to this planning application proposal (including section numbers):
12 Achieving well designed places (126 and 130)
16 Conserving and enhancing the historic environment (194 - 202)

9. Main Issues

- 9.1. Principle of the development
- 9.2. Impact on Visual Amenity and Listed Building
- 9.3. Impact on General Amenity
- 9.4. Highway Issues
- 9.5. Residential Standards

10. APPRAISAL

10.1. Principle of the Development

10.1.1. The upper floors of 7 Duncan Street are allocated for mixed use under reference MX2-25 of Policy HG2 of the Site Allocations Plan 2019. Indicative capacities for 15 dwellings and 428sqm of office space are set, with site requirements that the site is suited for older persons housing / independent living, that any development should preserve the special architectural or historic interest of Listed Buildings and their setting and that any development should preserve or enhance the character or appearance of the Conservation Area. The proposal for C1 use would be contrary to the allocation in the Site Allocations Plan which anticipates use for housing and office use. In considering the principle of the proposed use, the following policies will also be relevant:

- Spatial Policy 3 Role of Leeds City Centre: (i) promoting the city centre's role for major new hotel development, (iv) re-use of vacant and underused sites and buildings for mixed use development
- Spatial Policy 6 The Housing Requirement and Allocation of Housing Land: accommodating 51,952 (net) new dwellings 2017-33 focussing on sustainable accessible locations with a preference for brownfield sites.
- Spatial Policy 7 Distribution of Housing Land and Allocations: accommodating 15.5% of identified and allocated housing land in the City Centre
- Spatial Policy 8 Economic Development Priorities: (ii) promoting the development of a strong local economy continuing to grow opportunities, inter alia, in leisure and tourism and (vii) developing the city centre as the core location for town centre uses
- Policy CC1 City Centre Development. To accommodate 15.5% of identified and allocated housing land and to support all other town centre uses within the city centre providing the use does not negatively impact on the amenity of neighbouring uses

10.1.2. The site was allocated in SAP under MX2-25 reflecting a previous planning application (06/03956/FU) that was approved in December 2006 and included 15 residential units. Policy GP1 of the UDP states that permission should not be given for different permanent uses to the allocated use unless evidence shows that circumstances have changed, in particular in relation to the need for the allocated use, the suitability of the site or the need for the proposed use. According to the council's land supply records the permission expired in December 2009 and the scheme is now undeliverable. The site is no longer in

the current pipeline of short-term deliverable supply and is not included as part of the five year housing land supply.

- 10.1.3. Thus, the context is different today. The location in the city centre means the premises could be used for other purposes that would be supported by planning policy for the City Centre. Serviced accommodation in the C1 use class is a town centre use that is supported by Policy CC1 in the City Centre. Spatial Policy 3 promotes major hotels in the city centre. Whilst this proposal is not major, it would still contribute to the growth of leisure and tourism, one of the economic development priorities of Spatial Policy 8. As such it is considered that the new circumstances expected of Policy GP1 apply in this case, and Policy GP1 is satisfied.
- 10.1.4. A conservation factor also comes into play. The upper floor premises have been vacant for more than 15 years since the closure of the Rawcliffes shop in the 2000's. Re-use of the premises would help preserve the Grade II listed building in accordance with Policy P11 of the Core Strategy and chapter 16 of the NPPF.
- 10.1.5. In conclusion it is considered circumstances are now different such that the allocation for C3 residential with a small amount of office floorspace is no longer needed in accordance with UDP Policy GP1 (iii) and the proposed C1 use is supported by Core Strategy Policy.

