



PLANS PANEL (WEST)

Meeting to be held in on
Thursday, 29th October, 2009
at 1.30 pm

MEMBERSHIP

Councillors

M Coulson

C Campbell
(Chair)

S Andrew

T Leadley

J Harper

A Castle

N Taggart

B Chastney

J Matthews

L Yeadon

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p>	

Item No	Ward	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which may have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF INTEREST</p> <p>To declare any personal/prejudicial interest for the purpose of Section 81 (3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence</p>	
6			<p>MINUTES</p> <p>To confirm the minutes of the previous meeting held 1st October 2009 as a correct record</p> <p>(Copy attached)</p>	13 - 24
7	Headingley;		<p>APPLICATION 09/0208/FU - CHANGE OF USE AND ALTERATIONS OF PART OF KITCHEN TO 1 BEDROOM FLAT, 22 SHIRE OAK ROAD, HEADINGLEY, LEEDS, LS6</p> <p>To consider the report of the Chief Planning Officer on proposals to create a one bedroom flat at 22 Shire Oak Road, Headingley</p> <p>(Report attached)</p>	25 - 36

Item No	Ward	Item Not Open		Page No
8	Headingley;		<p>APPLICATION 09/02809/LI - LISTED BUILDING APPLICATION FOR ALTERATIONS INCLUDING CONVERSION OF KITCHEN TO ONE 1 BEDROOM FLAT AT 22 SHIRE OAK ROAD, HEADINGLEY</p> <p>To consider the report of the Chief Planning Officer on proposals to create a one bedroom flat at 22 Shire Oak Road, Headingley. This matter relates to Item 7 of this agenda.</p> <p>(Report attached)</p>	37 - 44
9	Adel and Wharfedale;		<p>APPLICATION 09/03364/FU - CHANGE OF USE OF DWELLING HOUSE TO 2 ONE BEDROOM FLATS, HIGHFIELDS, CHURCH LANE, ADEL, LEEDS LS16</p> <p>To consider the report of the Chief Planning Officer on proposals to create 2 one bedroom flats at Highfields, Adel.</p> <p>(Report attached)</p>	45 - 50
10	Calverley and Farsley;		<p>APPLICATION 09/03665/FU - DETACHED DOUBLE GARAGE TO SIDE, SINGLE STOREY REAR EXTENSION AND CONVERSION OF EXISTING GARAGE TO HABITABLE ROOM, 66 CLARA DRIVE, PUDSEY LS28</p> <p>To consider the report of the Chief Planning Officer on extension and conversion proposals at 66 Clara Drive, Pudsey</p> <p>(Report attached)</p>	51 - 58
11			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note the date and time of the next meeting as Thursday 26th November 2009 at 1.30 pm</p>	



Chief Executive's Department
Democratic Services
4th Floor West
Civic Hall
Leeds LS1 1UR

To:

Members of Plans Panel (West)
Plus appropriate Ward Members and
Parish/Town Councils

Contact: Helen Gray
Tel: 0113 247 4355
Fax: 0113 395 1599
helen.gray@leeds.gov.uk
Your reference:
Our reference: ppw/sitevisit/
21 October 2009

Dear Councillor

PLANS PANEL (WEST) – SITE VISITS – THURSDAY 29th OCTOBER 2009 AT 1.30 pm

Prior to the next meeting of Plans Panel West there will be site visits in respect of the following;

- 1 10.00 am Application 09/03665/FU – Detached Double garage to side and extensions and conversions at Clara Drive, Pudsey (Calverley & Farsley Ward)
- 2 10.40 am Applications 09/02808/FU & 09/02809/LI. Change of use and alterations of part of kitchen to form 1 bedroom flat at 22 Shire Oak Road, Headingley. (Headingley ward)
- 2 11.00 am 224 Kirkstall Lane, Leeds LS6 – Demolition of existing nursing home and redevelopment of site for 45 nursing apartments with associated landscaping and car parking. This will be a pre-application presentation (Headingley and Kirkstall wards)

A minibus will leave the Civic Hall at 9.40 am prompt. Please contact Steve Butler Area Planning Manager (West) Tel: (0113) 2243421 if you are intending to come on the site visits and meet in the Civic Hall Ante Chamber at 9.35 am

Yours sincerely

Helen Gray
Governance Officer



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Report of the Chief Planning Officer

PLANS PANEL WEST

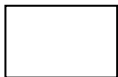
Date: 29th October 2009

Subject: PRE-APPLICATION PRESENTATION MEMBER BRIEFING NOTE : Proposal for demolition of the existing vacant nursing home and erection of 51 extra care nursing apartments in a part four storey, part three storey, part two storey and single storey building with associated car parking and landscaping. 224 Kirkstall Lane, Headingley.

Electoral Wards Affected:

KIRKSTALL

HEADINGLEY



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

INTRODUCTION

This pre-application presentation relates to a redevelopment proposal on a large vacant former nursing home fronting Kirkstall Lane in Headingley. The planning history on the site is as follows:

In 2005 an application (26/105/05/FU) for a 4 storey block of 45 flats with undercroft car park and 3 storey 40 bed space nursing home was refused on the grounds of over development of the site and harm to the amenity of the neighbouring residents.

The current developers acquired the site after this application and submitted a planning application (09/00134/FU) in early 2009 for the erection of replacement part 2 part 3 storey building, comprising 14 one bedroom and 34 two bedroom flats with communal facilities to provide extra care facilities/complex for the elderly. This application was withdrawn following advice that the proposal was not likely to be supported due to impacts on the amenity of the surrounding area and neighbouring residents and also due to the concerns over the design and appearance of the proposal.

Since the 2009 application was withdrawn Officers have held meetings with the developers to assess the suitability of the site for redevelopment and to seek to redesign the scheme to overcome the concerns raised previously in relation to design, siting, scale and massing, TPO trees and impacts on the neighbouring properties. The developers have responded to

the comments and have redesigned the scheme to reflect the issues raised. The developers have recently held a public consultation event and are now seeking comments from the Panel in relation their current proposals prior to submitting a planning application.

1) SITE DESCRIPTION

The site is an existing nursing home which is two and a half storeys in height . At the rear of the site there are open overgrown grounds with two storey dwellings at the Turnaways backing onto the site and bungalows to the eastern side. The site has TPO trees located around the frontages. Adjacent to the site is a mainly 3 storey stone villa that has been converted into apartments. Opposite the site are two and three storey terraces. There are a mix of materials and designs in the area. There is a 6 storey building being constructed at the cricket ground fronting Kirkstall Lane.

The site is unallocated in the Unitary Development Plan. UDP policies H4, N13, BD2, BD5 and Supplementary Planning Guidance – Neighbourhoods for Living are relevant to the proposal.

Policy H4 states that residential development on sites not identified for this purpose in the UDP will only be accepted if the proposal;

- (i) forms a natural infill of or extension to an existing built up area, compatible with the size, character, location and setting of that area;
- (ii) is within the capacity of existing infrastructure and facilities, or otherwise these are provided by the development;
- (iii) does not conflict with UDP Policies concerning protection and enhancement of greenspace and provision of additional greenspace, playing fields, urban green corridors and other open land.

UDP Policies N13, BD2 and BD5 provide criteria for the consideration of the design and appearance of new building.

2) THE PROPOSAL

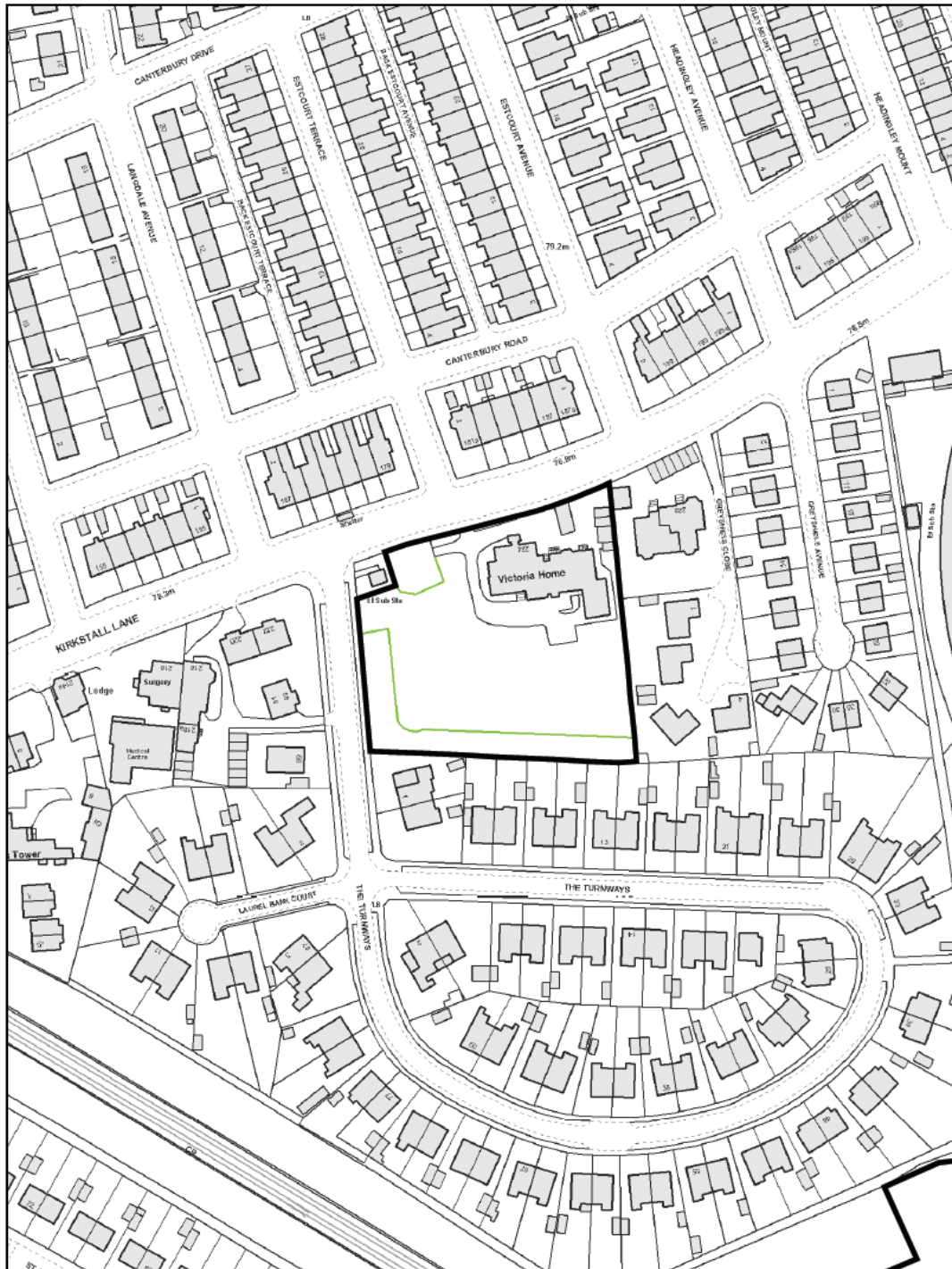
The proposal would involve demolition of the former care home and erection of a four storey building fronting Kirkstall Lane comprising apartments. The building would be linked by a series of three and two storey connections that are sited to the rear of the frontage block. The reception building would be two storey and located behind the frontage element and would face an internal courtyard. Linked to the reception building would be the main part of the development which comprises the majority of the apartments. This element would be three storeys in height within the centre of the site and would scale down to two storeys at the rear of the site backing on to the properties at the Turnaways. Linking the two and three storey elements would be a glazed atrium which would enclose the internal 'street' that is created for future occupiers of the apartments which would then front onto the internal 'street'. The current proposal would create 51 apartments.

Access into the site would be via a portcullis entrance located within the four storey frontage element of the development. Car parking would be provided around the side of the development within the courtyard space along with the outdoor communal amenity space for future occupiers.

