



Report of the Chief Planning Officer

PLANS PANEL (EAST)

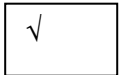
Date: 25th November 2010

Subject: APPLICATION 10/03753/EXT - Extension of time period for planning permission 07/03491/FU change of use carrying out alterations and extension of vacant mill building to form 42 flats and 2 houses with 2 garages and 18 car parking spaces, South Queen Street Mill, South Queen Street, Morley

APPLICANT	DATE VALID	TARGET DATE
Alliance North West Ltd	13/08/2010	12/11/2010

Electoral Wards Affected:

Morley South



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER and DELEGATE approval to the Chief Planning Officer subject to the conditions specified (and any others which he might consider appropriate) and the completion of a legal agreement within 3 months from the date of resolution unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations:

- 1. The provision of off-site Greenspace in the form of a commuted sum.**
- 2. 'recession proofing' clauses in respect of affordable housing and enhanced greenspace contributions, should the development not proceed.**

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

Conditions

1. Time Limits
2. Approved plans
3. Sample of wall and roofing materials
4. Sample panel of brickwork/stonework

5. Area to be used by vehicles to be laid out
6. Details of hard surfaces
7. Details of any boundary treatment to be submitted
8. Development in accordance with approved drainage scheme
9. Details of cycle parking
10. Visibility at the egress to be kept clear of obstructions
11. Signage to identify one-way route through the site
12. Refuse disposal details
13. Details of all windows and doors
14. Details of scheme of archaeological recording
15. Site investigation report
16. Remediation statement
17. Unexpected remediation to be dealt with.
18. Means of preventing mud etc on highway

Details of greenspace to be dealt with by a Section 106 Agreement.

Reasons for approval: The application is considered to comply with policies GP5, BD5, N2, N4, N13, T2, T24, LD1, N18A and N19 of the UDP Review, as well as guidance contained within SPG13 and in light of the financial appraisal submitted it is considered that requirements of policy H12 (as well as guidance contained within SPG3 – Affordable Housing) and policies N2 and N4 in respect of greenspace can be relaxed and having regard to all other material considerations, the application is acceptable.

1.0 INTRODUCTION:

- 1.1 Members may recall that two previous applications to convert the mills into flats in 2006 and 2007 were considered at two separate Plans Panel meetings in those years. Details in relation to greenspace and affordable housing were subject to planning conditions.
- 1.2 The proposal relates to an application to extend the time limit of the approval. The details of the built scheme proposal are essentially the same as those previously agreed by Plans Panel, but important changes are proposed to the greenspace and affordable housing conditions. A viability assessment has been submitted to show that the scheme is not viable to provide affordable housing and a full greenspace contribution, and these items are the principle areas under consideration in the report.
- 1.3 Morley Town Council has requested that the application be considered by Plans Panel.
- 1.4 The planning merits are considered to be finely balanced, as the developer is seeking to commence development in the near future, and is proposing to employ local people in the project. The proposal will bring a long standing vacant mill back into re-use, and it stands at a prominent gateway site into the town centre. The merits of the proposal will need to be balanced against the lack of affordable housing and the reduced greenspace contribution.

2.0 PROPOSAL:

- 2.1 This application is the extension of an application (07/03491/FU) that was approved in August 2007 for the conversion of the mill building on the site to 42 flats and two houses. The scheme comprises the following:

A one way system was proposed which would allow cars to access the site through the main archway entrance and exiting onto South Queen Street via access to the southern side of the building.

Residential accommodation has been omitted from the ground floor plan along West Street. This allows for additional parking within the development and avoids flats being located below street level. 18 useable external spaces are shown plus 2 garage spaces.

All apartments are 'stacked' (i.e. bedrooms are above bedrooms, living rooms are above living rooms).

In order to accommodate differences in the eaves height of the existing building, which has no roof, the eaves level is to be raised in part and a glazed and lead panel incorporated to provide window openings with views out instead of the roof lights. This panel would be very slightly recessed from the edge of the main building.

The 6 first floor windows onto South Queen Street to the right of the vehicle access (when facing) will be opened up. 3 existing window openings are to be opened up on the southern elevation.

Only corridor windows will face west out of the void. Bedroom windows will be added to the northern side of the void and will remain as previously approved on the southern side.

