



## Report of the Chief Planning Officer

### *PLANS PANEL NORTH AND EAST*

Date: 21<sup>st</sup> February 2013

**Subject: APPLICATIONS: 12/03915/FU & 12/03916/LI - Change of use involving alterations and single storey side extension of vacant public house to form 7 flats and erection of detached retail unit with flat above at the site of the Royal Oak, Cross Hills, Kippax.**

#### **APPLICANT**

Mr Colin McCarthy

#### **DATE VALID**

17 October 2012

#### **TARGET DATE**

16 January 2013 (LI)

12 December 2012 (FU)

#### **Electoral Wards Affected:**

**Kippax and Methley**

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 conditions to cover the following:**

#### **12/03915/FU:**

1. Standard time limit.
2. Development to accord with approved plans.
3. Window/door materials/alterations to be agreed.
4. Details and sample stone wall, mortar, rendering etc.
5. Landscaping scheme (hard and soft) to be agreed.
6. Implementation of landscaping.
7. Landscape maintenance.
8. Surfacing materials to be agreed.
9. Closing off of redundant access to be carried out.
10. Provision of visibility splays.
11. Parking/vehicle areas to be laid out.
12. Drainage details to be agreed.
13. Cycle parking facilities to be agreed.

14. Boundary details to be agreed.
15. Construction management plan to be agreed (to also include working hours: 08.00 to 18.00 weekdays, 09.00 to 13.00 on Saturdays. None on Sundays/Bank Holidays. And, no deliveries between 08:30 to 09:00 and 15:30 to 16:00 Monday to Friday).
16. Bin storage details to be agreed.
17. Obscure glazing required to specific windows.
18. Archaeological recording.
19. Restricted opening hours to the retail unit.
20. Contaminations conditions.

### **12/03916/LI**

1. Standard time limit.
2. Development in accordance with approved plans.
3. Window/door materials/alterations to be agreed.
4. Details and sample stone wall, mortar, rendering etc.
5. Method statement and details for internal works to be agreed (including replacement staircase).

Full wording of conditions (including any amendments as considered necessary) to be delegated to the Chief Planning Officer.

**Reasons for approval:** These applications are considered to comply with policies GP5, BD5, N12 to N17, N23, N25 & N26, LS1, S2, A1, T2 and T24 of the Leeds UDP Review, as well as guidance contained within the National Planning Policy Framework and local supplementary planning documents. Having regard to these policies and guidance, as well as the comments made by statutory consultees and also those from third parties, including Ward Members and the Parish Council, the change of use of the listed building to flats including the alterations proposed (both internal and external) are considered to be acceptable and would not harm the vitality or viability of Kippax town centre, the special architectural and historic interest of the listed building or raise any highway safety/residential amenity concerns. In addition, the introduction of a retail unit with flat above within the town centre boundary can also be accepted following design alterations which ensure its visual impact is appropriate to its context. Both applications can therefore be supported.

## **1.0 INTRODUCTION**

- 1.1 These applications are brought to the Plans Panel for consideration at the request of Councillor Keith Wakefield who is concerned about the potential harm to the vitality and viability of the Kippax Local Centre as a result of the loss of the building's existing use, the design of the large extension and also due to highway safety reasons.

## **2.0 PROPOSAL**

- 2.1 This application has been revised and now seeks to convert the Grade II listed former Royal Oak Public House into 7 flats and construct a freestanding 2 storey detached retail unit with flat above. The large extension as originally proposed to the side and rear of the Royal Oak which would have contained a further 6 flats has been deleted.
- 2.2 The works to the Royal Oak include a single storey side extension to the east elevation. The side extension would replace later additions to the building. The existing single storey extension on the western elevation of the building would be removed. Internally, the basic room layout would remain largely intact although the existing staircase is to be removed with its replacement re-positioned in the original space designed for the staircase.

- 2.3 In terms of the retail unit, the design has been simplified and now proposes a red brick building with a double fronted shop window to respond to its positioning at the front corner of the site.
- 2.4 The development includes laying out of parking to the retail unit and further parking for residents giving a total of 13 parking spaces. A garden area would be provided to the front of the building with a more private garden to the side and rear.