The building would be constructed predominantly of brick with elements of render and the roof would be constructed out of natural slate. The design of the building is traditional with pitched slate roofs and vertical emphasis to the windows. Detailing would include brick string courses and detailing to the sides of the projecting gable elements

3) OFFICER IDENTIFIED ISSUES

- The impact of the traditional design approach and the scale of development in regard to the Kirkstall Lane frontage and wider street scene.---The proposal has placed the highest parts of the development on the Kirkstall Lane frontage. The frontage building would be four storeys in height. It is considered that given the various constraints around the other boundaries of the site that the most appropriate location for height is on the Kirkstall Lane side of the site although its size and design needs to relate satisfactorily to the surrounding buildings.
- The nature of the use of the site. Officers are still awaiting further information from the developer in relation to the nature of the Use. The developer wants to operate the site within C2 (Nursing Homes) Use Class. Officers have requested further information on the way the building would be operated to ensure that the apartments would not be available for occupation by couples or individuals who do not have an extra care need. Officers also consider that it would be necessary for a legal agreement to be completed to ensure the operation of the apartments remained within the C2 Use Class once the evidence has been supplied to clarify the Use. A care home use within C2 useage does not require affordable housing provision nor the same levels of parking and greenspace as a general flats scheme.
- Direct impact of the scale, size and density on surrounding properties. The proposal has been amended from previous applications seeking to address the impact on the living conditions of occupiers of the bungalow properties to the Headingley side and those within the two storey dwellings on the Turnaways.
- The impact of the proposed layout on the TPO trees around the site. The layout of the building has been largely informed from the desire to retain the majority of the TPO trees and in particular to retain those of good quality. The City's Landscape Officer has been involved in this layout process to ensure the trees that are good and healthy specimens are retained where appropriate.
- S106 Heads of terms required to cover for example:
 - i) Management of the site in relation to continuous use within Use Class C2.
 - ii) Travel Plans and public transport contributions and initiatives such as metro cards



WEST PLANS PANEL

Scale 1/1500

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Report of the Chief Planning Officer

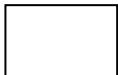
PLANS PANEL WEST

Date: 29th October 2009

Subject: PRE-APPLICATION PRESENTATION MEMBER BRIEFING NOTE : Proposal for demolition of the existing student accommodation and rebuilding of purpose built student accommodation comprising part 2, part 3, part 4, part 5 and part 6 storey development for 526 student bedspaces and warden accommodation including associated landscaping, amenity spaces and car parking areas. St Marks Road , St Marks St and Raglan Road, Woodhouse, Leeds

Electoral Wards Affected:

HYDE PARK AND WOODHOUSE



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

INTRODUCTION

Members will recall that the developers presented a pre-application scheme before the Panels Plan on the 6th August 2009. That presentation related to a redevelopment of the existing student halls of residence at St Marks and the erection of a purpose built student accommodation comprising 558 student bedspaces in part 2, 3, 4, 5 and 6 storey buildings. The Members raised the following points in response to the August presentation:

1. There was general acceptance of the principle of redeveloping this site for student accommodation.
2. Concerns were expressed over the height, scale and massing of the blocks that presented a street frontage and in particular the impact of the lengthy, high Crossfield Road block. In addition Members wanted to see further information relating to the wider views where the development would be viewed and in particular any impacts on the Parkinson building.
3. Members were also concerned about the proposed design and appearance of the blocks and were not convinced about the architectural approach used. They wanted to see a high quality development on the site and Members did not consider the design was responding enough to the site levels and also the locality.
4. Members wanted to see the developers use local labour and have this incorporated into the S106.
5. Members had mixed views about a 'car free scheme' as they were concerned over how this could be restricted and enforced. Members considered there is potential for students to bring cars to the site and Leeds and that this would detrimentally impact upon the locality. In addition Members were also concerned with the impact of the 'drop off and pick up' periods of the student calendar.

In response to these comments and in addition to the comments officers have made to the developers the following changes have been made to the layout and design of the scheme:

The Crossfield block has been redesigned so that it is now 4 and 5 storeys (previously it was 5 and 6 storeys). The four storey elements are located in the centre of the block and the form of the building is stepped horizontally and articulated vertically to break up the massing and scale.

The St Marks Road block is now part three and part four storeys. The three storey element is located adjacent to the pair of semi detached dwellings. The four storey element steps up as it moves down St Marks Road towards the Public House.

The St Marks Street block has remained unchanged and is part 5 part 4 and part 3 storeys in height. The storey heights across the site respond to the variations in levels. The three storey element is located at the lower end of St Marks Street facing the rear elevations of the semi-detached dwellings on the corner of St Marks Road and Street.

The central internal block is part 6, part 5 and part 4 storeys in height. The six storey element is located within the centre of the site and faces the internal elevation of the Crossfield block. This block then steps down the site towards St Marks Road and adjoins the St Marks Road block via an elevated three storey glazed section. This block and the St Marks Road block form an 'L' shape to frame the main internal courtyard that creates the collegiate effect.

A substantial alteration in design layout has come following internal Design Review discussions and comments from the Panel at the August Plans Panel meeting. The block located behind the Almshouses has been re-orientated at the upper part of the site. This

block also creates an 'L' shape. This block would be part five and part four storeys in height. The five storey element is located within the central part of the site and faces the internal elevation of the Crossfield block. The four storey element is located at the lower end of the site, responding to the change in levels and also the need to be respectful to the silhouette of the Almshouses roofscape.

The change in layout is designed to create a second courtyard providing outdoor amenity space for the students and also to continue with the collegiate design ethos. The siting of the re-constituted block has been considered so as to avoid over looking and to avoid creating an over dominant effect upon the pub building. In addition the siting of the re-orientated element of this block would enable future redevelopment to take place should the pub ever come forward for redevelopment.

Generally officers have been working with the developers to improve the overall design and appearance of the proposal. Officers have sought to add interest to the elevations in terms of window details, articulation of elevations and finishing details such as copings and landscaping arrangements.

Further discussions are on going regarding making all the roofs Green roofs. The dilemma is that Green roofs do not harvest rain water, where as currently the developer wishes to do this as part of their BREEAM assessments (Green roofs also contribute towards BREEAM scoring). The outcome of these discussions will be reported to Panel at a future date. It is intended that the single storey entrance building and the building containing the biomass boiler at the northern end of the site.

1) SITE DESCRIPTION

The site is located just off the east side of Woodhouse Moor and only 100 metres to the north of the Leeds University Campus. It is approximately 2.6 acres and is fairly rectangular in shape. The site is therefore close to the University campus and close to the city centre and is within the defined Area of Housing Mix.

The site is currently in use as purpose built student accommodation with 11 blocks of 3 and 4 storeys in height comprising about 497 bedspaces. The four storey blocks are located fronting St Marks Road whilst at the higher levels of the site are located the three storey blocks. The blocks are 1960/70s and 'T' shaped in layout and are formed around car parking areas. The site itself slopes away from the university campus down towards St Marks church which is grade II listed. To the university side of the site there are housing association properties. Opposite the site is located purpose built student accommodation of 4 storeys in height. To the rear of the site fronting St Marks Road there is a detached two storey public house with landlord accommodation at first floor level. Beyond the pub fronting Raglan Road is a 'U-shaped' almshouse development, Harrison House, which is Grade II listed. On the far side of the Raglan Road is located the Woodhouse Moor which is a large tract of public open space. On the corner of St Marks Road and St Marks Street is located a pair of semi-detached dwellings which are two storey in height.

The character of the immediate area around the site is predominantly residential in 'blocks' of development with limited space around and with brick and slate being the main materials on display although some render is visible on the modern student accommodation. The wider area is of a mixed character with the larger scale buildings of the institutions of the University located across Woodhouse Lane and some commercial and retail units pepper potted along the main arterial route through the City.

2) THE PROPOSAL

The pre application submission is made on behalf of the University of Leeds who are seeking consent to demolish the existing student accommodation located on the site and rebuilding the site with purpose built student accommodation of 79 cluster flats and 50 studio and one bedroom apartments totalling 526 bedspaces (the number of bedspaces has been reduced by about 30 from the previous scheme presented before Panel in August).

The development is proposed in 4 main blocks; three blocks would run down the site towards St Marks Church on St Marks Road. These blocks would be in a collegiate form with internal courtyards and amenity spaces created. The blocks would be stepped in height to respond to the sites' topography. A 5 storey block would be located at the upper part of the site running parallel to St Marks Road. The architectural approach is of predominantly brick externally and lighter stone type effect cladding to the internal elevations. Slate colour cladding is used both internally and externally. The building design is heavily articulated in form.

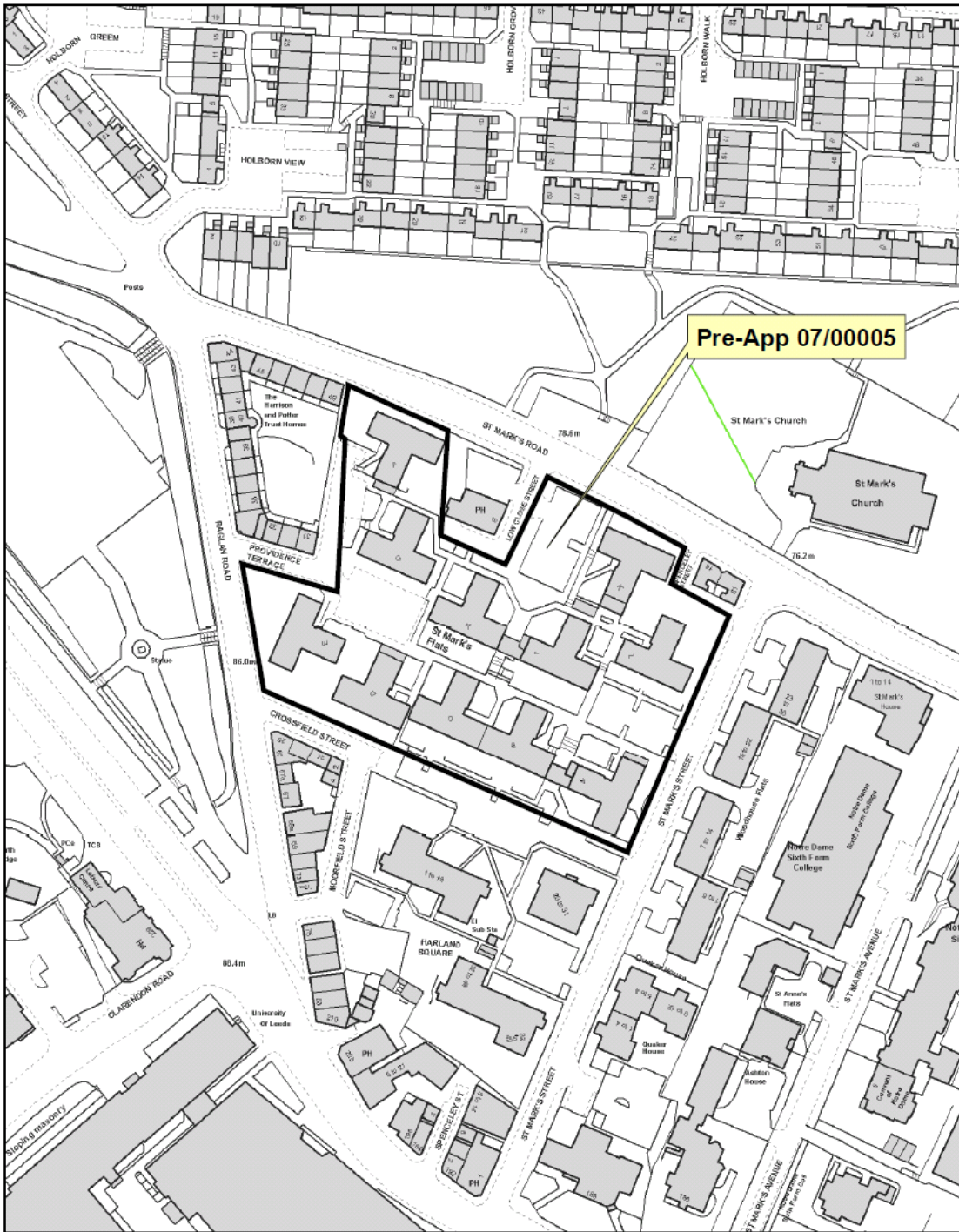
Vehicular access would be through a one way system with entry into the site via St Marks Street and exiting from the site taking place from Raglan Road. The development is essentially proposed as a 'car free' scheme with 10 disabled car parking spaces being laid out on site along with cycle and motorcycle provision.

The scheme is also proposed to incorporate a bio-mass boiler and green roofs to the single storey building within the courtyard and above the bio mass boiler on the corner of Raglan Road over looking Woodhouse Moor.

The applicant has submitted supporting details in the form of background information, site plans, sketch perspectives, elevational and 3D plans

3) OFFICER IDENTIFIED ISSUES

- The impact of the design approach--of the block form, use of materials and nature of spaces created, including part 5 and part 6 storey development-- on the street scene, local area and wider Meanwood Valley. Also in particular considering views from Woodhouse Moor and views and setting of the Almshouses , St Marks Church and the Parkinson building.
- The scheme represents an increase in student numbers above the current numbers on the site and what impacts this has on the Area of Housing and Policy H15.
- Greenspace provision on and off site and pedestrian linkages
- Direct impact of the scale, size and density on surrounding properties
- Whether or not this site can be considered highly sustainable and therefore suitable for developing as a 'car free' scheme.
- S106 Heads of terms required to cover for example:
 - i) Management of the site in relation to drop off and pick up times for beginning and end of terms
 - ii) Travel Plans and public transport contributions and initiatives such as metro cards
 - iii) Restrictions on student tenants bringing cars to Leeds
 - iv) GreenSpace Provision



WEST PLANS PANEL |

Scale 1/ 1500

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PLANS PANEL (WEST)

THURSDAY, 1ST OCTOBER, 2009

PRESENT: Councillor C Campbell in the Chair

Councillors S Andrew, B Chastney,
D Congreve, J Harper, T Leadley,
J Matthews, P Wadsworth and L Yeadon

32 **Late Items**

The Chair directed one late of business be added to the agenda for consideration relating to a recent appeal decision (minute 36 refers)

33 **Declarations of Interest**

The following Members declared personal/prejudicial interests for the purposes of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct

Councillor Andrew – Application 09/03738/FU extensions to 123 Argie Avenue - declared a personal and prejudicial interest as he knew the applicant (minute 39 refers)

Councillor Andrew – Application 08/06944/FU Leeds Bradford Airport – declared a personal interest as a member of WYITA Transport Plan Steering Group as officers of WYITA had commented on the application (minute 42 refers). However he reported that as he had not attended all the earlier Panel meetings where the application was considered, he would not participate in the decision making.

