



**Report of the Chief Planning Officer**

***PLANS PANEL WEST***

**Date: 26<sup>th</sup> July, 2012**

**Subject: APPLICATION REFERENCE 12/02326/FU AND LISTED BUILDING CONSENT REFERENCE 12/02465/LI – CHANGE OF USE OF SHOP (USE CLASS A1) TO FINANCIAL AND PROFESSIONAL SERVICES (USE CLASS A2) WITH ASSOCIATED ALTERATIONS TO THE LISTED BUILDING AT 87 OTLEY ROAD, HEADINGLEY, LEEDS. LS6 3PS**

**APPLICANT**

Right Let Leeds

**DATE VALID**

23/05/2012

**TARGET DATE**

18/07/2012

**Electoral Wards Affected:**

**Headingley**

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION:**

**GRANT PERMISSION and Listed Building consent subject to the following conditions:**

**Conditions 12/02465/FU:**

- 1) Standard 3 year time limit.
- 2) Works in accordance with approved plans.
- 3) Specified opening hours 09:00 to 17:30 Mon-Sat only.
- 4) In recommending the granting of planning permission for this development it is considered all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government guidance and policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Leeds Unitary Development Plan 2006 Review (UDP).

On balance, it is considered the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

### **Conditions 12/02465/LI:**

- 1) Standard 3 year time limit.
- 2) Works in accordance with approved plans.
- 3) On balance, it is considered the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

In granting Listed Building Consent the City Council has taken into account all material matters relating to the building's special architectural or historic interest, including those arising from the comments of any statutory and other consultees, public representations about the application and Government guidance and policy as detailed in the National Planning Policy Framework, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), and The Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR).

N14, N17, N19, BC2, BC7

On balance, the City Council considers the proposal would not give rise to any unjustified consequences for the special architectural or historic interest of the listed building.

### **1.0 INTRODUCTION:**

- 1.1 This proposal is brought before Members at the request of Councillor Janette Walker and Neil Walshaw due to the high level of local interest in this site, which is directly opposite the Arndale Centre.

### **2.0 PROPOSAL:**

- 2.1 The proposal seeks to convert an existing retail unit into A2 offices for use as a Letting Agent. It incorporates alterations to the shopfront, for which Listed Building consent is also required.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site comprises a stone-built mid-terraced commercial property erected in the Victorian era. The property is a Grade II Listed Building.
- 3.2 The site is within a mixed residential and commercial area within the Headingley shopping centre. The site faces onto the busy A660 Otley Road opposite the Headingley Arndale Centre. Within the parade are a vacant shop, hairdressers, solicitor's office, letting agency, sandwich shop wool shop and a hot food takeaway.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 The following planning history on the site is considered relevant:-
- 4.2 12/00362/FU - Change of use of private car park to public pay and display car park at 83a Otley Road. Approved, 25/05/2012.

4.3 **06/03678/FU** - Change of use of derelict shop and outbuildings (listed building) involving extension and alterations to form two retail units, an (A3) unit and two flats with car parking and landscaping at 83a Otley Road - Approved 07/02/2007.

4.4 **06/03681/LI** - Listed building application to carry out alterations and extension to form two retail units, coffee shop (A3) and two flats with car parking and landscaping to derelict shop at 83a Otley Road - Approved, 06/12/2006.

## **5.0 HISTORY OF NEGOTIATIONS:**

5.1 The agent discussed the possible change of use of this site with the Case Officer on an informal basis earlier this year and was advised that the property is not within a Primary Shopping Frontage where UDP policy seeks to preserve a good proportion of A1 shopping uses, that any application for change of use would be considered on its merits.

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

6.1 The application has been advertised by Site Notices.

6.2 There have been 9 letters of objection, including from Ward Councillors Janette Walker and Neil Walshaw who have also requested that this application be brought before Members of the Plans Panel.

6.3 Objections relate to the proliferation of A2 uses in the locality and that the proposed use would result in an unacceptable increase in the numbers of such uses.

6.4 Two letters of support have also been received, one from a local resident who considers that the use of the premises as a Letting Agency is preferable to other uses such as Food outlets and the other from a Leeds resident who indicates that the applicant has a good reputation elsewhere in the city.