### **3.0 SITE AND SURROUNDINGS**

- 3.1 The application relates to the site of the Royal Oak Public House, a Grade II listed Building. The listed building was originally a house, is two storey's high, constructed from magnesian limestone with a slate roof and has a simple but elegant design. A number of internal features such as ceiling roses, cornices, fire places, windows and associating shutting still survive. The pub use ceased in 2011 and accordingly the building's windows and doors have been boarded up and the site secured via fencing for some time.
- 3.2 There is a car park to the rear of the building which includes the remnants of an ancillary children's play area and a detached pre-cast concrete garage to the south east corner of the site. This area has been subject to recent clearance works including the removal of some on-site trees.
- 3.3 The site is within Kippax town centre with commercial elements to the north and east of the site. There is a youth centre to the east of the site and a public seating area to the west of the site facing Cross Hills Sheltered Home complex. There are residential areas to the south of the site although set at a considerably lower level due to the topography of the area.

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

- 4.1 There are numerous historical planning applications relating to the previous use of the site but none that are relevant to the consideration of the current proposals.

### **5.0 THE HISTORY OF NEGOTIATIONS**

- 5.1 Contact was made with the Council's Conservation team prior to submission of these applications. Notwithstanding this, further detailed discussions have taken place during the consideration of the applications which has resulted in the scheme being reduced through the removal of the new extension which would have contained 6 new flats.
- 5.2 It is understood the applicant may want to revisit a more intensive scheme in the future but is keen to make progress on-site and accordingly has amended the current application by deleting the elements which were a concern to officers, statutory consultees and many third parties.

### **6.0 PUBLIC CONSULTATION AND RESPONSES**

- 6.1 Six site notices (including reference of works to a listed building) were posted adjacent to the site on Cross Hills, Tatefield Grove and Hall Park Orchards dated 26 October, 2012 advising that any representations should be made by the 16 November, 2012. The revised proposals were also publicised in the same manner dated 21 December, 2012 with representations required by 11 January, 2013. In addition, the notices were published in the Yorkshire Evening Post edition of 15 November, 2012.
- 6.2 Ward Councillors Keith Wakefield and James Lewis objected to the original proposal on grounds of the adverse impact on the vitality and viability of the Kippax Local

Centre; the loss of a visitor attraction to the village i.e. the pub use; the design of the new build extension; and concerns relating to highway safety. Ward Members have not added to their initial comments following revisions to the scheme although Councillor Wakefield confirmed separately that his original concerns remained (with the exception of those relating to the impact of the large extension as it has been deleted) and also requested the scheme be determined by the Plans Panel.

- 6.3 In response to the public notification process 5 letters of objection were received from local residents for the full application and 3 to the listed building application. A further 4 letters of objection in total were received from local residents in response to the revised proposals. The grounds of objection referred to the following:

- Loss of a community facility
- Highway safety, access, and increase in traffic
- Layout and density, over intensive
- Visual detriment
- Contrary to national and local planning policies
- Contrary to local regeneration initiatives
- Loss of trees
- Extending use of site to 24 hours
- Loss of communal parking facility
- Asbestos removal
- Impact on neighbouring housing
- Character of the listed building
- Single retail unit inadequate mitigation for the loss of the PH
- Density of development to be limited to the revised proposal
- Better proposals from other buyers

- 6.4 Kippax Parish Council was notified about the applications on the 17 October 2012 and 20 December 2012 respectively. The Parish Council initially recommend the proposal be rejected for a number of reasons including: Point of access prejudicial to highway safety; delivery vehicles , Parking standards and security, loss of trees, the modern extension is out of keeping, overdevelopment of the site, inadequate retail mitigation, boundary treatments unacceptable.

- 6.5 Following consideration of the revised application, the Parish Council now supports the scheme, subject to certain matters being considered in detail by officers (e.g. boundary treatments, parking provision, works to the listed building). It also states that no further development should be allowed on the site and that a Plans Panel decision is appropriate.