Councillor Campbell – Application 08/06944/FU Leeds Bradford Airport – declared a personal interest as a member of the Airport Joint Consultative Committee and as a local authority appointed member of WYITA as officers of WYITA had commented on the proposals (minute 42 refers).

Councillor Chastney – Application 09/03738/FU extensions to 123 Argie Avenue - declared a personal and prejudicial interest as he recognised the agent for the applicant as a work colleague in relation to his role as a Director for West North West Homes (minute 39 refers)

Councillors Chastney, Matthews and Yeadon – Position Statement relating to redevelopment proposals for Leeds Girls High School – declared personal interests as members of the North West Inner Area Committee. Proposals for the future redevelopment of the School had been the subject of discussions at the Committee, although the Councillors confirmed they had not previously expressed a view. (minute 37 refers)

Councillors Congreve and Wadsworth - Application 08/06944/FU Leeds Bradford Airport – declared personal interests as a local authority appointed

members of WYITA, as officers of WYITA had commented on the proposals (minute 42 refers); however reported that as they had not attended any of the previous meetings on the application they would not take part in the decision making process

Councillor Leadley – Application 08/06944/FU Leeds Bradford Airport – declared a personal interest as a local authority appointed member of WYITA, as officers of WYITA had commented on the proposals (minute 42 refers)

Councillor Matthews – Application 08/06944/FU Leeds Bradford Airport – declared a personal interest as a member of Yorkshire Tourist Board (minute 42 refers)

Councillor Yeadon - Application 08/06944/FU Leeds Bradford Airport – declared a personal interest as she had previously attended discussions on the future of the airport when she had lived in the local area. (minute 42 refers)

Councillor Yeadon – Application 09/03738/FU extensions to 123 Argie Avenue - declared a personal interest as an employee of Mr J Battle MP who had been approached by a constituent to make written representation on the proposals. Councillor Yeadon confirmed she had no personal knowledge of this though. (minute 39 refers)

34 Apologies for Absence

Apologies for absence were received from Councillors Castle; Coulson and Taggart. The Chair welcomed Councillors Wadsworth and Congreve respectively as substitutes

35 Minutes

RESOLVED – That the minutes of the previous meeting held 3rd September 2009 be agreed as a correct record

36 LATE ITEM - Appeal decision relating to Mike's Carpets, junction of Branch Road and Stanningley Road, Leeds LS12

The Panel received one Late Item of business at the request of the Chair for consideration setting out a recent decision of the Planning Inspectorate. The appeal against a Listed Building Enforcement Notice concerned “Mikes Carpets” building, located at the junction of Branch Road and Stanningley Road, Leeds LS12. The building is well known in the city and the Panel had shown a great deal of interest in the previous enforcement action.

The report set out the requirements of the Enforcement Notice and the grounds for the appeal. It was the decision of the Inspector on 10th September 2009 to dismiss the appeal. The period for compliance with the Enforcement Notice was varied to provide a further 3 months.

The Panel welcomed the decision and commended officers for the work undertaken in defending the appeal

RESOLVED – That the outcome of the appeal and the contents of the report be noted.

37 Residential Development at Leeds Girls High School, Headingley

The Chief Planning Officer submitted a report setting out the current position with regards to redevelopment proposals for the Leeds Girl High School site in Headingley, Leeds LS6 prior to formal applications being submitted. Plans and photographs of the site; indicative drawings of the proposals along with architect's 3D graphics to provide some idea of the scale and massing were displayed at the meeting. Members had visited the site prior to the meeting.

The Panel noted the school comprised four sites and six applications were intended –

- Main school site incorporating Rose Court and Rose Court Lodge, bordered by Headingley Lane & Victoria Road (Applications 08/04214/OT; 08/04216/FU; 08/04217/CA; 08/04219/FU and 08/04220/LI) – for residential development
- Ford House and gardens/sports pitch to the north of Victoria Road – intended for public park
- The swimming pool/gym/hockey pitch to the south of Victoria Road (Application 08/04218/OT) – for residential development, although the sports hall and swimming pool to be conveyed to Leeds Met University with a Community Access Agreement
- Elinor Lupton House on Headingley Lane/Richmond Road

The key issues for consideration were outlines as the principle of the development; the impact on the Headingley Conservation area and its' character and appearance developer contributions and highways and parking implications.

Officers highlighted the following:

Rose Court and Rose Court Lodge - intention was to ensure this residential conversion would be undertaken by a developer with proven history of Listed Building redevelopment

Main site – to include a green corridor with pedestrian linkages through. The former tennis courts will provide a courtyard area and all new build residential units will be to edge of site

Protected Playing Pitches - 3 sites designated as such in the UDP so consideration of the loss and replacement of pitches and tennis courts was a key issue under PPG17 but this to be balanced with the benefit of significant green spaces within the development which will be public spaces – previously there were no public green spaces within the school site.

School pitches - the merging of Leeds Girls High School (LGHS) with Leeds Boys Grammar School had provided LGHS with more than adequate provision at the Alwoodley site.

Greenspace/playing pitch provision in Headingley – the LPA would look for on-site space for residents as an immediate need, then for wider accessibility for all community. A map showing the location of all greenspace/playing pitch provision in the ward was displayed at the meeting. Officers felt that overall this proposal would achieve public greenspace provision on site and although

there was no greenspace within the Victoria Road site the pedestrian linkages between the sites would address the deficit. It was reported that both Parks & Countryside and Sports England were still assessing the proposals.

Affordable Housing - 15% was required on site and the developer proposed a commuted sum rather than on site provision. Further consideration of whether that funding could be used to address the balance of family housing/HMO stock in Headingley was required.

Swimming Pool and Sports Hall – intended for Leeds Metropolitan University with public access arrangements.

Highways – the access to the site which also gives access to numbers 5, 7 and 9 Chestnut Avenue and to Back Chestnut Avenue, is wide enough to accommodate two-way traffic. However, the presence of existing on-street parking will need to be addressed by the introduction of Traffic Regulation Orders.

Housing mix - 151 units, the majority being family homes comprising 29 three bed town houses on Victoria Road; 59 three bed town houses on main site and 63 apartments.

Members commented:

Site Designation - Clarification required on whether the site was greenfield as locally the sites would be regarded as green sites and it was LCC policy to defend these. Officers advised the sites were regarded as “curtilage” of the former school and therefore were previously developed brown field sites but agreed the LPA must be sure of the designation of the sites prior to permission.

Sports Hall & Pool – local ward members reported the University no longer wished to manage these and Panel considered what impact this would have on the merit of the overall proposals.

Objections – some Members felt that a large number of the existing objections received before the proposals were revised, would still stand.

Buildings – building on site very important to locality and needed to be retained and re-used

Officers listed the information still required from the developers as the submission of detailed design drawings, an updated Transport Assessment; Travel Plan: detailed heads of terms of the S106 and a Design Access Statement.

Members commented that the proposals had been in the public domain since 2008, although no formal applications had been submitted and expressed their disappointment that the detailed documents had still not been submitted. Panel further commented that from the information available there did not appear to be a significant difference between the proposals originally mooted and these before Panel today. Some Members were minded to propose refusal of the scheme at this point, to allow the applicants the opportunity of submitting a fresh application with fresh details, rather than continue to amend

elements of the scheme which created confusion about the proposals actually to be determined.

In conclusion Members reiterated their concerns over the designation of the greenspaces as “brownfield curtilage” and subsequent proposed loss of the playing pitches. The Panel wished to see the detail of the applications presented as soon as possible and the Chief Planning Officer agreed to write to LGHS to express the Panels’ concerns and seeking submission of all relevant documents pertaining to the application within the next 2 weeks.

RESOLVED –

- a) That the contents of the position statement and the comments of the Panel be noted
- b) That the Chief Planning Officer write to LGHS expressing the Panels’ concerns and seeking submission of all relevant documents pertaining to the applications within 2 weeks from the date of this meeting

38 Application 09/03049/FU - Part two storey, part single storey side and rear extension, two storey side extension to other side and single storey front extension to 64 Woodhall Lane, Pudsey, Leeds LS28 5NY

The Chief Planning Officer submitted a report setting out proposals to extend an existing residential property at 64 Woodhall Lane, Pudsey. The Panel noted that a previous scheme for extensions to the dwelling had been refused and noted the comments made by the Planning Inspector at the subsequent appeal. Photographs of the existing dwelling were displayed at the meeting along with plans and architects drawings of the current and previous proposals for comparison.

Officers requested one further condition relating to tree protection measures be added to the permission, should it be granted.

The Panel noted the proposals had been redesigned to take account of the Inspectors comments and as a result of negotiations with officers. Members were keen to ensure the enforcement matters relating to the boundary wall were dealt with prior to commencement of these works, but were advised they did not have the power to do so.

RESOLVED – That the application be granted subject to the specified conditions contained within the report plus one further condition to ensure the protection of trees on site.

Councillor Andrew, having earlier declared a personal and prejudicial interest in the following matter (minute 33 above refers), withdrew from the meeting and took no part in the decision making process

39 Application 09/03738/FU - Two Storey Side Extension incorporating the formation of basement storage area and raised balcony to rear at 123 Argie Avenue, Burley, Leeds LS4 2TG

The Chief Planning Officer submitted a report on a revised scheme for extensions to a dwelling house at Argie Avenue, Leeds 4. The Panel had previously considered and refused a similar scheme (Application 08/05805) on 9 July 2009 (minute 6 refers). That decision was appealed and

subsequently dismissed by the Planning Inspector and this new application was submitted having regard to the Inspectors comments at the appeal.

Plans and photographs of the site were displayed at the meeting. Officers reported the contents of an additional letter of representation submitted by the resident of 125 Argie Avenue received since the despatch of the agenda and the contents of an e-mail sent today by local ward Councillor J Illingworth regarding the rights of access issue and the consultation period.

The Panel heard representation from Mr Walker, a local resident objecting to the proposals. He stated that local residents had not received proper written notification of the Panel meeting due to the mail strike and expressed his concern that the agenda had been despatched prior to the end of the expiry period for receipt of representations. Mr Walker also outlined the objections of the resident of No.121 regarding overlooking from the kitchen window and highlighted the issue of rights of access to the rear of the property at 125.

Councillor Chastney withdrew from the meeting at this point, having recognised the agent for the applicant, and took no part in the decision making process (minute 33 above refers).

The Panel then went onto hear the representation of Mr J Sharples, agent for the applicant, who confirmed the extensions were intended for residential use only and that the planning issues raised by the Inspector had effectively been dealt with due to the removal of the originally planned Juliet balconies. He explained the side windows would be obscure glazed as these were not primary windows and the access drive around the rear of the dwelling was just over 6m wide and sufficient for two cars passing.

Members commented that the erection of the rear boundary wall had presented difficulties to the residents of No. 125 gaining access to the rear of their property and garage. Mr Sharples advised that this legal matter was now being dealt with. Members responded that although this might not be a material planning matter, it may have contributed to what appeared to be a neighbour dispute.

The Panel went onto consider the issue of notification and were advised that it was not unusual for reports to be despatched prior to the end of representation periods as officers could provide Members with updates at the Panel meeting, as they had done today. Furthermore, this application had a target date of 20 October 2009, and presentation of this application to the next Panel meeting on 29 October would make any Panel decision "out of time".

RESOLVED – That the application be granted subject to the specified conditions contained within the report

40 Application 09/02308/FU - Change of Use of former Residential Home to 12 bedroom House in Multiple Occupation, with 3 parking spaces, cycle and bin store, 88 Victoria Road, Headingley, Leeds LS6 1DL

Further to minute 27 of the meeting held 3rd September 2009 when Members had resolved not to accept the officer recommendation to approve the

application, the Chief Planning Officer submitted a report setting out a proposed reason to refuse the application based on the concerns expressed at the last meeting.

RESOLVED – That the application be refused for the following reason “ The Local Planning Authority considers that the proposed development will be occupied mainly by students to the detriment of the housing mix in this locality and given the designation of this site within the defined Area of Housing Mix that the proposal would be detrimental to the balance and sustainability of the local community and to the living conditions of people in the area particularly in view of the cumulative effect of the number and concentration of student occupied properties in the locality, contrary to Policy H15 of the Unitary Development Plan and national guidance contained within Planning Policy Statement 1 aimed at developing strong, vibrant and sustainable communities and asocial cohesion.”