10.2. Impact on Visual Amenity and Listed Building

- 10.2.1. Policy P10 of the core strategy expects new development to provide good design appropriate to its location, scale and function. Proposals will be supported i) of a size, scale and design appropriate to its context and respects the character and quality of surrounding buildings, and ii) that protect and enhance historic assets. Policy P11 of the core strategy expects the historic environment of Leeds to be conserved and enhanced. Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and Section 72 of the Listed Building Act 1990 are also important as the property is grade 2 listed and within the city centre central conservation area.
- 10.2.2. Most of the proposed works to the building would be internal. There will be cleaning and repair as necessary of the external walls, roof and fenestration. To address the concern raised by the neighbour, the applicant has confirmed that a professional company will be employed to undertake the cleaning so that the ceramic tiling will not be damaged. This will also be controlled by condition. Some of the rear windows are proposed to be replaced with double and triple glazed timber casement windows replicating the original profiles in terms of glazing bars. Three former toilet cubicle windows formerly bricked up will be opened up and reinstated with timber casement windows. The rear fire escape will be replaced to reach the first floor, integrating with the ground floor bin store. The second floor fire exit door will be bricked up using matching brickwork. It is considered that the proposed external works would be modest, and generally enhance the building in accordance with Policies P10 and P11 of the Core Strategy.

- 10.2.3. The neighbouring landlord has questioned whether the flues at the rear of the building have listed building consent. As existing, the building has three flues. The applicant will remove the central flue (that does not appear to have planning permission) as part of this application. The flues to the left and the right have permission from consents in 2014 and 2020 serving the ground floor restaurants.
- 10.2.4. The internal alterations largely preserve the original structure and internal plan form. There are subdivisions of the space but there is limited evidence available of the original internal plan form. The stairs from the ground floor will be replaced with lower risers to improve accessibility for those with mobility issues. Minor demolitions include removal of the redundant lift shaft through all floors, including the lift head; removal of internal subdivisions in the NE corner of the first floor to allow the low rise stairs to be inserted and access to the new fire escape; removal of the derelict stairwell to the NE corner of the second and third floors; removal of the modern staircase at the SW corner of the first floor; and removal of the toilet cubicles to the rear of the third floor. Where mouldings are removed they will be used to replace or repair elements retained elsewhere in the building.
- 10.2.5. The central original stairwell will be reinstated to link the upper floors. New fire retardant ceilings will be installed to meet 60 minute fire retardance standards with minimal fixing points. Room subdividing walls will be attached to the new ceiling. A raised floor will be installed to the first floor to allow for servicing and sound insulation. A mezzanine floor will be installed into the 3rd floor roof space. All installations will be designed to be easily removed so that changes can be undone without harm to the original fabric of the building.
- 10.2.6. The vents of the ventilation system mostly open onto the rear of the building with the exception of one vent at second floor level to the side of the building. No venting to the front of the building is proposed.
- 10.2.7. The conservation officers concern that the suspended ceilings may extend to the windows has been allayed by the submission of a typical section drawing illustrating that the suspended ceilings stop short of the windows.

10.3. Impact on General Amenity

- 10.3.1. Policy P10 expects development to protect the general amenity of the area. In terms of the impact of the proposed C1 use on surrounding uses, there are residential apartments above the Yorkshire Bank which is two buildings to the west. Most of the other surrounding uses are non-residential including the Distrikt Bar with external seating and restaurants, Mommy Thai and Sqew, on the ground floor. There are also a number of extractor fans for commercial uses. To the front of the property Duncan Street is a busy city centre thoroughfare with several pubs, bars and restaurants and high night time footfall and vehicular traffic. As such, it is not expected that the C1 use will add any noticeable unacceptable additional noise and disturbance over and above the ambient night time noise levels in the area.

- 10.3.2. In terms of amenity of short stay occupiers, the applicants have submitted a management plan to control how the apartments are managed in terms of entry and exit, waste disposal, laundry and general management. There will be a managing agent available to assist with access problems, faults, missing items, complaints or any other issue, who can attend the site if necessary. A condition to the planning permission will ensure that the management plan is adhered to.
- 10.3.3. The planning case officer visited the property to get a feel for the level of external noise, including from the rear extractor flues turned on. With the existing windows, which are single glazed with old poorly fitting frames, there was a modest background hum of external noise, which seemed to be at a level that one might expect for such a city centre location. However, on the recommendation of the environmental health officer the apartments will be fitted with mechanical ventilation so that windows do not have to be opened in warm weather and suffer from external noise. Also, the windows to the front and side elevations will be repaired and fitted with secondary glazing, in a form to the satisfaction of the conservation officer. The windows to the rear elevation will be replaced with new double and triple glazed units in a form to match the existing.
- 10.3.4. The neighbouring landlord of number 9 Duncan Street suggests the noise from the open yard used by the Distrikt night club can be extreme and require its own enclosure and sound proofing to prevent nuisance to bedrooms. However, the use of the open yard is not permitted beyond 23:00 except for smoking, and sound proofing is proposed to the floor of the first floor and to the party wall with the adjoining building to buffer against noise nuisance. Also, on the advice of the Environmental Health officer, all rooms will be fitted with mechanical ventilation so that windows do not have to be opened in warm weather. The existing dilapidated rear windows will be replaced with new double or triple glazed units which will provide much improved sound insulation. This is considered sufficient for short stay guests.
- 10.3.5. Overall it is considered that the proposals would accord with policy in terms of safeguarding general amenity