## **7.0 CONSULTATION RESPONSES:**

7.1 The Highways Authority has commented that the proposal raises no specific road safety concerns.

7.2 Environmental Health Officer – No objection.

## **8.0 PLANNING POLICIES:**

8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Leeds Unitary Development Plan (Review 2006) unless material considerations indicate otherwise.

### **Development Plan:**

8.2 The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below.

8.3 The site is not allocated within the Proposals Maps of the adopted UDP. A number of policies in the adopted Leeds UDP Review (2006) are relevant, as follows:

- Policy GP5 refers to detailed planning considerations and states that development proposals should seek to avoid loss of amenity.
- Policy S2: The vitality and viability of the following town centres (which includes Headingley) should be maintained and enhanced. Non-retail development will not normally be permitted where it would reduce significantly the shopping function of a centre. Retail development will be encouraged unless it would undermine the vitality and viability of the centres or adversely affect the range of services and functions within the centres.
- Policy SF9: This refers to residual shopping areas and states that proposals for change of use of any retail premises within a shopping centre not included in a primary shopping frontage will normally be permitted.
- Policies T2 and T24 seek to maintain adequate levels of vehicle parking provision with no undue detriment to other highway users.
- Policy BD6 – this refers to the scale and form of extensions.

### **Supplementary Planning Guidance:**

- 8.4 Hyde Park and Headingley Neighbourhood Design Statement – this gives a thorough assessment of the locality and seeks to preserve and enhance the local area. The application site is not referred to in this SPD individually but is within the character assessment within section 9 (Headingley Centre) of the adopted SPD.
- 8.5 Neighbourhoods for Living – this SPD gives detailed design advice and guidance on amenity issues.

### **National Guidance/Statements:**

- 8.6 In addition to the principal elements of planning policy other advice contained in Planning Policy Guidance Notes and replacement national Planning Policy Statements (PPS) may be relevant, including;
- National Planning Policy Framework. This sets out the government’s aims for promoting growth and sustainable forms of development.
  - This document refers, in paragraph 23, to the need to be positive and promote competitive town centre environments.
  - This document refers to the importance of heritage assets, stating in paragraph 126 that “*heritage assets are an irreplaceable resource*” which should be conserved “*in a manner appropriate to their significance*” and in paragraph 132 that “*as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification*”

## **9.0 MAIN ISSUES:**

- 9.1 It is considered that the main issues in this case are:
- Principle of the Change of Use;
  - Impact on the character of the Listed Building;
  - Car parking.

## **10.0 APPRAISAL:**

### **Principle of use.**

- 10.1 The site is within the defined S2 Centre but is not in a defined shopping frontage. Consequently, any commercial development must be carefully assessed in terms of position and impact on its surroundings. The NPPF states that Local Planning

Authorities should recognise town centres as the heart of their communities and pursue policies to support their vitality and vitality. It is considered that the current site, facing the Arndale Centre, is an important one, which is likely to benefit from being occupied on a commercial basis.

- 10.2 The proposal is for A2, financial and professional services, which would include such uses as banks and insurance brokers and also estate agents or letting agencies. The objections received relate specifically to letting agency use. Although it is true that there are currently a large number of A2 letting agencies in the Headingley area, there are no policies or other material planning grounds on which a refusal of this proposal could be based.
- 10.3 In this case, the site is not part of a designated shopping frontage meaning that there are insufficient policy grounds to decline the change of use. Consequently, it is considered that the proposed use for A2 purposes is acceptable in principle.