41 Application 09/02126/FU - Change of use of former residential home to one 8 bedroom House in Multiple Occupation and one 4 bedroom House, with 3 parking spaces, cycle and bin store at 88 Victoria Road, Headingley, Leeds LS6 1DL

Further to minute 40 above, the Chief Planning Officer submitted a report on different redevelopment proposals submitted by the same applicant for the former residential home at 88 Victoria Road, Headingley. Officers highlighted the proposal to create one 8 bed House in Multiple Occupation and one 4 bed house. The report set out two proposed reasons to refuse the application.

Plans and photographs of the site were displayed and a further plan showing the proposed internal layout was tabled at the meeting.

The Panel heard representation from Mr T Cook, planning consultant for the applicant, who stated this proposal did address provision of non-student housing in the locality and highlighted the difficulties this property presented for sub division into smaller residential units. The Panel then heard representation from Dr R Tyler, Leeds HMO Lobby, who stated there was an over supply of student housing stock already in the locality and expressed concern that the property was already occupied.

The Panel made the following comments:

- conditions for the residents of the 4 bed dwelling were sub standard in terms of inadequate amenity space.
- proposed bin and cycle storage regarded as inadequate as access was restricted by the three car parking spaces.
- the boundary wall would require amendment and the aperture to the parking spaces would need to be widened to accommodate three vehicles as no turning space could be provided on site.
- access to the car parking area was considered to be inadequate and the comments of the highways officer were noted.

Members acknowledged this was a difficult property but suggested the applicant should have developed clear proposals before the purchase. Members were minded to confirm the officer recommendation to refuse the

application with the addition of one further reason based on inadequate driveway access; and insufficient space on the site for the car parking spaces requiring further amendment to the boundary wall.

RESOLVED – That the application be refused for the following reasons:

- 1) The Local Planning Authority consider that occupants of the proposed 4 bed dwelling would be adversely affected by noise and disturbance from the level of activity and intensity of use of the adjoining 8 bed HMO and that the dwelling would have inadequate and unsatisfactory amenity space and as such would be contrary to Leeds Unitary Development Plan Review policies GP5, BD5, H15 and Neighbourhoods for Living SPD
- 2) The Local Planning Authority considers that the proposed development will be occupied mainly by students to the detriment of the housing mix in this locality and given the designation of this site within the defined Area of Housing Mix that the proposal would be detrimental to the balance and sustainability of the local community and to the living conditions of people in the area particularly in view of the cumulative effect of the number and concentration of student occupied properties in the locality, contrary to Policy H15 of the Unitary Development Plan and national guidance contained within Planning Policy Statement 1 aimed at developing strong, vibrant and sustainable communities and social cohesion.
- 3) *The LPA considers the amendment required to the boundary wall to create an aperture sufficient to allow three cars to access the designated car parking spaces to be unacceptable; and the access itself, without provision of a turning circle, to be an unsatisfactory arrangement*

42 Application 08/06944/FU - Two Storey extension to main Airport Terminal Building to provide new entrance, improved internal facilities and associated landscaping works to the Terminal Building forecourt at Leeds and Bradford Airport, Whitehouse Lane, Yeadon, Leeds LS19 7TU

Further to minute 30 of the meeting held 3rd September 2009, the Chief Planning Officer submitted a report on several matters which the Panel had requested be considered further

- 1) Trigger figure to release Section 106 funding
- 2) Travel Plan
- 3) Mechanism for dealing with Plans Panel input into Chief Planning Officers decision making

Officers reported the following:

Trigger figure of 2 now proposed

- The mechanism for the release of £125k for mitigation measures up to 3.8 mppa had already been agreed however the trigger figure remained an issue last time. This had now been revised to 2:
- **All of the year (except July and August)** – the 831 and 1332 flows shall not be exceeded on more than 2 occasions (excluding any Bank Holiday when background network traffic levels are also low or exceptional circumstances outside of the control of the airport).

- **During July and August** - a higher trigger figure of 914 and 1465 shall not be exceeded on more than 2 occasions. These figures equate to a 10% increase on the 831/1332 figures to reflect the lower background highway network figures in July and August. Airport traffic would have to significantly increase during these two months to have any adverse effect on the highway network.

The Panel discussed the following:

- Some Members preferred not to have any trigger figure and felt they still had not been provided with a technical explanation of where the trigger figure had been derived from or how to define the background level of traffic, nor a mechanism by which to define when congestion occurred
- Suggested a trigger figure of 1 at any time (not just peak flow times)
- Requested that monitoring include network monitoring at the junctions near the airport to assess background traffic levels. LBIA could then provide evidence of whether the airport did cause increased traffic flows and could seek a review of the trigger figure if the evidence suggested the airport did not cause congestion. Members noted the background monitoring would have to be implemented at the commencement of the planning permission
- The Panel was minded to set the limits as 831 and 1332 all year round, with no altered limits for July/August or Bank Holidays. Members were however mindful of incidents beyond the control of LBIA but took the view it would be up to LBIA to provide evidence of the exceptional circumstances/occasions

The Chair noted the comments made by Panel so far and invited **Mr Lapworth** of LBIA to make a representation about exceptional circumstances. Mr Lapworth responded to the comments on exceptional circumstances such as fog and how LBIA could be expected to manage exceptions during the peak hours.

The Panel noted and accepted the comment of the Highways Officer that, if monitoring was being undertaken for a 12 month period on the traffic network, the LPA could take the opportunity to monitor exceptional occasions during that same period.

Travel Plan

Targets for journeys (by other than single occupancy vehicle) for airport company staff in annual stages had been set as:

- Not less than 10% by end 2010;
- Not less than 20% by end 2011;
- Not less than 30% by end 2012; and

The target for journeys (by other than single occupancy vehicle) for non airport company staff employed at the airport had been set as

- Not less than 20% by end of 2012

If those targets were not achieved at each stage an action plan would be required to be drawn up (within three months) to include measures to

demonstrate how the target will be met within a further 3 months with a further survey undertaken at that point to demonstrate compliance. If the target was still not met a financial penalty would be imposed of £1000 per LBIA employee and £250 per non-LBIA employee up to a maximum of £70,000 per annum. The penalty could finance mini bus travel for all employees.

Response rates for the completion of a travel survey had been set:

35%	2010	}	} for the 235 LBIA employees
40%	2011	}	
50%	2012	}	

30% by 2012 for all non-LBIA employees working at the Airport

LBIA offered an alternative suggestion as outlined in para 3:6 of the report:

- All airport staff will be offered the opportunity for free access to existing bus services to LBIA (Leeds, Harrogate and Bradford).
- All new business partners will be asked in their contracts to use all reasonable endeavours to encourage their staff into sustainable modes of transport.
- All new staff will be encouraged through their employment contracts to use all sustainable modes of transport wherever possible.
- There will be an increase in the number of priority car parking spaces for car sharers.

Officers took the view that these were essentially measures which should be employed to achieve the modal shift and not penalties for failing to meet targets.

Members went on to comment:

- The offer of free access to existing bus services was a good one, but should be viewed as a measure to achieve the target, not a penalty.
- A minibus service could be feasible for local staff
- Felt LBIA should be able to achieve a similar target to LCC for completing travel surveys – such as 50% by 2012
- Suggested that rather than wait for the end of the year to undertake the action plan, if the target had not been met it should be drawn up in the 3 months after the survey results were available.
- Referring to para 3:6, suggested that rather than staff being “encouraged” they should be “*expected* through their employment contracts to use all sustainable modes of transport” as new employees should be clear what was required of them
- A mechanism was required to stop LBIA employees parking on surrounding streets such as Traffic Regulation Orders which could be used to mitigate. Anecdotal evidence suggested that LBIA employees did park on Yeadon High Street and use the service bus to the Airport
- Members commented it was LCC policy to reduce the number of workers travelling to work by car per-sé, therefore shift patterns were not a factor for consideration

Members supported the financial penalty suggested in the report, however suggested the following amendments:

Draft minutes to be approved at the meeting
to be held on Thursday, 29th October, 2009

- The on street car parking to be an issue for the Steering Group to review
- The travel survey to be undertaken in September of each year and the 3 month review period to commence as soon as results collated
- Paragraph 3.6 of the report to be amended to provide clear stance to new employees on what's expected of them

Steering Group

It was agreed at the last Panel that the recommendations of the Steering Group in relation to spending monies from the Section 106 contributions would be referred to Plans Panel West prior to the CPO making a decision. Any decision made by the CPO in relation to this matter would not be able to be referred to Scrutiny.

Mr Crabtree, the Chief Planning Officer, confirmed that any decisions would have due regard to any comments made by Panel.

RESOLVED – That the contents of the update report be noted and that in relation to the outstanding matters the following be agreed:

Terms of the trigger:

- A trigger figure of 1 be set per annum excluding exceptional circumstances outside of the control of the airport where evidence was produced to justify
- Monitoring to include monitoring of the network to assess background traffic levels, in order for LBIA to assess whether the airport did cause increase traffic flows.
- The background monitoring to be implemented at the granting of the planning permission
- The limits set as 831 and 1332 all year round, with no altered limits for July/August or Bank Holidays.
- Evidence of incidents beyond the control of LBIA to be collated over a 12 month period
- Possible review to take place of trigger figure after 12 months in the light of evidence of flows on the network and any issues arising

Travel Plan

- Travel survey completion target to be 50% by 2010 for LBIA employees
- The on street car parking to be an issue for the Steering Group to review
- Travel survey to be undertaken in September of each year and 3 month review period for production of action plan if target not met to commence as soon as results collated
- Paragraph 3.6 of the report to be amended to provide a clear stance to new employees on what's expected of them

Steering Group – noted and confirmed the arrangements outlined at the meeting

(Councillors Andrew, Congreve and Wadsworth required it to be recorded that they abstained from voting on this matter as they had not attended the previous meetings where the application had been considered)

43 Date and Time of Next Meeting

Draft minutes to be approved at the meeting
to be held on Thursday, 29th October, 2009

RESOLVED – To note the date and time of the next meeting as Thursday 29th October 2009 at 1.30 pm



Originator: Susie Watson

Tel: 2224409

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 29 October 2009

Subject: APPLICATION 09/02808/FU – CHANGE OF USE AND ALTERATIONS OF PART OF KITCHEN TO 1 BEDROOM FLAT AT 22 SHIRE OAK ROAD, HEADINGLEY

APPLICANT

Leeds Properties – S
Rahman

DATE VALID

16 July 2009

TARGET DATE

10 September 2009

Electoral Wards Affected:

Headingley



Ward Members consulted
(Referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the following conditions

1. Standard time limit (3 years)
2. No development shall take place until samples of all materials to be used in the construction of the external surfaces have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
3. No re-pointing shall take place until a sample of re-pointing has been prepared on site for inspection and approved in writing by the Local Planning Authority and the scheme shall be carried out in accordance with the approved details.
4. Full details (including size, location and materials) of flues and any other ventilation systems shall be submitted to and approved in writing prior by the Local Planning

Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.

5. Prior to the commencement of development full details of the proposed doors and windows (including a survey relating to the repair/replacement of existing doors and windows, a method statement for any repairs, section drawings, glazing details, joinery details and a materials schedule) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
6. Prior to the commencement of development a full structural survey of the chimney to the east wing shall be carried out and submitted to and approved in writing by the Local Planning Authority along with a schedule of works to repair the chimney. The works of repair shall be carried out prior to the occupation of the east wing or in accordance with a programme which shall have been agreed in writing by the Local Planning Authority.
7. Prior to the commencement of development a full structural survey of the summerhouse shall be carried out and submitted to and approved in writing by the Local Planning Authority along with a schedule of works to repair this building and restore it to its original condition. The restoration works shall be carried out prior to commencement of works on the east wing or in accordance with a programme which shall have been agreed in writing by the Local Planning Authority.
8. Prior to the commencement of development details of a scheme to re-instate the arcaded walling in front of the north side of the house and the existing gateposts shall be submitted to and approved in writing by the Local Planning Authority. The works thereby approved shall be carried out prior to commencement of works on the east wing or in accordance with a programme which shall have been agreed in writing by the Local Planning Authority.
9. Submission of landscape details.
10. Implementation of landscape scheme.
11. Provision for contractors during construction period.
12. The driveway shall be hard surfaced for first 15m in accordance with a scheme that has first been submitted to and approved in writing with the Local Planning Authority. The scheme thereby approved shall be completed prior to the first occupation of the proposed flat.
13. Samples of surfacing materials to be submitted.
14. Notwithstanding the details shown on the plans hereby approved, prior to the commencement of development details of the bin storage for the whole site shall be submitted to and approved in writing by the Local Planning Authority. The scheme thereby approved shall be completed prior to the first occupation of the proposed flat.
15. Prior to commencement of development a scheme for ongoing maintenance of the grounds as a whole shall be submitted to and agreed in writing by the Local Planning Authority and the grounds shall thereafter be maintained in accordance with the scheme approved .

Reasons for approval:

The application complies with the aims of PPS1, PPS3 and PPG15, as well as Policies GP5, BD6, BC7, N12, N15, N17 and N19 of the Leeds UDP (Review 2006) and it is considered that:

- The works would be sympathetic to the listed building and ensure its continued use (GP5, BD6, BC7, N12, N15).
- The proposal would provide a satisfactory level of living accommodation for future occupiers and would not significantly or adversely affect neighbouring living conditions (GP5).
- The creation of an additional one-bedroom flat would not be detrimental to highway safety (T2).