10.4. Highway Issues and Servicing

- 10.4.1. Policy T1 of the Core Strategy and supplementary documents set out standards for provision of car parking and cycle parking. The site is a highly sustainable location in terms of public transport and access to shops, facilities, services and employment. As such no on-site car parking provision is necessary. For C1 accommodation the Transport SPD expects 1 long stay cycle parking space for every 8 rooms. This ratio is based on the needs of hotel staff. As such 2 spaces would normally be expected for 10 small apartments. However, there is no physically suitable location available for any cycle parking to be provided. The entrance hallway is not wide enough for bike storage, which would create obstacles for people to pass. With the proposed bin store at the rear of the ground floor, the only other ground floor space is in

the access road which is shared with other properties and open to the public. Therefore, cycles would be vulnerable to theft and damage. Protective bike cages or stands could impede deliveries and other users of the access road. Therefore, notwithstanding the comments from Leeds Civic Trust and National Trans-Pennine Trail Officer, the highways officer has accepted that in this case, cycle provision would not be feasible.

- 10.4.2. In terms of waste collection C1 use is regarded as generating commercial rather than household waste. As such there is no need for a separate storage area for household waste. The proposed enlarged replacement bin store at the rear of the property is considered appropriate in terms of size, accessibility and appearance. Also, the revised drawing provides access in case of fire from the rear seating area of the Distrikt Bar to the service road at the side.
- 10.4.3. Regarding the neighbouring landlord concern that the Bus Gate would prevent vehicles reaching the private access road at the side, the Duncan St Traffic Regulation Order restricts Duncan Street to the use of busses, taxis and cycling only between 07-10am and 4-7pm which means deliveries and drop offs can be made outside of these peak hours; also, there is a loading bay nearby on Central Road that can be used anytime.
- 10.4.4. In terms of access rights to the service road raised by the neighbour, the service road is split along the centre, with properties either side having access rights along that side of the service road.

10.5. Residential Standards

- 10.5.1. As the proposal is for serviced apartments within the C1 (hotel) use class the policies concerning residential arrangements and standards do not apply. This includes Core Strategy Policies H4 (Housing Mix), H5 (Affordable Housing), H9 (Internal Space Standards) and H10 (Accessible Housing). These cannot be applied on an assumption that the use may subsequently change to a C3 housing use. Such a change would require planning permission. If an application were submitted to change the serviced apartments to C3 apartments, Housing Policies H4, H5, H9 and H10 would have to be addressed. Transport Policy and Supplementary standards concerning cycle parking would also have to be addressed. A condition to limit residency to short term occupation (up to 3 months) is recommended to clarify the boundaries of C1 use granted by this permission.
- 10.5.2. In terms of access for all, as required by Policy P10 of the Core Strategy it is unfortunate that it will not be possible to achieve lift access, and therefore level access, to the upper floor hotel accommodation. The site does not lend itself to achieving wheelchair accessibility standards without major intrusions into the built fabric and securing access from the ground floor is not possible, as this is given over to other uses, and is outside the control of the applicant. Stair access is already provided from the front access door to the first floor. This access was the only part of an earlier planning application for residential use of the upper floors to be implemented.

10.5.3. However, the applicant has agreed to replace the stairs from the ground floor with new stairs of a lower rise, which will make them an “easy going” walk. Whilst not providing access for wheelchair users the new stairs will be easier to negotiate for those who are less able and should also facilitate ease of egress during any emergency situations. On balance it is considered that the positive aspects of the proposals outweigh the lack of lift access. The applicant will be made aware of their responsibilities under the Equalities Act by way of an informative on the decision.