## **7.0 CONSULTATIONS RESPONSES:**

### **Statutory:**

#### 7.1 English Heritage:

English Heritage welcomes the intention to bring a redundant public house back into use as residential accommodation and considers the approach externally to be sensitive to the significance of the listed building. Greater care however, should be given to retaining more of the building fabric at first floor level.

#### 7.2 Ancient Monuments Society:

Commented on the lack of information regarding details of the treatment of the listed building with potential for damage to a valuable heritage asset. The Society

considers that the new build extension is not in keeping with the setting or character of the site and surroundings.

7.3 The Society for the Protection of Ancient Buildings:

Objection on grounds of over intensive development including large areas given over to parking. The information does not provide sufficient details regarding works to the sash windows and the interior of the listed building.

(**Note:** English Heritage were the only statutory consultee to provide additional comments in response to the revised plans)

**None Statutory:**

7.4 Highways:

No objection in principle. In revised form the proposed development meets the Council's relevant standards for off-street parking facilities and cycle parking. In addition, appropriate visibility splays are provided at the site access and satisfactory space is allocated for refuse vehicles to turn within the site. The widening of the foot way next to Cross Hills is welcomed.

7.5 Contaminated Land:

No objections have been raised by the Contaminated Land Team subject to conditions.

7.6 Public Rights of Way:

There are no definitive or claimed rights of way that cross or abut the site.

7.7 Flood Risk Management:

No objections have been raised by the Flood Risk Management subject to conditions.

7.8 Neighbourhoods and Housing:

No objection subject to conditions relating to sound insulation between the proposed new shop and the flat at first floor; hours of construction, delivery, loading and unloading.

7.9 Yorkshire Water:

No comment required from Yorkshire Water

7.10 Metro:

Request for the developer to contribute towards the metrocard scheme through a S.106 Agreement

7.11 West Yorkshire Archaeology Advisory Service:

Concern over the loss of a chimney. A condition is recommended to ensure a program of recording of potential archaeological remains and the interior fabric of the listed building

**8.0 PLANNING POLICIES:**

8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS), the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and Supplementary documents. 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. The RSS is scheduled to be revoked on 22<sup>nd</sup> February 2013 and

therefore should be afforded little weight. The emerging local plan will eventually replace the Leeds UDP (2006) but at the moment this is still undergoing production.

Draft Core Strategy - The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14th November 2012 that a further period for representation be provided on pre-submission changes and any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination.

As the Council have resolved to move the Publication Draft Core Strategy to the next stage of independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

The application site is within a designated local centre in the Leeds UDP (2006) but has no further more specific allocation.

- 8.2 The below UDP policies, supplementary development documents and national guidance are considered to be relevant to this application.

#### **Local**

Policy GP5 – refers to development proposals should seek to avoid loss of amenity.

Policy A1 – access to community facilities.

Policy BD5 – refers to new buildings be designed with consideration to both own amenity and surroundings.

Policy N12 – refers to urban design

Policy N13 – refers to design of new buildings

Policy N14 – presumption in favour of preservation of listed buildings

Policy N15 – changes of use should not diminish the historic value of a listed building.

Policy N16 – extensions should be sensitive and subservient to a listed building.

Policy N17 – preservation of detailing of listed buildings.

Policy N23 – refers to open space and the retention of existing features which make a positive visual contribution.

Policy N25 – refers to boundaries around sites

Policy N26 / LD1 – refer to the requirement to provide landscaping details.

Policy S2 – identification of local centres in the Leeds district.

Policy T24 – refers to parking

Policy T2 – refers to highway safety

Supplementary Planning Guidance

Neighbourhoods for Living: A guide for residential design in Leeds (Dec 2003).

Street Design Guide (2009)

Kippax Village Design Statment

- 8.3 National Planning Policy Framework (2012):
- Ensuring the vitality of Town Centres.
  - Secure high quality design.

- Conserving and enhancing the historic environment.