If planning permission is to be granted then a number of conditions would be included which would help to further improve the setting of the listed building and enhance the character and appearance of the conservation area (N115, N17, N19).

On balance, it is considered that the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance and 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 application is brought to Panel following a request from Councillors Hamilton and Monaghan on the grounds of the previous planning breaches on the site, the failure to resolve them and because of concerns of further damage to a listed building and the subsequent effect on the character of the area. They also have concerns that the proposals are to alter a listed building and are insufficiently clear and detailed. A site visit is also requested.

2.0 PROPOSAL:

- 2.1 The application seeks full planning permission for the conversion of the single storey kitchen / east wing of the main building on this site to a 1 bedroom flat. Existing windows would be refurbished and new infill screens with glazing provided across the existing porch.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site lies within the urban area of Headingley within the Headingley Conservation Area. The application site comprises of a substantial detached building (constructed in the 1890's) together with associated outbuildings. The dwelling is grade 2 listed 1893 villa, and of red brick construction with a stone slate roof. It is 2.5 storeys in height (plus cellar) and of an irregular shape with a steeply pitched roof. On the eastern side of the dwelling lies a single storey wing. It is this wing that it is proposed to convert to a 1 bedroom flat. Access to the building is provided via a long drive leading from Shire Oak Road which provides access to all sides of the building.
- 3.2 The main dwelling has been converted, in part, to flats. There is no planning history relating to the flats but the building was listed in 1986 and at that time the interior

was inspected. The listing description advised that “much of the original detailing survives although the house is divided into flats.” The Design and Access Statement accompanying the current applications advises that the house contains 3 flats, although no details are provided with regard to the number of bedrooms or layout.

- 3.3 The larger of the 2 outbuildings in the grounds is a 2 storey mock Tudor ‘coach house’ which has a flat at first floor level. Planning and listed building applications to convert the coach house to 2 flats were submitted at the same time as this application to convert the east wing / kitchen. However, the proposals involved removal of the existing staircase which was considered to be unacceptable and the applications were withdrawn.
- 3.4 To the west of the main house lies walls, steps and a summer house dating from 1893. These are listed in their own right. Unfortunately the summer house is now in a derelict state and the walling in front of the north side of the house, which was arcaded, has been demolished in recent times.
- 3.5 The building stands in extensive grounds and contains a mixture of mature trees, some of which are protected. The property is well set back from Shire Oak Road and is separated from the highway by a stone wall. Shire Oak Road is an attractive tree lined residential area and contains several large Victorian houses as well as relatively modern apartments and other typically suburban dwelling houses.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 09/02893/LI - listed building application to carry out alterations, including external staircase, of coach house with flat above to form two 2 bedroom dwelling houses - withdrawn September 2009.
- 09/02892/FU - change of use and alterations, including external staircase, of coach house with flat above to form two 2 bedroom dwelling houses - withdrawn September 2009.
- 4.2 07/00886/LI - listed building application for change of use involving alterations of the east wing to form a 1 bedroom flat, change of use involving the ground floor of coach house to 1 two bedroom flat, widening of the vehicular access, alterations to pillars and new 2.3m high gates and retrospective application for 3 dormers and 12 roof lights on both flanks of the main building – refused May 2007.
- 07/00885/FU - change of use involving alterations of east wing to form one 1 bedroom flat, change of use involving alterations of ground floor of coach house to one 2 bedroom flat, widening of vehicular access, alterations to pillars and new 2.3m high gates and retrospective application for 3 dormer windows - refused May 2007.
- 4.3 06/ 06283 LI – listed building application for alterations and single storey extension, to convert east wing to flat, conversion of ground floor of coach house to flat and 3 storey block of flats – withdrawn January 2007.
- 06/06284/FU - alterations and single storey extension, to convert east wing to flat, conversion of ground floor of coach house to flat and 3 storey block of flats – withdrawn January 2007.
- 4.4 26/653/03/LI – alterations and conversion of listed building and new apartment block in grounds - refused September 2005.

26/652/03/FU – change of use of coach house to 2 flats, conversion of east wing to 1 flat, detached block of flats and roof lights to existing - refused September 2005.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 A number of unauthorised works have previously taken place at this site (e.g. insertion of rooflights, construction of dormer windows, removal of wall) and these have yet to be either formalised or satisfactorily rectified. Then, earlier this year the owner / applicant started works to the coach house which involved removal of an external staircase and viewing platform. A stop notice was served by the Council and work on site ceased and further notices are being prepared to remedy the unauthorised works . An update on the enforcement position will be provided for Members at the meeting
- 5.2 The owner / applicant met with officers of Planning Services earlier in the year to discuss his intentions for the site. Officers were advised that the reasons for carrying out the works to the coach house related to the requirements of Housing Regulations Services. The owner / applicant advised that they would ideally like to convert the coach house to 2 flats, the east wing to 1 flat and then maybe propose a further development within the grounds.
- 5.3 Applications for the conversion of the coach house to 2 flats and the reinstatement of the external staircase were also submitted following this meeting but have subsequently been withdrawn due to concerns about the removal of the internal staircase. A further revised scheme has now been submitted to Planning Services for pre-application advice prior to any formal resubmission.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by site notices posted on 23 July 2009. The consultation period expired on 13 August 2009. 3 letters of representation have been received from local residents who are concerned about the proposals and raise the following issues.
- The grounds of the property are not looked after. To increase the number of residents will only further the problem. Bins are left at the main gateway with rubbish spilling out onto the pavement. The garden is overgrown and the stone gateway pillars removed.
 - There is no reference to removing illegally installed rooflights and French window.
 - The existing car park only exists because decorative trees were wantonly destroyed.
 - The gazebo has been deliberately neglected.
 - It is not proposed to rebuild the demolished wall.
 - The outer wall of the building to be converted is very damp.
- 6.2 Headingley Renaissance Group state that the application appears designed to destroy a perfectly good listed building and its grounds within the conservation area

for no reason than to create intensified housing in an area already suffering from a totally unstable and unsustainable population mix.

- 6.3 Leeds Civic Trust consider that the application to convert the kitchen to a one-bedroom flat is acceptable. They comment that Arncliffe, 22 Shire Oak, is an important house of 1893 in the Arts and Crafts style by Francis Bedford (of the firm of Bedford and Kitson) for his brother James Bedford, chemical manufacturer and subsequent Lord Mayor. The significance of the house and its associated coach house, garden wall and summerhouse is recognised by their listing at Grade II. However, the complex is currently on both the Leeds Civic Trust's and the Leeds City Council's Heritage and Buildings at Risk Registers respectively due to the sad state of the honeycomb wall and summerhouse. There is a current history of unresolved enforcement issues involving repairs to these structures and a demolished pier.

7.0 CONSULTATIONS RESPONSES:

Statutory

- 7.1 Highways state that the proposals cannot be supported as submitted due to the following:
- The internal access road is made of gravel (i.e. loose material) within 15m of the highway boundary. This is unacceptable.
 - The internal access road width is below 4.8m width for the first 10m from Shire Oak Road.
 - Proposed new gates are too close to the adopted highway which will mean cars will straddle the carriageway before opening the gates. This is unacceptable.
- The proposals will be supported if the applicant can address these concerns.

- 7.2 Mains Drainage has no objections.

Non-statutory

- 7.3 The Victorian Society has no objection in principle to the conversion of this disused part of the premises into a single dwelling on the simple lines proposed. However, detailed approval should be required for the proposed new windows and doors, to ensure the standard of design conforms to their proximity to the main listed house. They also make the following comments.
- Upkeep of the garden appears effectively to have ceased. The drive and vehicle areas are in a condition entirely out of keeping with the listed house and buildings. Proposals to widen the entrance gate and drive, if demonstrated to be unavoidable for emergency access, should be carefully designed to ensure that the existing piers and boundary wall are rebuilt carefully, and surfaces properly made up to a serviceable and robust standard.
 - The separately listed summerhouse is now in an advanced state of decay, and must be considered seriously at risk, for the want of proper repair and maintenance. Its repair to an appropriate standard should be required.
 - We understand that there are other issues relating to the property, for which enforcement action may be necessary. We would strongly support the Council in taking such steps as are needed.
 - This interesting house and its outbuildings and garden should be the subject of a properly prepared Conservation Plan, to show what condition the premises are in, what repairs and arrears of maintenance are needed to conserve the historic

external and internal fabric, and how it may need to be altered to conform to proper historic building standards.

8.0 PLANNING POLICIES:

- 8.1 GP5 - seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
BD6 – requires alterations and extensions to respect the scale, from detailing and materials of the original building.
BC7 – requires development in conservation areas to be in traditional local materials.
N12 - seeks to achieve appropriate urban design.
N15 – supports the change of use of listed buildings providing the new and adapted use does not diminish the special architectural or historic value of the building and its setting.
N17 – requires, where possible, existing detailing and features to be preserved, repaired or if missing replaced.
N19 - requires development to preserve or enhance conservation areas.
N20 – seeks to resist the demolition or removal of features which contribute to the character of the conservation area, such as trees and boundary walls.
H15 – relates to the area of housing mix.
T2 - development proposals should not create new, or exacerbate existing, highway problems.

8.2 Supplementary Planning Guidance - Neighbourhoods for Living.

8.3 Planning Policy Statement 1 Delivering Sustainable Development (PPS1) sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system and emphasises the need for greater consideration to be given to urban design.

Planning Policy Statement 3 (PPS3) Housing sets out the Government's policy on housing. A key objective of this guidance is to encourage the *'effective use of land by re-using land that has been previously developed'* (paragraph 40).

Planning Policy Guidance 15 (PPG15) Planning and the Historic Environment sets out the Government's policy on planning in relation to the historic environment, including listed buildings and conservation areas.

9.0 MAIN ISSUES

The key issues in determining this application are:-

- Design Issues - impact on Listed Building / Conservation Area
- Impact upon amenity
- Highways

10.0 APPRAISAL

Design Issues - impact on Listed Building / Conservation Area

10.1 PPG15 'Planning and the Historic Environment' confirms (paragraphs 2.16 & 4.1) the requirement (under Sections 16, 66 and 69 of the Planning and Listed Buildings Act) for special attention to be paid to the desirability of preserving listed buildings and their setting and to preserving or enhancing the character or appearance of

conservation areas. Conservation areas are areas of “special architectural or historic interest, the character of which it is desirable to preserve or enhance”.

- 10.2 PPS1 and PPS3 both place a duty upon Local Planning Authorities to improve the quality of design and enhance. At paragraphs 34 and 13 respectively it is stated that ‘design which is inappropriate in context, or which fails to take the opportunities available for improving the character of an area and the way it functions should not be supported.’
- 10.3 As set out in the planning history section above, there have been previous applications for development on the site which have been either refused or withdrawn. A number of these included proposals for the conversion of the kitchen / east wing. The last of these applications (07/00885/FU and 07/00886/LI) was refused due to concerns about the widening of the access and the unsympathetic insertion of rooflights and dormer windows. With regard to the conversion of the east wing it was considered that this could deliver some positive benefits, but this, in itself, was not sufficient to compensate for the other works which would have caused planning harm.
- 10.4 This current application is for conversion of the kitchen / east wing only, although the submitted plans do show a widening of the access. The widening of the access is not considered appropriate in terms of the impact it would have on the setting of the listed building, existing trees and the character of the conservation area. A revised plan omitting this and showing the driveway retained in its current position has been requested and is currently awaited.
- 10.5 The kitchen / east wing measures 12.2m long by 3.3m wide and is single storey and consists of a redundant pantry, storage areas and a porch. Currently all of this part of the building is unused. In order to convert it to residential accommodation existing internal walls would be removed and new stud partitions erected to separate the bedroom from the main living space and to provide an en-suite shower room. Timber infill screens and glazing would be installed in the porch openings.
- 10.6 It is considered, on balance, that the works to create the proposed flat are appropriate to the character and appearance of the listed building and would preserve or enhance the character of the conservation area. It would help ensure its upkeep – this element is currently boarded up and unused. However, it does result in the loss of its original plan form. In this instance this is considered to be acceptable given it is a subservient element of the main building, the works to the openings are sympathetic and the applicant is prepared to carry out a number of works relating to the upkeep of the grounds and the repair / restoration of existing features and outbuildings.
These include the repair of the chimney to the original kitchen, repair of the summerhouse, the reinstatement of the boundary wall and gateposts, the maintenance and upkeep of the grounds and the hard surfacing of the first 15m of the driveway. It is also proposed to condition a landscaping scheme to ensure a pedestrian footpath is provided and tree planting to compensate for previous unauthorised tree removal.
- 10.7 There are concerns about the proposed bin store identified on the submitted plans. It is located at the edge of the driveway, directly under an off site tree. Some excavation would be required and this is likely to adversely affect the tree. There are a number of possible solutions for bin storage, including a sympathetically designed building close to the road. A condition requiring this matter to be addressed prior to the commencement of any development is recommended.