11. Conclusion

11.1. Overall, the proposed change of use to C1 serviced apartments is considered to accord with policy in terms of the principle of the change of use, impact on visual and general amenity, impact on the listed building and conservation area and highway standards, so should be granted planning permission and listed building consent subject to conditions.

12. Recommendation

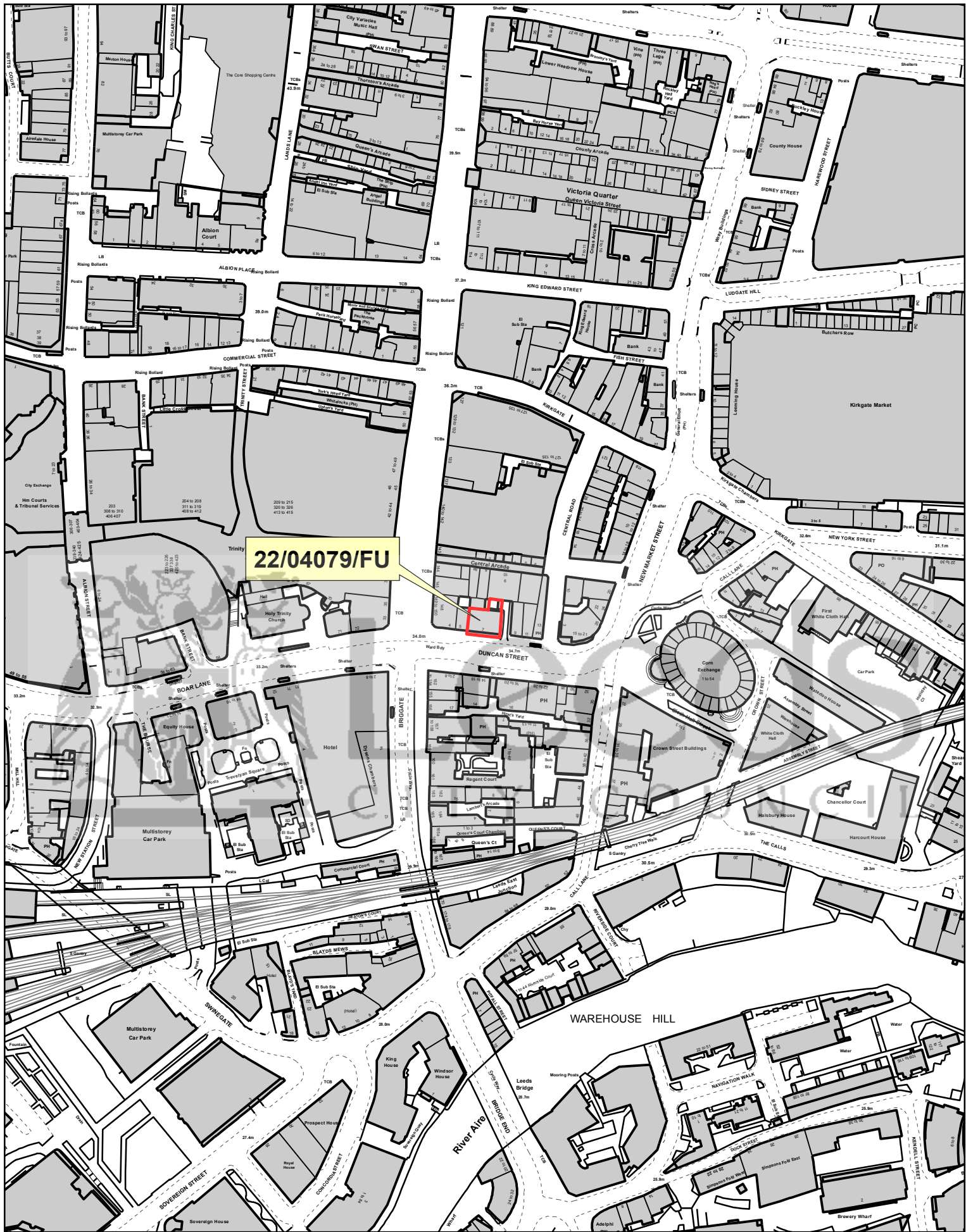
12.1. Grant planning permission and listed building consent subject to conditions.