## 9.0 MAIN ISSUES

- Principle of development
- Character of the listed building
- Effect on visual amenity
- Effect on residential amenity
- Highways
- Representations
- Conclusion

## 10.0 APPRAISAL

### Principle of development

- 10.1 Under the Leeds UDP Review (2006) the site is located within the designated town centre for Kippax where policies are in place to retain and enhance the continuing vitality and viability of the centre in order to provide a varied range of retail shopping outlets together with social, cultural, leisure and entertainment facilities for the benefit of all. Notwithstanding, both the Leeds UDP and the NPPF recognise that residential development can play a part in ensuring the vitality of centres.
- 10.2 In its revised form the proposed development comprises two main elements, firstly the conversion of a former public house to 7 self contained flats, and secondly a detached 2 storey unit with a ground floor shop with a single self-contained flat above. The proposal also includes ancillary parking facilities and amenity space for future occupiers of the flats.
- 10.3 The ground floor of the Royal Oak is classed as a retail use (Class A4 of the Town and Country Planning (Use Classes) Order 2010), with the first floor providing ancillary living accommodation for the landlord/tenant. In more general terms public houses are often noted to contribute towards to the social, cultural and entertainment facilities of an area, particularly in villages and smaller towns where services are more limited. The UDP includes policies which support the retention of retail and communal facilities within town centre locations and Kippax itself also has designated shopping frontages where changes to non-retail uses are more constrained to avoid prejudicing its main retailing function. Similarly, UDP Policy A1 identifies where sections of the population have poor access to community uses existing facilities should be retained and enhanced where possible.
- 10.4 In considering the above, the construction of a new retail unit (with flat above) clearly accords with the relevant local and national policies and is therefore acceptable in principle since it will serve to reinforce Kippax's existing retail offer.
- 10.5 In contrast, the change of use of the Royal Oak building from a public house to a wholly residential use requires more careful consideration, in that the role it performed within the local community was more than just as a drinking establishment since it also operated as a place of entertainment and as a meeting place. In addition, it is also reported by Ward Members and some residents in their objection letters that it acted as an attraction to people from outside the Kippax area thereby contributing to the viability of the local centre as a whole.
- 10.6 In responding to the above concerns, the applicant has provided supporting information indicating that many pubs are struggling to survive and the problem is industry wide and well documented. The former owners of the Royal Oak were not

immune to this decline and became unable to sustain the use as a viable business. Consequently the Royal Oak closed its doors in 2011. The site was therefore put up for sale and placed on the open market. The current applicant purchased the site and is now pursuing a residential use for the listed building. To support this approach, reference is made to the presence of other public houses within Kippax which still perform this use to the local community.

- 10.7 Officers note and are sympathetic to the concerns expressed by Ward Members, the Parish Council and local residents regarding the loss of the former use of the site as a public house, however it is considered that the combination of the use having already ceased some time ago, the presence of other public houses in the area combined with the residential use of the building which will secure the future of an important listed building in the long term, it would be difficult to justify and sustain a refusal to the proposed development on the grounds of the principle being unacceptable.

#### Impact on the character of the listed building

- 10.8 The former Royal Oak is a Grade II listed building. Originally constructed as a dwelling circa 1700 in magnesian limestone blocks with raised rusticated quoins, roof of composition pantiles. The formal listing expands on the heritage of the exterior of the building and concludes with the identifying the interior having had partition walls removed, although moulded plaster cornices and ceiling decorations in Rococo style have survived, principally in rooms to the rear of the building. The applicant has worked with Conservation Officers to seek to retain as many of the features of the listed building, in particular, internal walls and the decorative ceilings and window boxes. In this respect the scheme has been revised although it is notable only English Heritage have commented on the revisions and are now generally supportive of the scheme, particularly now the large modern extension has been deleted.

- 10.9 With respect to the exterior, the revised scheme helps return the building to its original appearance and this is welcomed. One of the original chimneys will be retained and if the building is found to be structurally sound to support the second chimney which has been missing for some time, this will be restored to the roof, or alternatively a lighter replacement will be used. Subject to the suggested conditions Officers support the works to the listed building and consider they will now preserve and enhance its architectural and historic interest.