Impact upon amenity

- 10.8 Policy GP5 of the UDP sets out the general principles of development including the need to avoid environmental intrusion and loss of amenity.
- 10.9 The application would provide a one-bedroom flat which would be suitably laid out and would have relatively large areas of glazing. It is therefore considered that the proposals would provide a satisfactory level of accommodation for future occupiers in terms of outlook and light. The property is situated within a plot of significant size and as such there is plenty of external amenity space available for use by future occupiers. Unfortunately this is obviously not regularly maintained. Therefore, in the interests of the amenity of the existing and any future occupiers, a condition requiring a maintenance plan for the upkeep of the grounds is recommended.
- 10.10 It is considered that the creation of an additional one-bedroom flat on the site is unlikely to have any additional or adverse impact on the living conditions of neighbouring properties through an increase in comings and goings or general noise and disturbance.

Highways

- 10.11 As originally submitted the proposals included plans to widen the existing access to 3.75m. This is considered to be unacceptable in terms of the impact it would have on the setting of the listed building and the character and appearance of the conservation area and a revised plan has been requested. It has been noted that Highways have requested that the driveway be widened to 4.8m for the first 10m. This raises serious planning concerns as it would not only impinge upon the formal garden area but would also encroach significantly further under the canopies of existing mature trees. In this instance it is not considered that 2-way passing is necessary given the proposal is for 1 additional 1-bedroom flat and the location of the site away from road junctions.
- 10.12 Concerns have been expressed about the existing surfacing material to the driveway, which is loose gravel. This spills onto the pavement and is also unacceptable to Highways. The applicant has been advised that this needs surfacing and should ideally be laid out with large size stone setts for the first 15m. An appropriate condition to ensure a more suitable resurfacing is therefore recommended.
- 10.13 As originally submitted the plans also proposed gates across the driveway. Given their location close to the adopted highway this would result in cars straddling the carriageway before opening the gates, which is unacceptable to Highways. A revised plan omitting these is awaited.

11.0 CONCLUSION

- 11.1 After careful consideration of all relevant planning issues it is considered that the proposed works would be sympathetic to the listed building, would preserve the character and appearance of the conservation area, would provide a satisfactory level of living accommodation, would not adversely affect neighbouring living conditions and would not be detrimental to highway safety. If planning permission is to be granted then a number of conditions would be included which would help to further improve the setting of the listed building and to enhance the character and appearance of the conservation area.

Background Papers:

Application and history files.

Certificate of Ownership – signed as applicant.



WEST PLANS PANEL

Scale 1/1500

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Originator: Susie Watson

Tel: 2224409

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 29 October 2009

Subject: APPLICATION 09/02809/LI – LISTED BUILDING APPLICATION FOR ALTERATIONS INVOLVING CONVERSION OF KITCHEN TO ONE 1 BEDROOM FLAT AT 22 SHIRE OAK ROAD, HEADINGLEY

APPLICANT

Leeds Properties – S
Rahman

DATE VALID

16 July 2009

TARGET DATE

10 September 2009

Electoral Wards Affected:

Headingley

Ward Members consulted
(Referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the following conditions

1. Standard time limit (3 years)
2. No development shall take place until samples of all materials to be used in the construction of the external surfaces have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
3. No re-pointing shall take place until a sample of re-pointing has been prepared on site for inspection and approved in writing by the Local Planning Authority and the scheme shall be carried out in accordance with the approved details.

4. Full details (including size, location and materials) of flues and any other ventilation systems shall be submitted to and approved in writing prior by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.
5. Prior to the commencement of development full details of the proposed doors and windows (including a survey relating to the repair/replacement of existing doors and windows, a method statement for any repairs, section drawings, glazing details, joinery details and a materials schedule) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
6. Prior to the commencement of development a full structural survey of the chimney to the east wing shall be carried out and submitted to and approved in writing by the Local Planning Authority along with a schedule of works to repair the chimney. The works of repair shall be carried out prior to the occupation of the east wing or in accordance with a programme which shall have been agreed in writing by the Local Planning Authority.
7. Prior to the commencement of development a full structural survey of the summerhouse shall be carried out and submitted to and approved in writing by the Local Planning Authority along with a schedule of works to repair this building and restore it to its original condition. The restoration works shall be carried out prior to commencement of works to convert the east wing or in accordance with a programme which shall have been agreed in writing by the Local Planning Authority.
8. Prior to the commencement of development details of a scheme to re-instate the arcaded walling in front of the north side of the house and the existing gateposts shall be submitted to and approved in writing by the Local Planning Authority. The works thereby approved shall be carried out prior to commencement of works to convert the east wing or in accordance with a programme which shall have been agreed in writing by the Local Planning Authority.

Reasons for approval:

The application complies with the aims of PPG15, as well as Policies GP5, BD6, BC7, N12, N15, N17 and N19 of the Leeds UDP (Review 2006) and it is considered that the works would be sympathetic to the listed building and ensure its continued use (GP5, BD6, BC7, N12, N15). If permission is to be granted then a number of conditions would be included which would help to further improve the setting of the listed building (N115, N17).

On balance, it is considered that the development 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 application is brought to Panel following a request from Councillors Hamilton and Monaghan on the grounds of the previous planning breaches on the site, the failure to resolve them and because of concerns of further damage to a listed building and the subsequent effect on the character of the area. They also have concerns that the proposals are to alter a listed building and are insufficiently clear and detailed. A site visit is also requested
- 1.2 The application accompanies application 09/02808/FU, which is the subject of the preceding report on this agenda.

2.0 PROPOSAL:

- 2.1 The application seeks listed building consent for the conversion of the single storey kitchen / east wing of the main building on this site to a 1 bedroom flat. Existing windows would be refurbished and new infill screens with glazing provided across the existing porch.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site lies within the urban area of Headingley and within Headingley Conservation Area. The application site comprises of a substantial detached building (constructed in the 1890's) together with associated outbuildings. The dwelling is grade 2 listed an important 1890s middle-class Leeds villa, and of red brick construction with a stone slate roof. It is 2.5 storeys in height (plus cellar) and of an irregular shape with a steeply pitched roof. On the eastern side of the dwelling lies a single storey wing. It is this wing that it is proposed to convert to a 1 bedroom flat. Access to the building is provided via a long drive leading from Shire Oak Road which provides access to all sides of the building.
- 3.2 The main dwelling has been converted, in part, to flats. There is no planning history relating to the flats but the building was listed in 1986 and at that time the interior was inspected. The listing description advised that "much of the original detailing survives although the house is divided into flats." The Design and Access Statement accompanying the current applications advises that the house contains 3 flats, although no details are provided with regard to the number of bedrooms or layout.
- 3.3 The larger of the 2 outbuildings in the grounds is a 2 storey mock Tudor 'coach house' which has a flat at first floor level. Planning and listed building applications to convert the coach house to 2 flats were submitted at the same time as this application to convert the east wing / kitchen. However, the proposals involved removal of the existing staircase which was considered to be unacceptable and the applications were withdrawn.
- 3.4 To the west of the main house lies walls, steps and a summer house dating from 1893. These are listed in their own right. Unfortunately the summer house is now in a derelict state and the walling in front of the north side of the house, which was arcaded, has been demolished in recent times.
- 3.5 The building stands in extensive grounds and contains a mixture of mature trees, some of which are protected. The property is well set back from Shire Oak Road and is separated from the highway by a stone wall. Shire Oak Road is an attractive tree lined residential area and contains several large Victorian houses as well as relatively modern apartments and other typically suburban dwelling houses.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 09/02893/LI - listed building application to carry out alterations, including external staircase, of coach house with flat above to form two 2 bedroom dwelling houses - withdrawn September 2009.

09/02892/FU - change of use and alterations, including external staircase, of coach house with flat above to form two 2 bedroom dwelling houses - withdrawn September 2009.

4.2 07/00886/LI - listed building application for change of use involving alterations of the east wing to form a 1 bedroom flat, change of use involving the ground floor of coach house to 1 two bedroom flat, widening of the vehicular access, alterations to pillars and new 2.3m high gates and retrospective application for 3 dormers and 12 roof lights on both flanks of the main building – refused May 2007.

07/00885/FU - change of use involving alterations of east wing to form one 1 bedroom flat, change of use involving alterations of ground floor of coach house to one 2 bedroom flat, widening of vehicular access, alterations to pillars and new 2.3m high gates and retrospective application for 3 dormer windows - refused May 2007.

4.3 06/ 06283 LI – listed building application for alterations and single storey extension, to convert east wing to flat, conversion of ground floor of coach house to flat and 3 storey block of flats – withdrawn January 2007.

06/06284/FU - alterations and single storey extension, to convert east wing to flat, conversion of ground floor of coach house to flat and 3 storey block of flats – withdrawn January 2007.

4.4 26/653/03/LI – alterations and conversion of listed building and new apartment block in grounds - refused September 2005.

26/652/03/FU – change of use of coach house to 2 flats, conversion of east wing to 1 flat, detached block of flats and roof lights to existing - refused September 2005.

5.0 HISTORY OF NEGOTIATIONS:

5.1 A number of unauthorised works have previously taken place at this site (e.g. insertion of rooflights, construction of dormer windows, removal of wall) and these have yet to be either formalised or satisfactorily rectified. Then, earlier this year the owner / applicant started works to the coach house which involved removal of an external staircase and viewing platform. A stop notice was served by the Council and work on site ceased. Further enforcement proceedings are being pursued and Members will be updated on progress at Panel.

5.2 The Applicant has provided a list/schedule of works he will undertake in relation to the whole site . These include works to the summerhouse , the arcaded wall and rebuilding of the chimney

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised by site notices posted on 23 July 2009 and a newspaper advert posted in the Leeds Weekly News on 6 August 2009. The application was advertised as an application for listed building consent and as affecting the character of a conservation area. The consultation period expired on 27 August 2009. 3 letters of representation have been received from local residents who are concerned about the proposals and raise the following issues.

- The grounds of the property are not looked after. To increase the number of residents will only further the problem. Bins are left at the main gateway with rubbish spilling out onto the pavement. The garden is overgrown and the stone gateway pillars removed.
- There is no reference to removing illegally installed rooflights and French window.

- The existing car park only exists because decorative trees were wantonly destroyed.
- The gazebo has been deliberately neglected.
- It is not proposed to rebuild the demolished wall.
- The outer wall of the building to be converted is very damp.

6.2 Headingley Renaissance Group state that the application appears designed to destroy a perfectly good listed building and its grounds within the conservation area for no reason than to create intensified housing in an area already suffering from a totally unstable and unsustainable population mix.

6.3 Leeds Civic Trust considers that the application to convert the kitchen to a one-bedroom flat is acceptable. They comment that Arncliffe, 22 Shire Oak, is an important house of 1893 in the Arts and Crafts style by Francis Bedford (of the firm of Bedford and Kitson) for his brother James Bedford, chemical manufacturer and subsequent Lord Mayor. The significance of the house and its associated coach house, garden wall and summerhouse is recognised by their listing at Grade II. However, the complex is currently on both the Leeds Civic Trust's and the Leeds City Council's Heritage and Buildings at Risk Registers respectively due to the sad state of the honeycomb wall and summerhouse. There is a current history of unresolved enforcement issues involving repairs to these structures and a demolished pier.

7.0 CONSULTATIONS RESPONSES:

Non-statutory

7.3 The Victorian Society has no objection in principle to the conversion of this disused part of the premises into a single dwelling on the simple lines proposed. However, detailed approval should be required for the proposed new windows and doors, to ensure the standard of design conforms to their proximity to the main listed house. They also make the following comments.

- Upkeep of the garden appears effectively to have ceased. The drive and vehicle areas are in a condition entirely out of keeping with the listed house and buildings. Proposals to widen the entrance gate and drive, if demonstrated to be unavoidable for emergency access, should be carefully designed to ensure that the existing piers and boundary wall are rebuilt carefully, and surfaces properly made up to a serviceable and robust standard.
- The separately listed summerhouse is now in an advanced state of decay, and must be considered seriously at risk, for the want of proper repair and maintenance. Its repair to an appropriate standard should be required.
- We understand that there are other issues relating to the property, for which enforcement action may be necessary. We would strongly support the Council in taking such steps as are needed.
- This interesting house and its outbuildings and garden should be the subject of a properly prepared Conservation Plan, to show what condition the premises are in, what repairs and arrears of maintenance are needed to conserve the historic external and internal fabric, and how it may need to be altered to conform to proper historic building standards.

Council's Conservation Officer has no objections subject to the access not being widened.

8.0 PLANNING POLICIES:

- 8.1 GP5 - seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
BD6 – requires alterations and extensions to respect the scale, from detailing and materials of the original building.
BC7 – requires development in conservation areas to be in traditional local materials.
N12 - seeks to achieve appropriate urban design.
N15 – supports the change of use of listed buildings providing the new and adapted use does not diminish the special architectural or historic value of the building and its setting.
N17 – requires, where possible, existing detailing and features to be preserved, repaired or if missing replaced.
N19 - requires development to preserve or enhance conservation areas.
N20 – seeks to resist the demolition or removal of features which contribute to the character of the conservation area, such as trees and boundary walls.
- 8.2 Planning Policy Statement 1 Delivering Sustainable Development (PPS1) sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system and emphasises the need for greater consideration to be given to urban design.