Background Papers

Application files 22/04079/FU and 22/04080/LI

Appendices

Appendix 1: Draft Conditions



CITY PLANS PANEL

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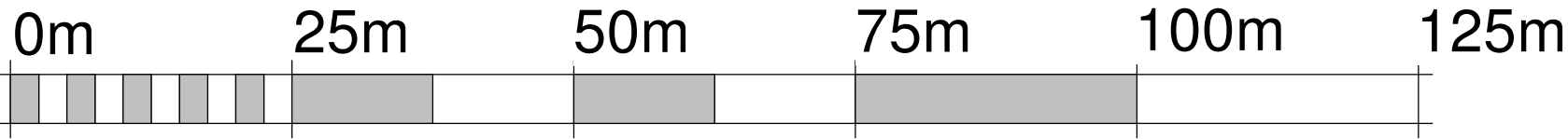
PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/2500





-00- Site Location Plan
1 : 1250



SCALE 1:1250 @ A3-Landscape



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BUILDING SPECIFICATIONS AND OTHER SUB CONTRACTORS INFORMATION. IF IN DOUBT ASK

Planning Drawing

PROJECT ADDRESS:
7 Duncan Street,
Leeds

PROJECT DESCRIPTION:
Proposed 10no Self
Contained Serviced
Apartments

DRAWING TITLE:
Location Plan

Rev Description

Date

Unit 5 | Killingbeck Office Village | Killingbeck Court | Leeds | LS14 6FD
0113 467 6001 www.pdg-arch.co.uk email: info@pdg-arch.co.uk

DATE: April 2022 Dwg No: 22022-2000-B Rev.
SCALE: 1 : 1250 @A3



Appendix 1
7 Duncan Street – Draft Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans and Specifications above.

For the avoidance of doubt and in the interests of proper planning.

- 3) The building shall not be occupied until mechanical ventilation according to the approved drawings has been installed to the written satisfaction of the Local Planning Authority

- 4) Once the permission is implemented the premises shall not be operated except in accordance with the Management Statement for APM Assets Ltd dated June 2022

- 5) The apart-hotel units hereby approved shall be used as an apart-hotel only. The same person or family unit shall not occupy any apartment within the apart-hotel, hereby approved, for more than three months in one continuous occupancy, or for more than 3 months in total within any 6 month period to avoid an apartment being occupied as a person's or family's sole, or permanent, place of residence.

In order to ensure that the apart-hotel hereby approved is not used as a 'Dwelling House' as set out in the Town and Country Planning (Use Classes) Order 2005, or any subsequent amending Act, which would bring with it the requirement to comply/address other housing policies in the Local Plan

- 6) Any necessary making good of the existing brickwork/stonework shall be carried out to match exactly that existing in terms of colour, texture, profile, dimension, scale, bonding and/or coursing, and colour and type of mortar jointing.

To preserve the character of the building in the interests of visual amenity.

- 7) The external walling materials shall match those existing.

In the interests of visual amenity.

- 8) Notwithstanding the details shown on the plans hereby approved, no building operations shall take place until full details (to include glazing details, joinery details and details of materials) of the replacement rear windows have been submitted to and approved in writing by the Local Planning Authority. The

development shall be carried out in accordance with the approved details and retained for the lifetime of the development.

In the interests of the character and visual amenity of the area and to preserve the historic character of the building

- 9) Cleaning of the building external fabric shall only be undertaken by a professional cleaning company experienced in cleaning historic buildings according to a program approved in writing by the Local Planning Authority

To protect the historic and architectural value of the external tiling of the building

Reason(s) for granting consent:-

For information:-

- 1) The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries, the detailed advice available on the Council's website and further discussion where appropriate to produce an acceptable development. This particular proposal was clearly in accordance with the Development Plan and so permission could be granted without any further discussion.
- 2) The Applicant is advised that The Equality Act 2010 places duties on the applicant as a Service Provider to offer the same level of service to all customers. As such the provision of an accessible access should be considered further by the Applicant as a requirement to accord with the aforementioned Act.