#### Effect on visual amenity

- 10.10 The use of the existing building as a public house did not benefit the external appearance of the listed building. Historically extensions have been added that failed to preserve or enhance its character and natural stone features have been painted over with in more recent years advertisements resulting in visual detriment to the listed building, the site and the wider street scene. In contrast, the proposed conversion will result in the removal of the majority of the more modern unsympathetic additions. The extension to the east side elevation of the former public house will be retained with a new roof designed to reflect the character of the host building. In addition, the natural stone features are to be exposed, cleaned and the general external fabric of the building restored to a standard that warrants its listed status. At Officers request the applicant has made alterations to the design of the detached retail unit that are more in keeping with the local vernacular. As such, and in conjunction with measures to retain the remaining trees it is considered that the proposed development will make a positive contribution to the visual amenity of the site and the street scene in general. The introduction of garden areas to the front and rear/side of the listed building is also positive in terms of improving the building's existing setting.



### Effect on residential amenity

- 10.11 The original inclusion of the modern two storey extension (6 flats) in context with its siting in proximity to the southern boundary raised amenity concerns for the occupants of houses on Tatefield Grove. Now excluded from the revised scheme, the remaining development is suitably remote from neighbouring residential areas so as not give rise to issues of loss of privacy through overlooking, overshadowing or development that could be considered as overbearing or over dominant. In addition and in revised form, it is considered that the proposed development will provide the future occupants of the flats with an acceptable standard of living accommodation, outdoor shared amenity space to the rear and side of the listed building and adequate parking provision for all occupiers. In light of the above, the proposed development would not prejudice the interests of residential amenity of existing residents or its future occupants.

### Highways

- 10.12 It is considered that the proposed development is in a sustainable location, well served by public transport and would be less intensive than the former use of the site as a public house, and as a parking facility informally supporting the local centre. Highway Officers accept that the level of off street parking and cycle parking facilities accord with the Councils relevant parking standards and that the applicant has demonstrated that appropriate visibility can be achieved to ensure safe access to and from the site. In addition, it is welcomed that the development includes the opportunity to widen the existing narrow footway abutting the western boundary of the site, thereby improving access for pedestrians using the eastern side of the highway (Cross Hills). As such it is considered that the development would not result harm to the interests of highway safety.

### Representations

- 10.13 Several of the representations referred to the proposed modern two storey extension as being of incongruous design and over development of the site. Its removal from the current scheme will no doubt be welcomed by those opposed to this feature of the proposal.
- 10.14 It has been put forward by objectors, local traders and the Parish Council in its initial response that third parties have expressed an interest in developing the site, and in such a manner that retains the commercial element of the ground floor of the former Royal Oak e.g. as a restaurant. Notwithstanding this, the decision maker has to consider the acceptability of the current proposal on its own merits and cannot determine or reject it on the premise of an alternative scheme that has not been submitted.
- 10.15 Should the existing detached pre-fabricated garage contain asbestos legislation is in place for the applicant to ensure that it is removed safely. It has been confirmed by the applicant the red line boundary of the site is in his ownership. The trees on the eastern boundary of the site subjected to pruning during 2012 are being considered for protection via a Tree Preservation Order.