**Design:**

- 10.4 The design of the proposed scheme seeks to reflect and respect the existing character and style of the Grade II Listed Building. Careful consideration has been given to the design and the retention of the existing shopfront, which is considered acceptable in this setting with no impact on the existing Grade II Listed Building

**Parking:**

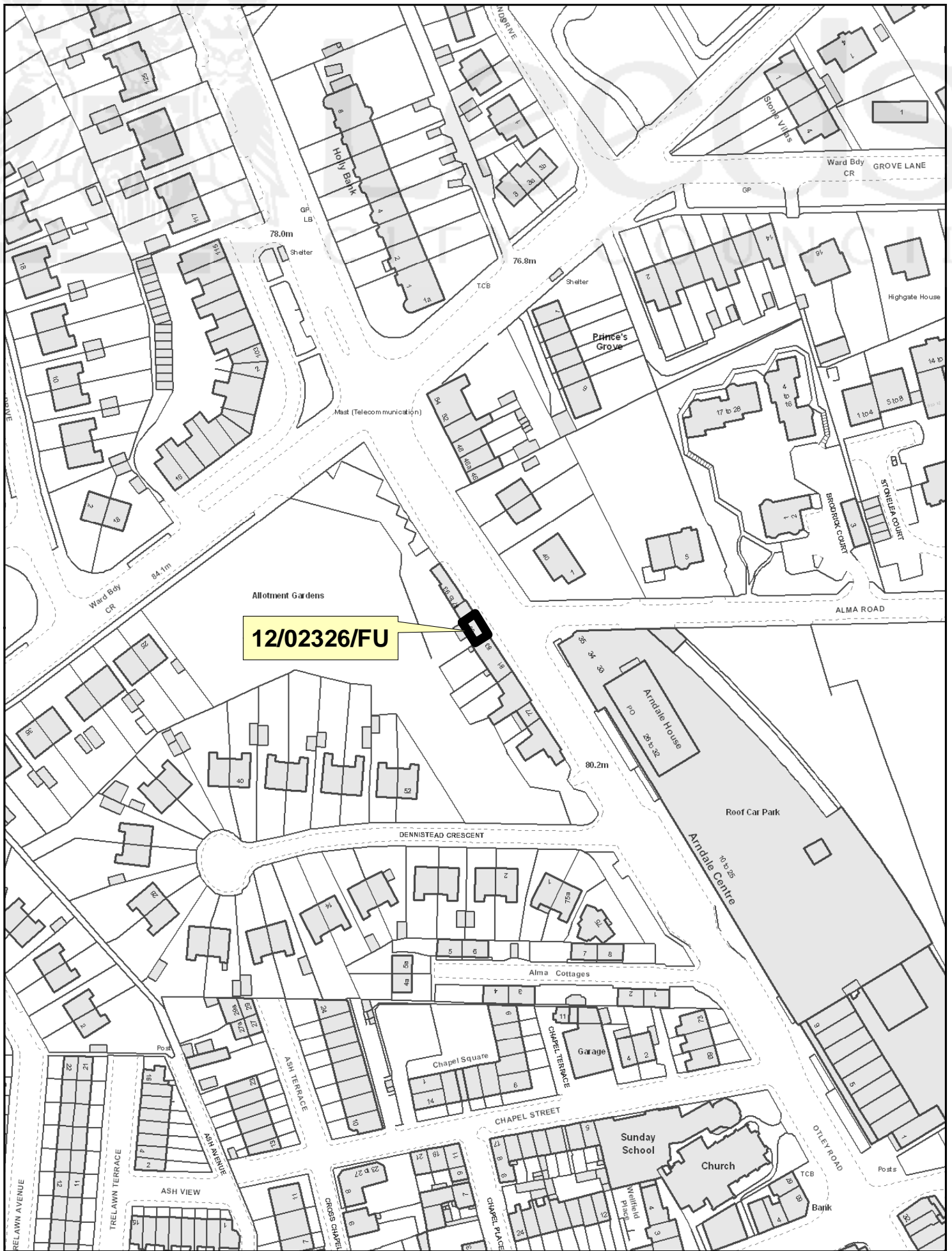
- 10.5 The site layout incorporates one parking space. This is considered acceptable given the relatively sustainable location which has excellent public transport links, and complies with the same requirements as the existing A1 use. There is a small public car park adjacent to the application property.

**11.0 Conclusion:**

- 11.1 The proposal to change the use of this vacant property is considered acceptable in principle.
- 11.2 The proposal will serve to preserve or enhance the character of the Conservation Area and Listed Building. Notwithstanding local concerns about numbers of A2 letting agents in the locality, officers' advice to the Panel is that there is policy basis or other material considerations of weight on which to refuse this application.
- 11.3 Members are therefore requested to approve these applications subject to the conditions outlined at the head of this report.