Windows onto West Street elevation are to be reduced in height over part of this elevation at street level (first floor level of building).

Alterations (e.g. un-blocking of windows) and addition of new windows to internal courtyard elevations.

A central entrance is now proposed which has lift access to all floors.

Bin stores are shown.

2.2 Condition 27 of application 07/03491/FU states:

"No development shall begin until a scheme for the provision of additional or improved greenspace, on or off site, to meet the needs of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.

To ensure the provision of greenspace in accordance with Leeds Unitary Development Plan Review (policies N2 and N4) and Supplementary Planning Guidance 4, Greenspace relating to new housing development."

The applicant is proposing a financial contribution in lieu of greenspace, and considerations of this are set out in the appraisal section below.

2.3 Condition 28 attached to the grant of permission requires 25% affordable housing to be provided as part of the development. The wording of the condition is set out below;

“No development shall begin until a scheme for the provision of affordable housing to meet the needs of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.

To ensure the provision of affordable housing in accordance with national planning policy as expressed in PPS3: Housing, Leeds Unitary Development Plan Review 2006 (policies H11, H12 and H13) and Revised Supplementary Guidance No.3, Affordable Housing.”

The applicant is not proposing to provide any affordable housing on viability grounds- this is considered in the appraisal section below.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is situated at the junction of South Queen Street and West Street and comprises of a three storey late Victorian mill building laid out around a central courtyard with a two storey building attached to the south western corner. It is mainly brick with the frontage onto South Queen Street being stone and the roof is natural slate. The site is within Morley conservation area and the surrounding area is of mixed use character with residential properties to the west and east and commercial properties to the north and east. Immediately to the south of the site is a small area of open space that is grassed and landscaped with trees, shrubs and flowers. The site can be accessed from two points, one from the south and the main access being from the east through an existing arch leading to the courtyard.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 07/03491/FU change of use carrying out alterations and extension of vacant mill building to form 42 flats and 2 houses with 2 garages and 18 car parking spaces – approved August 2007.
- 4.2 06/03318/FU - change of use and extension and alteration of vacant mill buildings to 42 flats and 2 houses each with garage and with 18 car parking spaces – approved September 2006.
- 4.3 23/498/03/FU - change of use of mill to 42 flats with covered stairway – approved July 2005.
- 4.4 23/131/00/FU - change of use of mill to 24 flats – approved August 2001.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The applicant has submitted a full financial viability appraisal in accordance with Council Guidelines in respect of provision of affordable housing. .
- 5.2 The appraisal has been assessed by a Council Surveyor who has advised that the development is no longer viable. This matter is considered in detail in the appraisal section of the report.

5.3 A contribution towards off-site greenspace has been negotiated.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 This application was advertised as Proposed Major Development Which Affects the Character of a Conservation Area by way of site notices which were posted on 27th August 2010. In addition, the application was advertised in the Morley Advertiser on 1st September 2010. To date, a total of 2 letters of objection have been received from local households. The objections raised relate to the following issues:

- Concerns over the lack of parking available for proposed 42 flats with just 18 car parking spaces.
- The area surrounding site is double parked regularly and most areas are double yellow lines with no off street parking. Access to property is on a blind corner through a one way system and is poor for such a large development.
- An existing car park adjacent to mill which would have been ideal is currently blocked off by a local builder and may be built on in the future.
- This property is on a one way system and in a densely populated residential area.
- The properties in this area, predominately back to back terraces, already rely on street parking.
- There is a doctors surgery, a chemist, industrial units, a church and a nursery which make the area congested.
- The provision of additional dwellings will exacerbate the problem and make parking almost impossible and pedestrian walkways problematic.
- South Queen Street is a major through road servicing the large estate to the east of the town and is used extensively by public transport. There is no provision for parking on this road which will force property owners onto the already congested surrounding residential streets.
- These roads simply cannot tolerate additional traffic.

6.2 Morley Town Council – The application, to bring about the development of an extremely derelict mill building in a prominent location is welcomed. 20 parking spaces will assist the scheme in being successful.