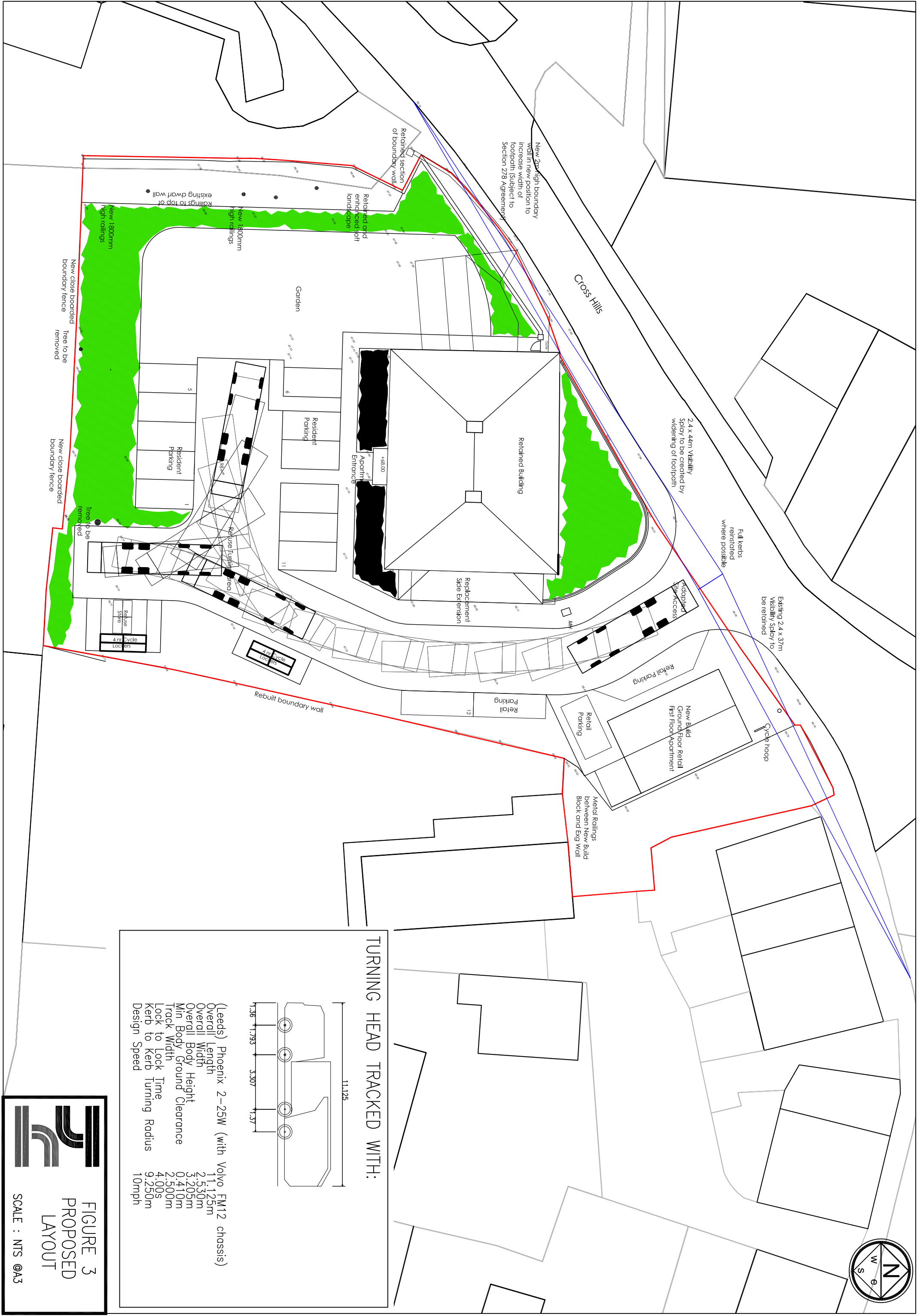
## **11.0 CONCLUSION**

- 11.1 The proposal is considered to be sound in principle, of benefit to the character of listed building, its long term future and visual amenity in general, without prejudicing the interests of residential amenity or highway safety. These matters have been afforded significant weight in the balancing of the merits of the scheme and consequently the planning and associated listed building applications are recommended for approval.

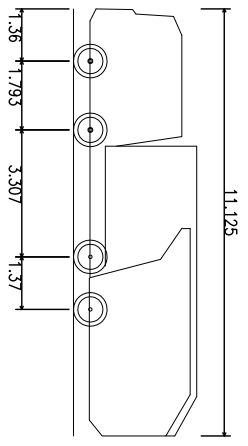
**Background Papers:**

Files: 12/03915/FU and 12/03916/LI

Certificate of Ownership (Cert A) signed by the agent for the applicant 12 September 2012.