Planning Policy Guidance 15 (PPG15) Planning and the Historic Environment sets out the Government's policy on planning in relation to the historic environment, including listed buildings and conservation areas.

9.0 MAIN ISSUES

- 9.1 The key issue in determining this application is the impact on the Listed Building.

10.0 APPRAISAL

Impact on Listed Building

- 10.1 PPG15 'Planning and the Historic Environment' confirms (paragraphs 2.16 & 4.1) the requirement (under Sections 16, 66 and 69 of the Planning and Listed Buildings Act) for special attention to be paid to the desirability of preserving listed buildings and their setting and to preserving or enhancing the character or appearance of conservation areas. Conservation areas are areas of "special architectural or historic interest, the character of which it is desirable to preserve or enhance".
- 10.2 PPS1 places a duty upon Local Planning Authorities to improve the quality of design and enhance. At paragraph 34 it is stated that 'design which is inappropriate in context, or which fails to take the opportunities available for improving the character of an area and the way it functions should not be supported.'
- 10.3 As set out in the planning history section above, there have been previous applications for development on the site which have been either refused or withdrawn. A number of these included proposals for the conversion of the kitchen / east wing. The last of these applications (07/00885/FU and 07/00886/LI) was refused due to concerns about the widening of the access and the unsympathetic insertion of rooflights and dormer windows on the main part of the building. With regard to the conversion of the east wing it was considered that this could deliver

some positive benefits, but this, in itself, was not sufficient to compensate for the other works which would have caused planning harm.

- 10.4 This current application is for conversion of the kitchen / east wing only, although the submitted plans do show a widening of the access. The widening of the access is not considered appropriate in terms of the impact it would have on the setting of the listed building, existing trees and the character of the conservation area. A revised plan omitting this and showing the driveway retained in its current position has been requested and is currently awaited.
- 10.5 The kitchen / east wing measures 12.2m long by 3.3m wide and is single storey and consists of a redundant pantry, storage areas and a porch. Currently all of this part of the building is unused. In order to convert it to residential accommodation existing internal walls would be removed and new stud partitions erected to separate the bedroom from the main living space and to provide an en-suite shower room. Timber infill screens and glazing would be installed in the porch openings.
- 10.6 It is considered, on balance, that the works to create the proposed flat are appropriate to the character and appearance of the listed building and would help ensure its upkeep – this element is currently boarded up and unused. However, it does result in the loss of its original plan form. In this instance this is considered to be acceptable given it is a subservient element of the main building, the works to the openings are sympathetic and the applicant is prepared to accept a number of conditions relating to the upkeep of the grounds and the repair / restoration of existing features and outbuildings. These are detailed in full at the beginning of this report but include the repair of the chimney to the original kitchen, repair of the summerhouse, the reinstatement of the boundary wall and gateposts, the maintenance and upkeep of the grounds and the hard surfacing of the first 15m of the driveway. It is also proposed to condition a landscaping scheme to ensure a pedestrian footpath is provided and tree planting to compensate for previous unauthorised tree removal.

11.0 CONCLUSION

- 11.1 After careful consideration of all relevant issues it is considered that the proposed works would be sympathetic to the listed building, and together with the proposed works and re-instatement of the summerhouse and arcaded wall as well as improvements to the grounds would improve the setting of the listed building.

Background Papers:

Application and history files.

Certificate of Ownership – signed as applicant.



WEST PLANS PANEL

Scale 1/ 1500

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Originator: Alison Stockdale

Tel: 0113 3952108

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 29th October 2009

Subject: APPLICATION 09/03364/FU

Change of use of dwelling house to 2 one bedroom flats.
Highfields, Church Lane, Adel, LS16 8DE

APPLICANT

Mr John Spink

DATE VALID

17th August 2009

TARGET DATE

12th October 2009

Electoral Wards Affected:

Adel & Wharfedale

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT planning permission, subject to the following conditions:

1. Time limit: 3 years.
2. Personal use condition limiting the approved use to the period during which the applicant's daughter lives in the property after which it should revert to a single dwelling unit.
3. Areas to be used by vehicles to be hard surfaced and drained so that surface water does not drain on to the highway.
4. Secure cycle storage to be provided.
5. Bin storage for each unit to be provided .
6. Parking layout for 2 vehicles.

Direction re need for planning permission for any alterations /extensions to the property

Reason for granting permission

In granting permission for this development the City Council has taken into account 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), and The Development Plan consisting of the Regional Spatial Strategy 2004 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR).

Policy GP5 (UDP)
Policy T2 (UDP)

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

1.0 INTRODUCTION:

This application is brought to the Plans Panel as it is recommended for approval contrary to the advice of Highways officers and policy contained in the recently adopted Supplementary Planning Document 'Street Design Guide'.

The proposal has previously been approved by application 26/197/03/FU but that approval has never been implemented and the applicant is now seeking to renew the application.

2.0 PROPOSAL:

This is a full application for a change of use of an existing two bedroom dwelling bungalow form dwelling into 2 one bedroom flats. No external alterations are proposed and internal alterations are minimal but include construction of a small lobby and installation of an upstairs kitchen. Two off street parking spaces are proposed.

3.0 SITE AND SURROUNDINGS:

The site contains a modern detached stone built chalet bungalow. To the front of the site is parking for two vehicles and some planting. Access to the rear garden is via a path to the side of the dwelling.

The site is on an un-adopted road close to Adel Memorial Recreation Ground. The area in this part of Adel is currently the subject of a public consultation regarding its upgrading to Conservation Area status. A number of the properties on the road are marked within the draft Conservation Area Appraisal as making a positive contribution to the proposed Conservation Area.

The road is narrow and was once the private drive to the large property at the end of the cul-de-sac. Properties have a variety of styles with some being constructed quite recently and others dating from the 19th Century. A variety in the scale of properties is also apparent from the large two-storey dwelling at the end of the cul-de-sac to the modern bungalows closer to Church Lane. There is little in the way of walls or fencing

to the fronts of properties and most have large areas of hardstanding at the front to provide parking with landscaping around. The road is hard surfaced for its length.

4.0 Relevant Planning History:

26/197/03/FU Change of use of dwelling house to 2 one bedroom flats.
Approved 23rd May 2003.

26/418/93/OT Outline application to erect detached dwelling. Refused but allowed on appeal 24th May 1994.

26/593/02/OT Outline application for detached dwelling adjacent to Wychwood.
Approved 8th January 2003.

5.0 HISTORY OF NEGOTIATIONS

5.1 The applicant has drawn officers' attention to his daughter's disability and need for care as special circumstances which justify the proposal.

6.0 PUBLIC/LOCAL RESPONSE

6.1 One letter of response has been received stating that the application is a renewal of a previous approval and as such they support the proposal.

7.0 CONSULTATIONS RESPONSES

7.1 Statutory Consultations:

None

7.2 Non Statutory Consultations:

Highways – Objections as the proposal increases the number of dwellings served by an unadopted road beyond the 5 maximum stipulated by the 'Street Design Guide'.

If approved however condition required recommending to secure 3 off-street parking spaces.

8.0 PLANNING POLICIES:

8.1 Local

The development plan for the whole of the Leeds District is the Leeds Unitary Development Plan (UDP) Review (2006) together with the Regional Spatial Strategy. Relevant policies in the Local Development Framework must also be taken into account. Planning proposals must be made in accordance with the development plan unless material considerations indicate otherwise.

8.1.1 Relevant UDP Policies:

UDP: General Policies: Policy GP5 refers to detailed planning considerations and any loss of amenity.

UDP: Highways: Policy T2 requires that development should be adequately served by existing highways and that it should not materially add to problems of safety or efficiency on the highway network.

8.2 Supplementary Planning Documents

Street Design Guide August 2009 – *Any existing private street which will serve more than 5 dwellings should be made to adoptable standards and offered for adoption (Page 27)*

Neighbourhoods for Living Dec 2003 – *Developments should be adaptable to the changing needs of occupier (Page 53)*

Adel – St Johns Conservation Area Appraisal and Management Plan (Consultation Draft) – *Resistance to inappropriate forms of infill development (Page 16) and retention of existing positive boundary treatments.*

8.3 National

Planning Policy Statement 1: Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

PPS3 Housing – This PPS underpins the delivery of the Government's strategic housing policy objectives with the goal of ensuring that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.

PPG15 - Planning Policy Guidance 15 provides a full statement of Government policies for the identification and protection of historic buildings, conservation areas and other elements of the historic environment. It explains the role played by the planning system in their protection.

9.0 MAIN ISSUES

- 9.1** Principle of the development
- 9.2** Use of the unadopted road
- 9.3** Applicant's special circumstances
- 9.4** Parking requirements
- 9.5** Impact on the proposed Conservation Area

10.0 APPRAISAL

10.1 The proposal will result in the loss of a more traditional family home with surrounding gardens and will create 2 small single person flats. There is no separation of garden areas nor creation of separate private amenity space. The principle of the development has however already been accepted in the previously approved application but the objectives of good design and sustainable development and communities developed in the Council's Neighbourhoods for Living SPD and national guidance in PPS1 and PPS3 and objectives of creation of family homes in the Regional Spatial Strategy all supersede that decision .

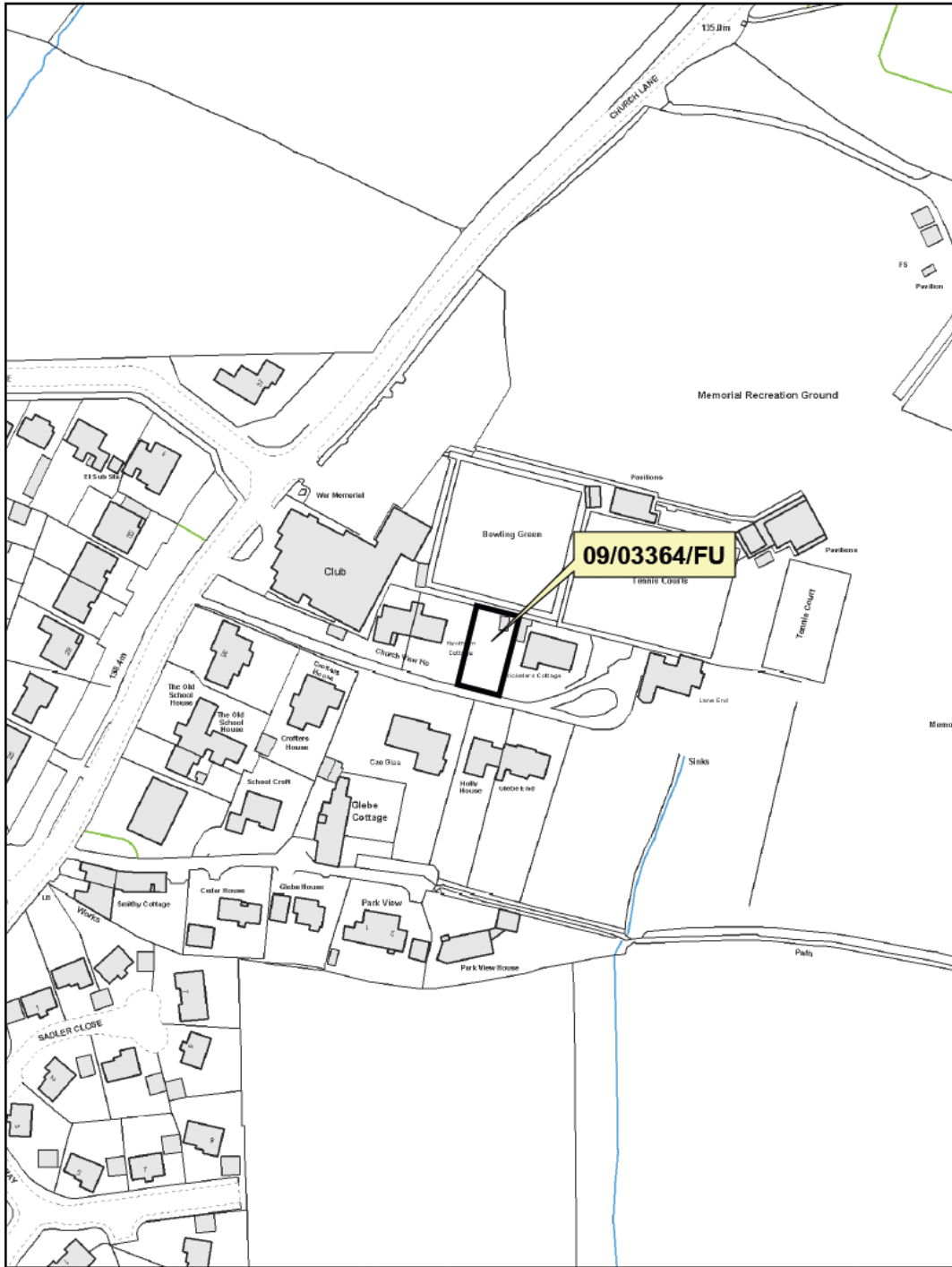
10.2 The proposal is also contrary to policy contained in the recently adopted 'Street Design Guide'. This states that no more than 5 dwellings should be served

from a private road. The application would increase the number of dwellings served by this section of road from 9 currently to 10.