7.0 CONSULTATIONS RESPONSES:

Statutory:

7.1 Highways – no objections, as there has been no material changes in guidance affecting the application.

Non-statutory:

7.2 Neighbourhoods and Housing: No objections are raised.

7.3 Yorkshire Water – no objections, subject to conditions.

7.4 Main Drainage – no objections, subject to conditions.

8.0 PLANNING POLICIES:

8.1 The development plan comprises the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). The RSS was issued

in May 2008 and includes a broad development strategy for the region setting out regional priorities in terms of location and scale of development.

8.2 Policy H4 of the RSS: provision of affordable housing - This policy includes provisional estimates of the proportion of new housing that may need to be affordable. This estimate is 30 – 40% for Leeds.

8.3 Relevant UDP policies:

UDP Designation: Morley town centre (S2 centre) and conservation area.

UDP Policy GP5 seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

UDP Policy BD5 requires all new buildings to give consideration to both their amenity and that of their surroundings.

UDP Policy BD6 requires alterations and extensions to respect the scale, from detailing and materials of original building.

UDP Policy N13 requires all new buildings to be of high quality and have regard to character and appearance of surroundings.

UDP Policy H4 relates to residential development on land not identified in the UDP.

UDP Policy H11 & H12 relate to the provision of affordable housing.

UDP Policy T2 relates to highways and new development and states that development proposals should not create new, or exacerbate existing, highway problems.

UDP Policy T24 refers to development reflecting car parking guidelines.

UDP Policy N2 & N4 relate to the provision of green space.

UDP Policy BC7 requires development in conservation areas to normally be in traditional local materials.

UDP Policy N18A states that there is a presumption against the demolition of buildings that make a positive contribution to the character and appearance of a conservation area.

UDP Policy N19 requires development to preserve or enhance conservation areas.

8.4 Informal Housing Policy – The City Council has made some informal changes to housing policy relating to the need to increase provision of affordable housing in Leeds to address higher housing needs. For the Outer Suburbs Housing Market Zone which this site lies in, the affordable housing target has increased under the informal policy from 25% to 30%. The new targets apply to planning applications submitted after 21st July 2008. The raised targets are an interim measure until the Supplementary Planning Document on affordable housing is completed.

8.5 Supplementary Planning Guidance – ‘Neighbourhoods for Living’

National Policy and guidance

8.6 PPS1 ‘Delivering Sustainable Development’.

PPS3 ‘Housing’.

PPG13 ‘Transport’.

PPS5 ‘Planning for the Historic Environment’.

9.0 MAIN ISSUES

Principle.

Residential amenity.

Visual amenity and Conservation Area.

Highways.

10.0 APPRAISAL

Principle

- 10.1 The property has previously benefited from planning approval for the conversion to 42 flats and 2 houses and therefore the principle of residential use was established. Although the permission has recently expired, a residential use, to bring the building back into reuse is supported.
- 10.2 The application site is unallocated in the Leeds Unitary Development Plan and relates to a mill building that has been derelict for some time (since before application 23/131/00/FU which sought consent (and was approved in August 2001) for a change of use to 24 flats was submitted). It is therefore considered that the proposal is consistent with PPS3 which seeks to promote the re-use of vacant buildings as it is recognised they can provide an import source of housing. For this reason and given that site is located in a sustainable location, close to local facilities and with access to public transport links, residential development on this site is therefore considered to be acceptable.

Residential amenity

- 10.3 The scheme fails to meet all of the guidelines set out in 'Neighbourhoods for Living' but, given that the proposal is for the conversion of an existing building, a more flexible approach has previously been supported by Panel. No external amenity space would be provided within the site due to the need to provide car parking and instead a financial contribution to off-site green space would be obtained through a Section 106 Agreement (to be subject of a legal agreement). Notwithstanding this, it is considered that overall a good level of amenity would be afforded to the occupiers of the proposed flats due to the layout of the existing buildings on the site and the division of the internal space.
- 10.4 The current proposals retain the void /light-well but alter its shape - it is to be narrowed very slightly in a north south direction and widened in an east west direction. This means that the windows in the west elevation facing towards 12 West Street are now slightly further away from this property. Concerns from the owners of No. 14 West Street have been expressed about the potential for overlooking from the windows in the west elevation. However, it should be noted, as set out above, that the windows previously approved in the west elevation were to bedrooms on one floor and a corridor on the other. Only corridor windows would now be located on the west facing elevation and given that they are slightly further away than the windows previously approved it is not considered that there would be any additional impact on the living conditions of the neighbouring properties on West Street. Bedroom windows would now be added to the northern side of the void / light-well. Whilst it is recognised that some views of the rear gardens of properties on West Street may be possible from these windows they would have less of an impact on neighbouring living conditions than those bedroom windows previously approved in the west elevation, which have now been omitted. On balance it is not considered that neighbouring residential amenity would be significantly or adversely affected by these new windows.