**Background Papers:**

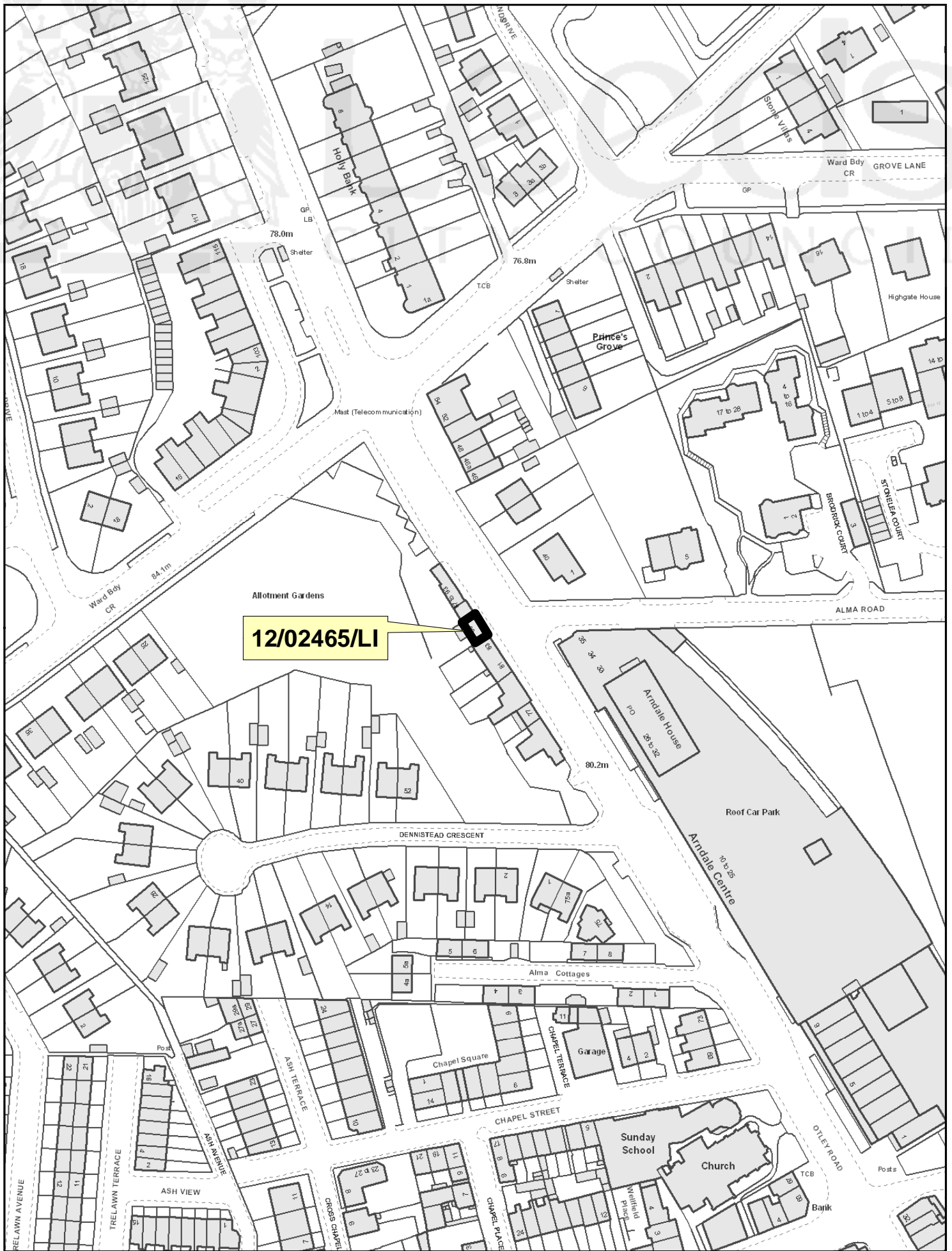
Application and history files.



**12/02326/FU**

# WEST PLANS PANEL





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