**TURNING HEAD TRACKED WITH:**

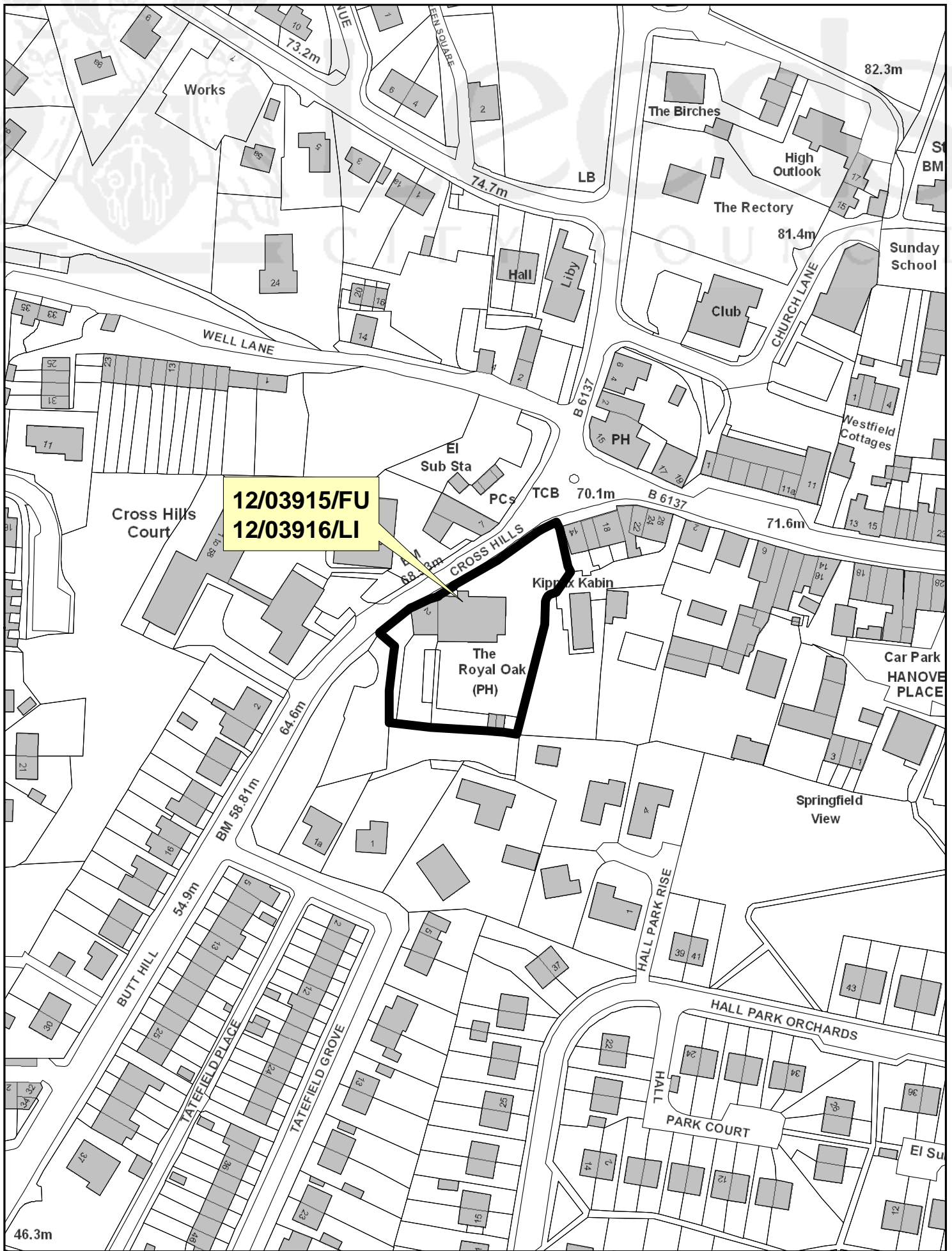


- (Leads) Phoenix 2-25W (with Volvo FM12 chassis)
- Overall Length 11.125m
- Overall Width 2.530m
- Overall Body Height 3.205m
- Min Body Ground Clearance 0.410m
- Track Width 2.500m
- Lock to Lock Time 4.00s
- Kerb to Kerb Turning Radius 9.250m
- Design Speed 10mph



**FIGURE 3  
PROPOSED  
LAYOUT**

SCALE : NTS @A3



# NORTH AND EAST PLANS PANEL