- 10.5 The 6 first floor windows facing onto South Queen Street to the right of the vehicle access (when facing) would be opened up. 4 of these would serve the living / dining room of proposed flat 1 and the other 2 would serve one of the bedrooms to this flat.

There are a large number of windows in the external elevations of the building and a significant number of these already face towards neighbouring residential properties on the opposite side of South Queen Street. Given the location of existing windows and the separation that exists (which is formed by a relatively busy town centre road) between the additional windows to be opened up and neighbouring properties, it is considered that the residential amenity of neighbouring properties would not be unduly affected.

- 10.6 3 existing window are to be opened up on the southern elevation. Given the distance of these from neighbouring properties and that they are further away from neighbouring properties than other windows in this elevation it is not considered that there would be any additional or significant impact on neighbouring properties. A number of alterations (e.g. un-blocking of windows) and addition of new windows are also proposed within the internal courtyard area. As these works are located within the internal courtyard they have no impact on neighbouring properties.

Visual amenity and Conservation Area

- 10.7 The existing building makes a positive contribution to the character and appearance of the conservation area and its retention is therefore desirable. The industrial origins of the building would remain apparent following its conversion given the limited external alterations that are proposed. With regard to the changes to the approved scheme the following should be noted.

- 10.8 In order to accommodate differences in the eaves height of the existing building, which has no roof, the eaves level is to be raised in part and a glazed and lead panel incorporated to provide window openings with views out for the roof accommodation. The roof accommodation was previously to be lit entirely by roof lights. It is considered that the proposed changes, given the design and materials, would be entirely in keeping with the existing building and are a sympathetic way of improving the living environment of future occupiers. The original natural slate roof would be reinstated.

- 10.9 It is proposed to reduce the height of some of the windows facing onto the West Street elevation at street level (first floor level of building) in order to overcome differences in level within the site. This change is considered to be acceptable as the general proportions and rhythm of the windows would be retained and it is not felt that the existing character of the building would be adversely affected.

- 10.10 It is considered that the other alterations proposed e.g. un-blocking of windows and the addition of new windows to internal courtyard elevations are relatively minor and would retain the existing character of the building.

Highways

- 10.11 The site is located within the S2 centre where a relaxed level of parking can be considered given that it is in close proximity to public transport links and local amenities. There is concern locally that the proposal would result in on-street parking problems in the immediate vicinity given that there would only be 20 parking spaces to serve 42 flats and two houses. However, Government guidance states there should not be a minimum requirement for off-street parking and that local authorities should allow for significantly lower levels of off street parking for developments in town centres where services are readily accessible by walking, cycling or public transport.

Affordable Housing

- 10.12 The original approval required 25% of the units to be affordable, to comply with requirements at that time. Under the Informal Housing Policy (set out in 8.2 above), the new target is 30%.
- 10.13 Section 3 of SPG3 – Affordable housing, at paragraph 3.9 relating to site development costs, states that the Council will have regard to economics of provision and costs of development. Where in exceptional circumstances, the development value of a scheme would be insufficient to cover all development costs (normal and abnormal) as well as all necessary planning benefits and provide a reasonable land value, the Council may consider relaxing the requirements for planning benefits in order to enable the development to proceed. In these circumstances, the SPG states that the developer will be required to provide justification by submission of a full financial appraisal.
- 10.14 In light of the financial appraisal which shows that the scheme is not viable, it is not considered reasonable for the Council to pursue the additional affordable housing required by the conditions attached to the original consents for the site, or indeed the increased requirement of the informal housing policy. In the current economic climate it is considered that it is beneficial for the scheme to be completed and this should be taken into account in the consideration of the issue of relaxing the affordable housing requirement for the site.
- 10.15 However, it is recommended that the Section 106 Agreement provides for “recession proofing”, that is if the site is not substantially developed (50% of the flats) within 2 years, a revised financial viability statement is to be resubmitted, and if the market has picked up, then some affordable housing (and even enhanced greenspace contribution) would be required.