- 10.3** It is understood that the division of the property in to 2 flats is to create an independent living unit for the applicant's daughter, who has cerebral palsy. She would live in the first floor flat while he would continue to occupy the ground floor. This arrangement would allow him to provide care for his daughter as and when necessary whilst also retaining an element of independence for both parties.
- 10.4** Officers consider that although there have been changes to policy and guidance since the previous decision the special circumstances referred to and the fact that the proposal was approved previously can be taken in the balance as special circumstances and thus the application is recommended for approval but subject to a condition restricting the occupation of one of the flats to the applicant's daughter and with the requirement for the building to be re-instated to a single dwelling when she ceases to occupy the premises.
- 10.3.1** It is noted that the addition of a personal use condition secures the long term retention of the property as a family dwelling once the applicant's need for the subdivision of the property is no longer relevant.
- 10.5** Highways have requested 3 off-street parking spaces to be laid out at the site. The previous application required only 2 spaces as per the existing situation at the site. Given the previous approval and the small scale of the flats, it is considered on balance that the proposed 2 spaces are acceptable. Furthermore, the area is soon to become a Conservation Area. Whilst it would be possible to construct 3 independent off-street parking spaces, this would occupy almost the entire frontage of the property and result in the loss of an area of planting and would be detrimental to the character of the area.
- 10.6** No external alterations are proposed to the dwelling. The first floor flat will be served by the existing rooflights and window in the gable. As described above, the site already contains 2 off road parking spaces and therefore no significant alterations are anticipated to the frontage of the property and little impact is anticipated to the character or appearance of the proposed Conservation Area.

11.0 CONCLUSION

The proposed development is contrary to adopted policy in the 'Street Design Guide', however the exceptional circumstances of the applicant provide some justification for approving the application whilst the addition of a personal use condition ensures that the property reverts to a dwelling house once the applicant no longer has need of the separate units. This condition also prevents the setting of any precedent in regards to future proposals to increase the number of dwellings served by un-adopted roads beyond the levels set in the street design guide.



WEST PLANS PANEL

Scale 1 / 1500

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Originator:	Matthew Walker
Tel:	0113 247 8000

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 29th October 2009

Subject: 09/03665/FU – Detached double garage to side, single storey rear extension and conversion of existing garage to habitable room, 66 Clara Drive, Calverley, Pudsey, LS28 5QP

APPLICANT	DATE VALID	TARGET DATE
Mr K Wade	3 RD September 2009	29 th October 2009

<p>Electoral Wards Affected:</p> <p>Calverley & Pudsey</p> <div style="border: 1px solid black; display: inline-block; padding: 2px;">X</div> Ward Member consulted
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<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION:

REFUSE: For the following reason

The Local Planning Authority considers that the proposed detached garage and rear extension by virtue of their size, siting and design are disproportionate additions to the host dwelling, (when considered with the new dwelling as constructed), which introduces an element of sprawl to the site, producing development harmful to the openness of the Green Belt and Special Landscape Area. As no very special circumstances have been demonstrated the proposal is inappropriate development within the Green Belt which contravenes Policies N12 , N33 and N37 of the Leeds Unitary Development Plan (Review) 2006 and advice within Planning Policy Guidance 2 - Green Belts.

1.0 INTRODUCTION

1.1 The application is brought to Plans Panel at the request of Councillor Andrew Carter.

2.0 PROPOSAL

- 2.1 The applicant seeks planning permission for the conversion of the existing integral garage at the dwelling to a habitable room, replacing the existing garage door with a window.
- 2.2 Further to this, the applicant seeks to introduce a new detached double garage, offset from the south western elevation of the dwelling by 2.3 metres. This garage is proposed to feature a dual pitched roof, faced in tile producing a gable to the south-west and north east elevations. The garage is proposed to be 6.5 metres in length, 6 metres wide, and 3 metres to the eaves and 5.5 metres to the ridge of the roof. The garage is proposed to be faced in stone to match the host.
- 2.3 In addition to these proposed changes, the applicant seeks to extend the dwelling to the rear. The applicant proposes to introduce a single storey extension, projecting 3 metres from the existing living room. The extension will be 7.08 metres wide with the existing roof above the living room continuing on to cover the new extension at the same degree of pitch as existing. Coursed stone facing and artificial stone slates, form the proposed materials.

3.0 SITE AND SURROUNDINGS:

- 3.1 The host is a newly constructed dwelling granted permission in 2007. It forms part of Clara Drive, a secluded street comprising of detached dwellings, set back from the highway, each with their own individual character. This dwelling as constructed features a dual pitch tiled roof with one flat and one pitched roof dormer to the front elevation. A small bay window sits to the side. Both side boundaries are protected by dense planting and/or fencing of various heights. To the rear of the application site lies woodland, with the garden space of the dwelling set right back into this leafy area.
- 3.2 The host dwelling is larger than appears from the highway, with a long projection into the site, but a frontage of limited scale. The dwelling features a raised balcony area that links the front portion of the dwelling to the more elongated rear element. The dwelling features a combination of symmetrically and asymmetrically pitched dual pitched roofs and is constructed of stone.
- 3.3 The dwelling features a large turning/parking area to the front, of suitable dimensions to allow for the off street parking of a number of vehicles whilst still allowing safe access and egress.
- 3.4 The application site is within the Calverley Conservation Area.

4.0 RELEVANT PLANNING HISTORY:

Planning Applications

Reference: 07/01166/FU

Address: 66 Clara Drive, Calverley

Proposal: Four bedroom detached dwelling with integral single garage to replace existing dwelling and 1.5m high wall and railings to front boundary

Status: Approved

Decision Date: 09-NOV-07

Reference: 09/01348/FU

Address: 66 Clara Drive

Calverley

Proposal: Conversion of integral garage to form habitable room, single storey rear extension and double garage to side

Status: Refused

Decision Date: 20-MAY-09

5.0 HISTORY OF NEGOTIATIONS:

5.1 07/01166/FU – Four bedroom detached dwelling, November 2007

The property is set within a defined Special Landscape Area, within a Green Belt Location and within the Calverley Conservation Area and the negotiated approval for the host dwelling itself in (2007) acknowledged that the host dwelling as proposed under 07/01166/FU was, in terms of PPG2, 'materially larger' unacceptable with respect to the percentage increase in cubic volume beyond the dwelling it replaced.

The report for that approval stated that planning histories are material considerations and may act as very special circumstances. Information was submitted by the applicant at the time, showing comparative increases in volume along Clara Drive including extant permission for an extension at the host dwelling of 81% and on balance, the Local Planning Authority accepted that a replacement dwelling equating to an increase of 87% above the volume of the original dwelling was acceptable, given the local circumstances, previous local employment of the now defunct policy GB8 (which allowed for increases of up to 100% in the Green Belt) and examples of Inspectors allowing for a 100% increase on appeal.

5.2 09/01348/FU - Conversion of integral garage to form habitable room, single storey rear extension and double garage to side

Consistent with the approach taken under application 07/01166/FU, the garage structure proposed was considered unacceptable with respect to the previously negotiated approval for the dwelling in situ, introducing a garage with a further 268 cubic metres of volume. Although the extensions proposed under this application constituted less than 50% of the original volume of the *new* dwelling, they took the volume well above the 100% increase of the previous dwelling and therefore the introduction of a structure of such size would, be a disproportionate addition, contrary to national and local Green Belt policies.

6.0 PUBLIC/LOCAL RESPONSE:

One letter of support has been received from the occupants of Lantern Cottage, 19 Clara Drive, stating that the site as existing appears as 'lop sided' and that being directly opposite, it is their view of the property/green belt environment that is affected.

Councillor Andrew Carter has also expressed his support for the application.

7.0 CONSULTATIONS RESPONSES:

No consultations have been performed during the application process on this occasion.

8.0 PLANNING POLICIES:

National

PPS1 This document sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

PPG2 'Green Belts' – Green Belts (PPG2) outlines the history and extent of Green Belts and explains their purposes. There is a general presumption against inappropriate development within the Green Belt. Limited extensions may not be inappropriate development within the Green Belt provided that they do not result in disproportionate additions over and above the size of the original building.

PPG 15 Planning and the Historic Environment - in reference to Listed Building Control - Alterations and Extensions. The policy states that in judging the effects of any alteration or extension, it is essential to have assessed the elements that make up the special interest in the building.

Local

Policy SG2 refers to maintaining and enhancing the character of the District of Leeds.

Policy SG4 refers to ensuring development is consistent with the principles of sustainable development.

Policy GP5 refers to proposals resolving detailed planning considerations (access, landscaping, design etc), seeking to avoid problems of environmental intrusion, loss of amenity, danger to health or life, pollution and highway congestion, and to maximise highway safety. Should have regard for guidance contained in any framework or planning brief for the site or area.

Policy BD6 refers to the scale, form, materials and detailing of an extensions design in respect of the original building.

Policy T2 refers to parking provision

Policy BC7	refers to the required use of traditional local materials.
Policy GB9	replacement dwellings in the Green Belt
Policy N37	Special Landscape Area
Policy N40	Urban Fringe Priority Area
Policy N12	spaces between buildings of importance, new buildings to be good neighbours and respect character and scale of surroundings
Policy N13	building design to be good quality and have regard to the character and appearance of surroundings.
Policies N18-22	seek to preserve and enhance areas designated as Conservation Areas, in order to ensure that not only does no detriment result from any form of built development but also that such development should seek to improve and enhance its setting wherever possible.

9.0 MAIN ISSUES

Green Belt / Special Landscape
Design, character, detailing and materials
Conservation Area

10.0 APPRAISAL

10.1 Green Belt / Special Landscape Area

The proposal cannot be supported with respect to the impact upon the Green Belt and Special Landscape Area. The negotiated approval for the host dwelling itself in 2007 acknowledged that the host dwelling as proposed was, in terms of PPG2, 'materially larger' with respect to the percentage increase in cubic volume beyond the dwelling it replaced.

It was accepted that there were very special circumstances to allow a larger dwelling, Officers negotiated with the applicant at the time of the application for the replacement dwelling which allowed the applicant to build a dwelling larger than the one it replaced. As described above, the City Council considers that the existence of an extant permission at the original property coupled with the other large extensions on Clara Drive were sufficient to allow a larger replacement dwelling.

Permitted Development Rights were removed as it was felt that no further additions would be allowed as any increase would be considered 'disproportionate additions' and therefore by definition harmful to the Green Belt.

However, the garage structure proposed here is considered unacceptable, introducing a garage with a further 146 cubic metres of volume. The sun room extension to the rear adds a further 73.5 cubic metres. Although the extensions as proposed constitute less than 50% of the original volume of the *new* dwelling, they take the volume well above the 100% increase of the previous dwelling the host now replaces. The additions are considered as 'disproportionate additions' to the dwelling and are by definition harmful to the Green Belt.

This site is within a Special Landscape Area where N37 of the Leeds Unitary Development Plan suggests development is acceptable only where it would not harm the character and appearance of the Landscape and when viewed from the highway, the introduction of a detached outbuilding would somewhat reduce the high scenic value of the trees to the south east of the site. Trees and natural/semi natural woods are identified as Positive Factors within the appendices to the Leeds Unitary Development Plan (Review) 2006.

10.2 Design, character, detailing and materials

Despite a lack of acceptability with respect to Green Belt policy, the proposed garage is considered acceptable with respect to design, retaining key features of the host dwelling, such as a coursed stone facing, a slate roof, with art stone quoins to the corners. The visual theme of the host dwelling is retained. The rear extension is proposed in matching materials and is not out of scale with the existing. As such, the proposal is acceptable in this respect but this does not outweigh the points raised in 10.1.

10.3 Conservation Area

The applicant has proposed the use of a set of matching materials. The host dwelling is a new build property, though care has been taken to employ local materials to reflect the host's place within the Calverley Conservation Area. The replication of these materials within the proposed garage is considered acceptable. The street scene is a mixture of differing house types and styles and there is no single common design theme or set of key features within this section of the Conservation Area for the proposal to deviate from. The proposal is considered acceptable in respect of policies N18-22 of the Leeds Unitary Development Plan (Review) 2006 but is not considered wholly acceptable for reasons relating to the Green Belt context.

11.0 CONCLUSION

- 11.1 For the reasons outlined in the above report and taking into account all other material considerations it is recommended that planning permission should be refused, for the reasons set out above.

Background Papers:

Application files 09/01348/FU, 07/01166/FU

Spg13 – 'Neighbourhoods for Living'

Calverley Conservation Area Appraisal

PPS2 – 'Green Belts'

1 Letter of support and letter from Councillor Andrew Carter



WEST PLANS PANEL

Scale 1/ 1500

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