Greenspace

- 10.16 In relation to other planning benefits associated with the development, there is an outstanding requirement under Policy N4 of the UDP Review to ensure appropriate access to the hierarchy of greenspaces set out in policy N2 and this is a requirement of condition attached to application 07/03491/FU.
- 10.17 No public greenspace is proposed on site, therefore under policies N2 and N4, the developer is required to make a financial contribution towards the provision of off-site greenspace. The cost of laying out the appropriate amount of greenspace, its maintenance, provision of child’s play and professional fees has been calculated to be £102, 290.52.
- 10.18 The financial appraisal has demonstrated that that if contributions are made towards greenspace, the project would not be sufficiently profitable, and therefore would not be viable. However, unless a contribution is made towards greenspace, the proposal would be contrary to Council’s policies in respect of greenspace. There is no formal policy mechanism for reducing the greenspace requirement (as there is for affordable housing), even when the applicant has demonstrated that the scheme is unviable. In these circumstances, the applicant has offered £66,000 - £1,500 per unit. In the current economic climate it is considered that it would be beneficial to the character and appearance of the conservation area and local economy if the scheme were to be completed and this should be taken into account in the consideration of the issue of relaxing the greenspace requirements for the site. Although the sum is less than that assessed under policies N2 and N4, it is reasonable in the circumstances of the viability, and it should be borne in mind that when the sum was assessed at the time of the original approval, a sum of £65 000 was assessed.

- 10.19 As with the affordable housing, it is recommended that the Section 106 Agreement provides for “recession proofing”, that is if the site is not substantially developed (50% of the flats) within 2 years, a revised financial viability statement is to be resubmitted, and if the market has picked up, then additional greenspace would be required.
- 10.20 The applicant is to enter into a Section 106 agreement to pay the above commuted sum towards greenspace provision. Members will be aware from previous officer reports that new tests relating to the legality of planning obligations have been introduced by way of new secondary legislation in the form of the Community Infrastructure Levy (CIL) Regulations introduced by Central Government as of 6 April 2010 which impact on planning obligations.
- 10.21 Whilst the focus of the CIL is to give local authorities the ability in future to levy a charge on a wide range of development proposals within their area the regulations also introduce a new legal test relating to the use of planning obligations based on the existing policy tests. The effect of this is that it will be unlawful for a planning obligation to be taken into account in a planning decision to authorise development if the obligation is not:
- (a) necessary to make the development acceptable in planning terms (test (a))
 - (b) directly related to the development (test (b)); and
 - (c) fairly and reasonably related in scale and kind to the development (test (c)).
- 10.22 These legal tests have been applied to the obligation in the S106 agreement which the applicant has entered into as part of the application relating to the greenspace contribution and this obligation is considered particularly necessary as future residents will rely on off site greenspace provision, the requirement is directly related to the development as it will secure provision in locations which as closely as possible meet the needs of the residents of the development and the contribution has been calculated on the basis of the location of the site and the number of residential units and is therefore reasonably related to the scale and kind of development. As such, the obligation is considered to be compliant with the three new legal tests. This contribution is in accordance with policy clearly set out in SPG4 and the development would not be considered acceptable without this obligation.

11.0 CONCLUSION

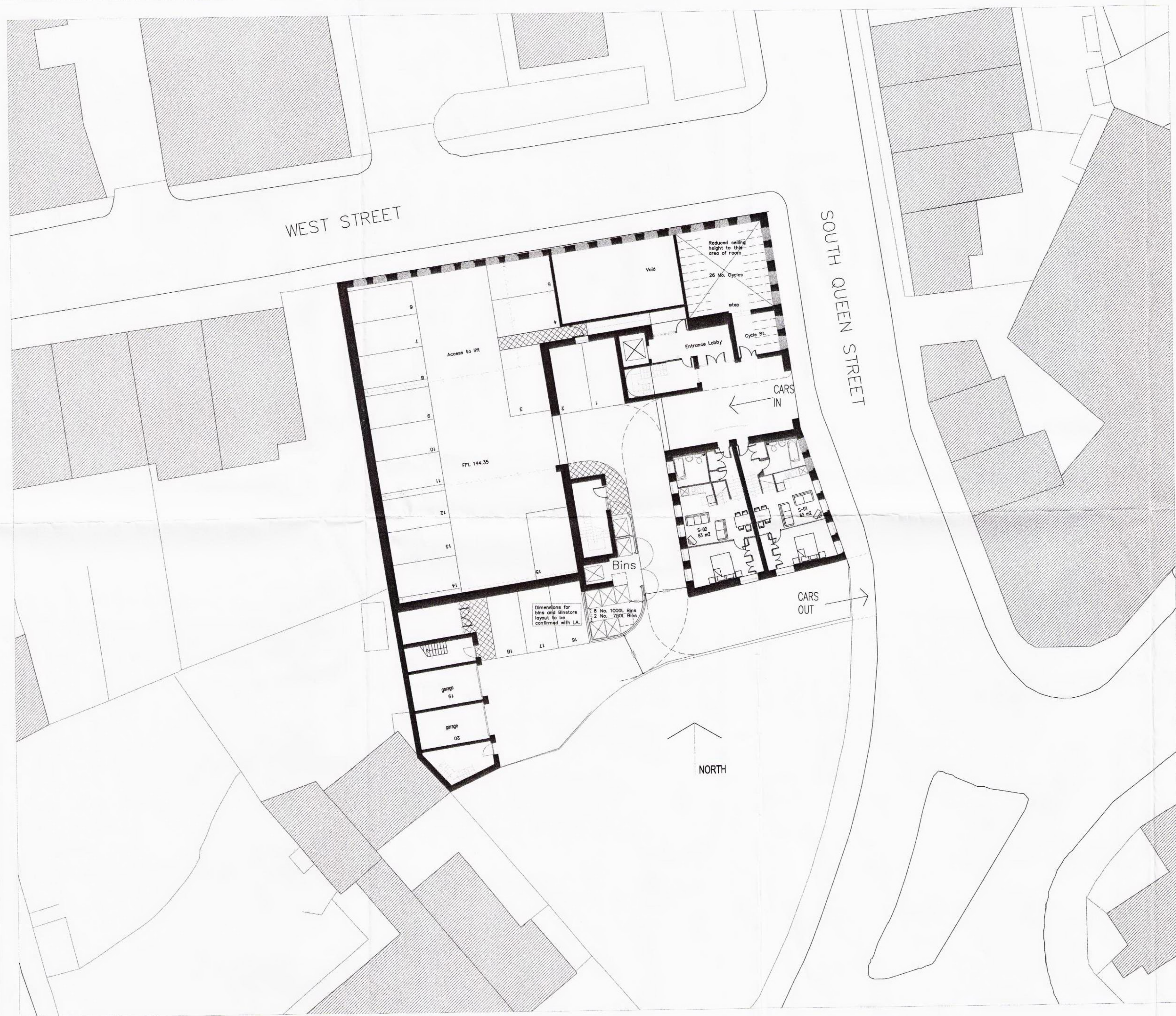
- 11.1 In light of the guidance within SPG3, the applicant has demonstrated that it is not viable to provide affordable housing on the scheme. In the circumstances, a contribution of £66,000 towards local greenspace improvements is to be supported and it is reasonable for the Council to relax the requirement for affordable housing and greenspace provision to allow for the development to be completed on this site. The development will renovate and bring back into use a building that makes a positive contribution to the character and appearance of the conservation area and no harm is considered to result to highway safety or residential amenity.

Background Papers:

Application file

07/03491/FU & 06/03318/FU.

Certificate of Ownership: Notice No.1 served on Texas PLC, Barton Hall Industrial Estate,
Hardy Street, Eccles, Manchester



NOTES

LEEDS CITY COUNCIL
Please refer to Decision Notice
PLANNING ONLY
APPROVED



Location Plan: scale 1:1250 @ A1

REVISION No.	AMENDMENT	DATE	DRAWN BY
P1	Binstore layout revised; Cycle store revised;	08.08.2007	PB

PLANNING REVISION - 08.08.07

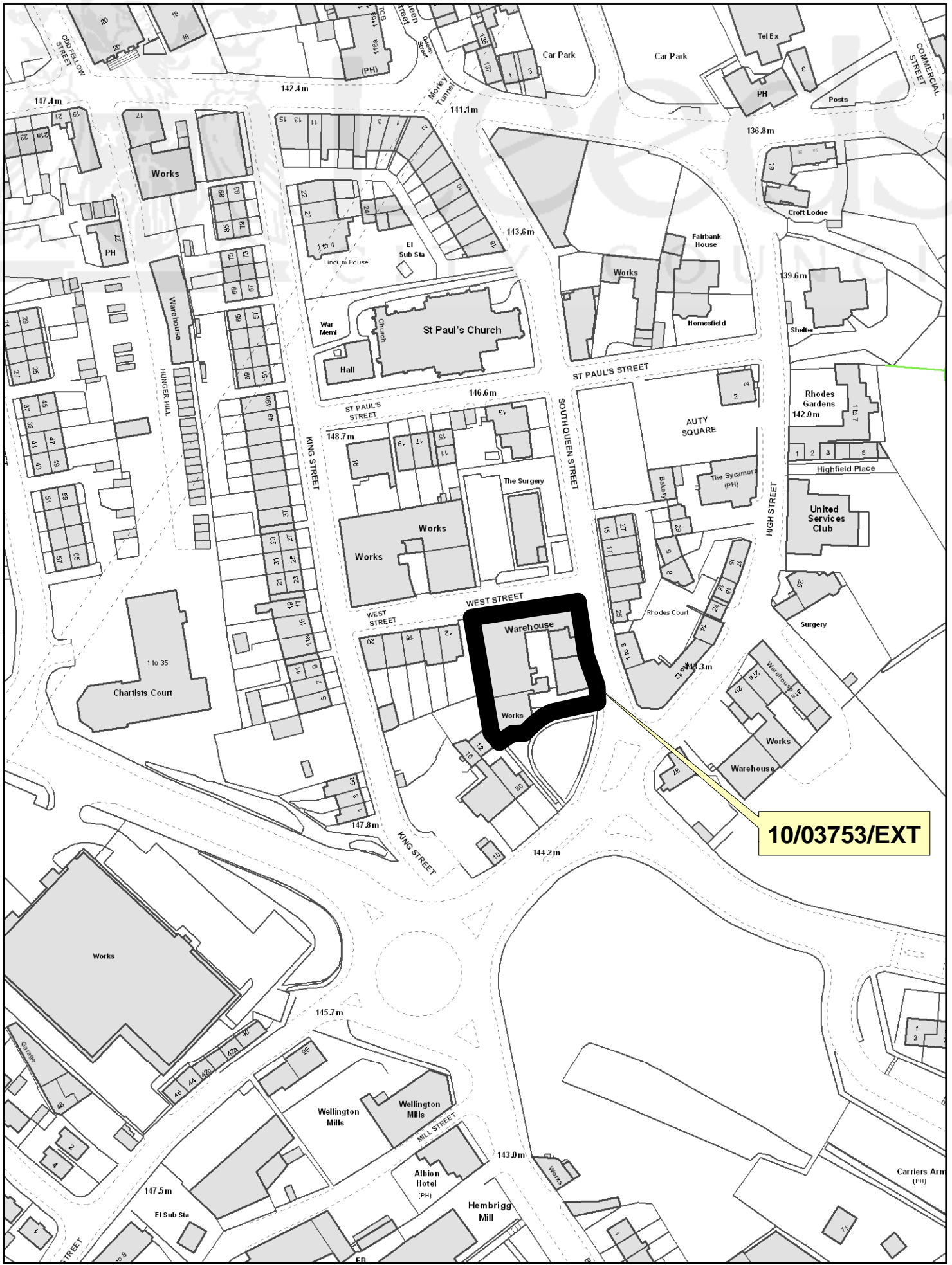
South Queen Street
Morley
Leeds

LEEDS CITY COUNCIL
Please refer to Decision Notice
- 08/08/2007
REVISED



Site Plan

DRAWING NUMBER	08.08.2007	DATE	April.2007	10 DUKE STREET LIVERPOOL L1 5AS
3465/SK100 P1		SCALE	1:100	TEL: 0151 709 5555 FAX: 0151 709 7077



EAST PLANS PANEL